

Labour action

RENÉE ROUX reviews labour action between August and October

Legal strikers get court protection

Exactly two years after they were dismissed in a legal wage strike, 865 SASOL and NATREF workers have been reinstated by the industrial court. On 2 October, the industrial court made a significant ruling reinstating SACWU members at the same conditions and rate of pay as before, and with six months back-pay. The union has estimated the cost of back-pay to the company at approximately R2 million.

SASOL is known for its archaic industrial relations and the judge pointed out that this was true of its handling of the legal strike which started on 1 October 1987. Trouble started even before the strike commenced, with the company trying to disrupt a strike ballot in which 2 437 voted in favour of action and 600 voted against action; workers were threatened with dismissal and shop stewards dismissed for allegedly instigating the strike.

Once the strike started, vigilante groups of non-striking workers attacked strikers, killing some and injuring many others; about 100 wor-

kers were detained for periods up to 3 months (See *Labour Bulletin* 13.1). COSATU affiliate CWIU had a number of similar experiences during strikes in 1987 and 1988 and recently on the SASOL mines.

General Secretary of SACWU, Humphrey Ndaba, says "we hope the company will abide by the decision of the court and close this horrible chapter of our labour history in South Africa. Throughout the labour history of the chemical industry in South Africa, it has never happened that so many people have died in a legitimate wage dispute."

The court ruling will not give these comrades back their lives. Neither will those who sustained permanent injuries return to normal living.

The significance of this ruling for both SACWU and CWIU at SASOL are obvious. The hope is that the company will wake up from what the judge termed its "Rip van Winkle system of industrial relations." On the other hand the judgement is a ray of hope for the democratic trade union movement as a whole.

Firstly, the judgement said that the strike demanding an increase of R300 a month while the company was only

prepared to offer R100, was legitimate and fair. This throws into doubt the validity of other recent judgements against legal strikes (See article on the LRAA). Recently the court supported the dismissal of 87 FBWU members during a wage strike at Hercules Cold Storage. The court ruled that while the strike was legal, it was unfair because the wage demands were excessive. The court ruled that the dismissals were therefore fair and legitimate. The ruling against SASOL and NATREF will serve as a warning to employers who feel over-confident about their right to fire legal strikers.

Secondly, the ruling is significant because it re-instated workers with back-pay after two years. Lengthy court procedures and appeal procedures have counted against workers in previous cases by reducing the chance of re-instatement. For the thousands of mineworkers, SARMCOL workers and many others who await industrial or appeal court hearings, this ruling is a positive sign.

SATS uses racist practices to retrench

The 1987 SATS strike was sparked off by unfair disciplinary action against a member of SARWHU. After the strike, the company claimed to be liberalising when it included African workers under the same disciplinary code as white, coloured and Asian workers. On 1 September 1989, the company introduced a "revised disciplinary procedure", which it claimed was negotiated with "the recognised

trade unions on the Labour Council". The company said that the new "procedure" stressed fairness, corrective rather than punitive action, and quicker results, while giving more responsibility for discipline to line management.

Preparing the parastatal for privatisation has put some pressure on the company to at least publicly be bringing its industrial relations into line with the private sector. What is not seen is how the disciplinary procedures are being used to victimise and retrench black workers, the majority of whom are members of SARWHU. SATS still refuses to recognise SARWHU and it therefore had no say in drawing up the procedure.

In an interview with the *Financial Mail* of 28 October 1988, Eli Louw was asked how SATS will prepare for privatisation, and in particular what it would do about excess labour. His response was: "We have reduced our workforce from 280 000 to 182 000... We will cut out bad workers because competition will force us to do so".

Presently SARWHU is having to face a number of dismissals around the country which clearly form part of this strategy. The fact that line management is given more power in this context only increases the chances of white employees acting arbitrarily to protect their own jobs in the long run.

One typical example was the dismissal of Ismael Mbira on the 28th September at City Deep. He was dismissed without a hearing, and nearly 5 months after the alleged offence.

On 17 May 1989 Ismael Mbira was

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sharpening his tools on a grinder as usual. A white clerk, who has no supervisory powers over Mbira, told him to stop using the grinder. Mbira refused and was instructed by the clerk to sign a disciplinary report. When Mbira again refused, the clerk assaulted him. When Mbira defended himself, SATS police removed him for "attacking a white man". Mbira was suspended and told to leave the yard to avoid arrest. It was only when workers in Mbira's workshop downed tools that he was allowed to continue working.

The clerk laid a charge. After twice failing to appear in court, he explained that he had not wanted to lay charges, but was pushed by his fellow white employees.

All this time Mbira continued to work. On 28 September he was fired for the alleged assault without any inquiry. This time it took a five-day strike to even get access to senior management while a number of ultimatums and dismissal threats were handed down. Mbira was finally suspended on full pay pending an appeal hearing. Shop stewards who are not formally recognised now have to appeal against action taken without an initial hearing.

Transport and paper workers defy restrictions on solidarity action

In spite of LRA amendments, which effectively outlaw sympathy strikes, there has been significant organised solidarity action in the past months.

800 TGWU members in 17 Cargo Carrier depots were dismissed on Monday 9 October. Cargo drivers across the country are on a legal strike demanding the reinstatement of 282 workers dismissed from the Van der Bijl Park depot in August.

Van der Bijl workers were on strike demanding that a racist and anti-union manager be disciplined. The dispute started when a foreman assaulted a worker. The worker responded and was dismissed while no action was taken against the foreman. Workers downed tools on 3 August demanding the dismissal of the responsible manager. The foreman was suddenly suspended but workers did not feel that this solved the problem. They were dismissed on the same day.

TGWU tried to intervene but the company would not budge. On 22 August all depots stopped work for 3 hours but the position remained the same. An industrial council dispute meeting on 28 August deadlocked within minutes. At the beginning of October all the depots voted in favour of national strike action. The strike started on Wednesday 4 October and as soon as the 48 hour cooling off period expired workers were given an ultimatum. On the weekend workers decided to continue their strike to reinstate their comrades. On Monday 9 October they were all dismissed.

At the time of going to press it was not clear whether or not the company was serious. The drivers are highly skilled and hard to replace, driving primarily special sealed containers of petroleum and other chemicals.

Nampak workers' victory

PPWAWU members had speedy results from their solidarity action. PPWAWU is organised in 9 plants of NAMPAK Corrugated division. The union wants to shorten dispute procedures and start annual wage negotiations earlier than the October date specified in a number of agreements. Typical of Barlow Rand subsidiaries, the company insists on plant bargaining, and the union at least wanted to standardise dates and procedures in the respective plant agreements. The company has been particularly resistant to change at Transvaal Box in Industria which has a history of militancy.

Industria workers downed tools on Monday 21 August after banning overtime during the previous week, and by Wednesday they were all dismissed. PPWAWU declared a dispute with NAMPAK head office in respect of the nine corrugated plants affected by the action and gave the company until Friday 25 August to settle.

At the same time workers started organising their solidarity action. Dismissed workers elected committees to take on different duties such as media and contact. The contact committee kept close contact with other plants in the division, with other Nampak divisions and with members of other unions who were handling Nampak products.

Solidarity action started on the day workers were dismissed, with Waddeville workers stopping for three hours. Actions in over 14 Nampak

plants around the country varied from meeting with management to demonstrations, overtime bans and stoppages. FAWU-organised United Tobacco Company in Industria refused to use boxes from Transvaal Box.

Initially the company tried to divide workers. The demand for earlier negotiation and shorter dispute procedures was met at Rosslyn, Waddeville and Pietermaritzburg. This did not stop solidarity with the dismissed Industria workers, and organisers say there would have been a national strike if the company had not settled. By 2 September the company was prepared to take everyone back except two workers who it alleges were involved in the killing of a scab.

Workers finally started work on 11 September. Although Industria management did not meet the workers' demands, the union believes that the strike did have positive results. The demand has been met in other plants and Nampak workers are organisationally stronger. Wage negotiations commenced earlier in most plants, and at present 6 of the 9 corrugated plants are already in dispute over wages.

Defiance on the mines while the Chamber celebrates 100 years of exploitation.

1989 marks the centenary of the Chamber of mines. While the Chamber squanders thousands of rands on TV and newspaper adds glorifying its role in the economy, black mineworkers commemorate 100 years of exploitation and millions of lost lives.

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NUMs' NEC statement on the centenary notes that there have been skirmishes between mineowners and workers almost every year since 1889. When NUM marches in Johannesburg on 28 October they will be reminding the "Egoli-ites" of the unglamorous side of the mining industry.

It is no coincidence that mineworkers have been at the forefront of actions since the COSATU July congress resolved to mobilise a defiance campaign against unjust and discriminatory laws. It is also no coincidence that a mineworker, Comrade Jeffrey Njuza was the first victim of the defiance campaign. On 2 September a white supervisor shot and killed him because he used a "whites only" teacup and a "whites only" chair in the Rustenburg Refineries canteen.

NUM says that Rustenburg Refineries, a JCI subsidiary, is a typical example of a racist mining company. Hundreds of thousands of mineworkers are putting their lives on the line when they challenge mineowners to come into the 20th century.

Some of the other protest actions on the mines were:

- On 30 July mineworkers tried to sit in parks reserved for whites in Rustenburg. Mine security, police and white miners assaulted workers, paraded them and threatened them with dismissals.
- At Lyttleton Dolomite Mines workers used tea facilities reserved for whites. A worker was assaulted for refusing to call a white miner "baas."
- Workers trying to board "whites

only" buses near Secunda were attacked by white miners.

- At Rand Leases workers used change houses and forced white miners to use the queue underground.
 - When workers used canteen and toilet facilities at Impala Refinery, a number were attacked by white workers who carried pick-handles when going to the toilet.
 - At Grootvlei workers started sharing the cage used by white workers.
 - At RM3 two workers were charged for using the white change house, but the company was unable to state what "offence" had been committed under the disciplinary code.
 - In Kimberley mineworkers boarded buses to tell FW de Klerk what they think of him and his apartheid policies.
 - At Orkney a worker who used "white" facilities was very badly assaulted by mine security and police and dumped unconscious on a farm.
- Portraying the stark reality of what the Chamber of Mines means to millions of workers, the president of NUM, James Motlatsi, himself a dismissed mineworker, has this to say about the chamber: "The house of KRUPP hired Hitler and through the SS kept cheap labour in concentration camps and sent all those who opposed him to the gas chamber. In SA, the chamber has hired FW de Klerk, Vlok and Malan, and through mine security and the migrant labour system they keep cheap labour in the mine compounds and, of course, all those who oppose them are sent to the gas chambers in Pretoria." ☆