

the Regulation of Gatherings Act. This is confirmed in item 1(6) of the Code of Good Practice on Picketing.

Here comes the tricky legal issue. Section 69(2) says that a lawful picket may be held "in any place to which the public has access but outside the premises of an employer". Note that it says "an employer" and not "the employer". This must mean that a picket outside the premises of an employer where there is a secondary strike, or a picket outside the premises of an employer that is, for example, a supplier of the employer against whom you are striking, is a possible picket under section 69(2). In these kinds of cases, therefore, you do not have to comply with the Regulation of Gatherings Act or any other law regulating the right of assembly. Unfortunately, the Code of Good Practice on Pickets uses the term "*the employer*" and not "an employer". However, it should be remembered that the Code is only a guideline and the provisions of the LRA should take precedence. It may be difficult to convince the police of this kind of legal argument while on the picket line, so it might be a good idea to write them a letter beforehand.

Therefore, if the picket is in a public place and it is outside your employer's premises, then you do not need to comply with the Regulation of Gatherings Act. If it is outside the premises of another employer, and there is some connection between that employer and the strike, then it can be argued that you do not need to comply with the Regulation of Gatherings Act.

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# Review

## *Transition From Below – Forging Trade Unionism and Workplace Change in South Africa*

*Karl von Holdt (University of Natal Press, 2003)  
Reviewed by Gwede Mantashe*

**T**ransition From Below is a detailed analysis of the process of change in Highveld Steel, a steel factory in Witbank. The research was done using in-depth interviews mainly with Numsa shop stewards in the factory and union officials in the Highveld region. The book links the struggles in the factory to those in the community.

Karl von Holdt's starting point is based on two conceptual frameworks. Dunbar Moodie's argument that, "Social Structures are sites of struggles ... always in contestation and subject to reinterpretation that must be protected by constant vigilance" and M Burawoy's concept of 'workplace regime'. The book analyses the production regime at Highveld Steel in three distinct periods. These are the apartheid era despotic regime, the neo-apartheid workplace, and the contending notions of the nature of a post-apartheid workplace regime.

Von Holdt describes the transition in a number of ways. In the first instance he sees the transition as a struggle between "different forces over the nature and extent of the transformation of the apartheid legacy." He also

highlights that the transition is from "a closed economy to an open one" with severe "implications for trade unions because of increasing competitive pressure on employers." He asserts that "the transition to democracy should not be confined to the political realm, but should be extended to the workplace". This description of the transition summarises the complexity of the situation. It is this complex situation that shop stewards in the Highveld Steel workplace had to grapple with.

The book develops the concept of social movement unionism by linking it to activism at a time when shop stewards were highly active in their communities and in the UDF (United Democratic Front) structures. The book highlights the tensions and inherent contradictions that go with activism. Activism extends the influence of the union to the community. It gives the individual activists mobility and choices. At the same time it brings about suspicion among workers about the shop stewards' commitment and sincerity in servicing workers' grievances.

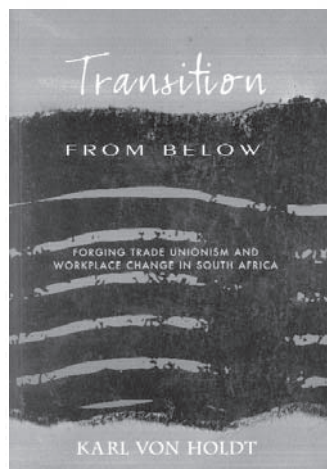
In Numsa (National Union of Metalworkers of South Africa) the workerist approach to unionism predominated and activist shop stewards, and later union officials, came under suspicion from workers. Prominent leaders in the Witbank area like Barney Mashego, Joe Mokoena, Bob Moloi, Bunny Mahlangu and many others were elbowed out of the union in one way or the other.

These tensions re-emerged under South Africa's new democracy when shop stewards took advantage of the new opportunities created. As prominent stewards moved out of the union to take up political office at both a provincial and local level, in the state, or were promoted to managerial positions in the company and other companies, workers were fast losing faith in the union and its leadership. The new class formations that emerged under the new democracy were a source of satisfaction for those who benefited and resentment for those who felt sidelined.

These contradictions took different forms both in the community and in the union. Migrant workers who were staying in the hostels had historically been ignored and dismissed as uneducated and ignorant, but the union gave them a source of power and a vehicle to interact with the community as a dignified force. The local residents working in Highveld Steel saw the union as catering for migrants, and only joined the union much later. This social structure continued to be a 'site of struggle' as migrant workers were suspicious of local township shop stewards, or the formation of the concerned group (those who distrusted union leadership) or *amaBhova* (aggressive bulldog - members

who revolted against the union's way of operating). The contestation for the heart and soul of the union between these contending forces continued throughout Von Holdt's research.

The union did relatively well in the transformation of the workplace. It forced management to work with procedures by



recognising the union and formalising disciplinary and grievance processes. It confronted racism in all its forms and defied racial segregation of facilities. It tried hard to play a central role in the restructuring of the workplace. Its lack of success was mainly due to its lack of capacity. It drove the formation of self-contained teams and multi-skilling. It destroyed the 'baasboy' system. Despite these successes the book captures the lack of depth in union structures, and divisions amongst shop stewards that ultimately weakened the union.

The weakness of the book is the study of one workplace in an area that was very active politically. Union activists from various Cosatu affiliates played an active role in the area. When the Numsa shop steward activities were taken

to the community and into the Cosatu local Von Holdt should have connected with the relevant structures and got the views of other unionists.

The book tends to exaggerate the role played by Highveld Steel shop stewards in particular, and Numsa as a union in general. Basic facts, like Charles Makola being the first chairperson of the Witbank local, are incorrect.

The book links struggles at the point of production and those in the community to build the case for social movement unionism, but this constitutes its biggest weakness. The book isolates Witbank from what was happening across the Highveld in such areas as Middleburg, Secunda and Bethal, which weakens the book's argument. Overall the connection between the struggles at Highveld Steel and in the community could have been brought out more strongly by interviewing some people in the community and Cosatu structures.

Nevertheless, the book is a must read to understand transitions taking place in the production regime. Although it focuses on Highveld Steel the findings can be generalised to other workplaces and sectors. Management views and strategies could however have been researched in more detail. Von Holdt himself acknowledges this as a constraint which was mainly due to the lack of access to management information. But it is a very strong account of workplace change and reflects a serious attempt by Numsa to drive transformation from below. <sup>15</sup>

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