2013 argues that recent strikes are 'an opportunity to revisit trade union approaches to organising and representation'. He also mentions the social distance which recently union leaders have not been shy to mention. 'Social distance is a euphemism for poverty and inequality and how this plays out within organisations, even mass-based democratic organisations. Social distance is more complex to grapple with and includes perceptions of inequality, and marginalisation which can be just as powerful as material inequality. In this regard, the ability of trade unions to be seen to be fighting the fight of workers is just as important as winning the fight.'

Elsley adds that an area of work that trade unions should focus on is 'forms of employment'. 'It is the *reorganisation of employment relationships* and the separation that this engenders, reinforces and perpetuates which provides an important point of departure for any trade union that is serious about reflecting on their core "business", organising and representing workers'.

This analysis ties in well with Edward Webster's research on precarious work which describes how more sectors of the South African economy are adopting different forms of work that is poorly paid, casual and often with fewer benefits. The post office is one such workplace. Therefore, unions should 'resist the informalisation of worker rights and security by increasingly representing the interests of vulnerable workers,' says Elsley. LB

Sactwu wins against short-time work

Employers cannot just wake up and put workers on reduced working time. If they do, they should also be prepared to pay for the lost time, writes **Andre Kriel**, as he welcomes a landmark case for South African workers.

The Congress of South African Trade Unions (Cosatu)-affiliated Southern African Clothing and Textile Workers' Union (Sactwu) is pleased to announce that 58 clothing workers at Junit Manufacturing in KwaZulu-Natal will be receiving back pay, with interest, for three weeks that they were unlawfully placed on short-time. This follows a long legal battle with the company. The Supreme Court of Appeals recently pronounced on the matter. It is a precedent-setting judgment in favour of all South African workers.

When the workers were placed on short-time a few years ago, Sactwu referred a dispute for a claim for unpaid wages for the period of the short-time because, in our contention, the workers were placed on short-time illegally.

The matter then had to be arbitrated at clothing bargaining council level. Junit Manufacturing was of the view that the Clothing Industry Bargaining Council did not have jurisdiction to hear this dispute. The arbitrator ruled that the matter could be heard by the bargaining council, as the dispute was related to wages, which could be applicable to the main agreement and it was further found that the employees had to be paid wages from 12 January 2006 to 10 February 2006, as (in terms of the arbitrators ruling)

they had indeed been placed on unfair and illegal short-time.

The arbitration award was then taken on review by the employer. The review was successful. The impact of the judge's decision was, in our view, declaring that the bargaining council would not have jurisdiction to arbitrate short-time disputes, which would have had far reaching consequences for workers in the clothing industry. It meant a serious watering down of the powers of bargaining councils in general.

As such the matter had to be taken on appeal. Sacwtu appealed the matter and has now won. The relief is that these 58 workers will now receive their three weeks' back pay with interest. But the important precedent-setting consequence of this matter is that short time disputes can now be referred to the bargaining council.

This Supreme Court of Appeals judgment therefore strengthens the powers and jurisdiction of all bargaining councils to deal with short-time disputes. It is a big blow for employers and organisations such as the Free Market Foundation who are intent on weakening bargaining councils. LB

Andre Kriel is general secretary of Sactwu.