

Security strike

Why the violence?

Scenes from the security strike seemed to come straight out of the 1980s. **Tumi Makgetla** argues that a complex of factors made much of the violence almost inevitable.

Trade unions in the security industry made significant gains in the recent three-month strike but the issues at stake were of less concern to the public than its perceived violent character. Although two unions struck for the whole period, for the purposes of this article the position of the South African Transport and Allied Workers' Union (Satawu), by far the largest union in negotiations, will be mainly considered. From the beginning of the strike, Satawu denounced acts of violence but as the strike unfolded, the murder and assault of non-striking guards and damage to public property continued.

This article argues that several factors disempowered workers by shutting down the space for them to organise and negotiate their interests. Employer efforts to undermine Satawu, and the minister's lack of action to defend their right to negotiate contributed to the strikers' deep sense of injustice. Poor public order policing and municipal restrictions on protests further limited strikers' ability to defend their objectives. Thus violence during marches represented workers' efforts to assert their rights and gain recognition for their demands.

Distinct from this form of

disruption was the assault and murder of non-striking guards. The public blamed the union and the union blamed criminal agents and a 'third force.' Yet it remains unclear who was responsible. The train murders, for example, may be revealing for what they say about South Africa's reliance on private security forces to protect passengers.

Throughout the strike, the striking unions and Congress of South African Trade Unions (Cosatu) expressed frustration at the public's narrow focus on strike violence. More important, the unions argued, were the conditions in the industry and the low wages in dispute. "It is very difficult reading and listening to the media," said a Satawu shop steward, "The media links everything to the violence. They never consider that we are responsible parents and grandparents on strike. They imply that we don't have any morals... We want to say to the press, 'Stop portraying us as barbarians. We are sisters, community members, parents... We are trying to fix what is wrong.'"

This article could also be criticised for focusing on the violence. However, the violence surrounding the strike is important because of its impact on individual

workers and their families, as well as its impact on the union and negotiations. The violence threatened to turn the Minister of Labour, the media, train workers and other citizens against security guards' plight. In a time when labour regulations are contested, hostility towards labour could have negative consequences. Rightly or wrongly, the issue of violence delayed settlement when employers refused to give up their right to discipline workers for strike-related violence. This analysis of the violence does not question the right to strike, but rather seeks to ensure that such a right is not undermined.

STRIKE NARRATIVE

In 2005, the Department of Labour assessed the membership levels of employer and employee organisations in the security industry to see if it could establish a bargaining council. Their findings showed that union density was too low, so the minister continued to promulgate sectoral determinations. As a compromise, five employers' associations and 16 trade unions embarked upon negotiations under the Commission for Conciliation, Mediation and Arbitration (CCMA) expecting that their agreement would feed into

the minister's determination. This combination of sectoral determination and collective bargaining models explains why the strike dragged on: employers believed that further negotiations could be by-passed by a determination; the relative representation of each negotiating party was not firmly established; and Satawu demanded that its demands and the principle of majoritarianism be upheld.

Talks deadlocked six months into negotiations and 16 unions announced a two-day national strike on 23 and 24 March. Unions demanded an 11% wage increase and an additional 4% increase for the lowest paid. The unions also wanted four months maternity leave on full pay, five days annual study leave and an increase in the provident fund.

From its beginning newspapers reported on the violent nature of the strike. On Thursday 23 March, 11 guards were arrested and several suffered rubber bullet wounds when security guards handed a memorandum of grievances to the labour ministry in Pretoria. Strikers were reported to have overturned rubbish bins, stolen cold drinks from a delivery truck, attacked two naval personnel, harassed flea market vendors and set a security vehicle alight. Protesting workers reportedly carried "thick tree branches, umbrellas and pangas".

On Friday, five strikers were injured when the police fired rubber bullets into the crowd in Johannesburg. Police reported that they had fired in response to protestors hitting pedestrians and cars with sticks and dragging an on-duty guard from his post to join them.



Cosatu May Day march in Cape Town

On 1 April, 14 unions signed an agreement with employers that gave workers an 8.3% wage increase. The two non-signatories, Satawu and the Transport and Allied Workers' Union (Tawu), however decided to continue the strike making the same demands.

At this stage, the critical issue became whether Satawu was the majority union. Satawu argued that the agreement could not lay the basis of the minister's determination because the union had not signed it. The employers and signatory unions countered that Satawu was not the majority union because the 14 unions' combined membership represented a majority at the negotiating table. The lack of a formal bargaining council, which would have clearly defined relative representation, allowed for this critical disagreement.

Employers ignored Satawu's arguments and called on the minister to implement the agreement in a sectoral determination. Employers also approached the Labour Court to have the strike declared

unprotected. The Court however ruled that the strike was protected, and confirmed that Satawu was the majority union. It was at this point on 11 May, that employers began to entertain thoughts of resuming talks with the two striking unions.

INCIDENTS OF VIOLENCE

While Satawu's representivity was being contested, the media focused on strike violence. "The strikers should realise that violence can only serve to destroy their own cause," the Minister of Labour Membathisi Mdladlana said in a 6 April press statement. He called on the employers and unions to return to negotiations. Satawu responded to incidents of violence on the trains by meeting with Metrorail and the South African commuter association.

Public focus on the violence came to a head on 26 April when six security guards were murdered by a group of attackers who severely assaulted their victims, stripped off their clothes and flung them from an East Rand train. Witnesses reported men searching the carriages for security guards who were going to work, according to the police.

The next day, the Labour Court issued an interdict brought by employers to prevent Satawu members from intimidating, assaulting and harassing non-striking workers and the public in general. In the meantime the minister and striking unions conducted a public exchange regarding the minister's involvement in the sector. The unions had called on the minister to end the impasse and he responded by saying that the CCMA's availability to facilitate negotiations represented the

department's involvement. A day later, about 500 security guards were detained for ransacking Department of Labour offices in Durban where they entered the building and damaged property such as furniture, motor vehicles and computers. Mdladlana condemned the violence and called on both parties to return to the negotiating table.

Cosatu's May Day celebrations were the scene of more public disruption caused by striking security guards. During the May Day activities, Satawu strikers reportedly chased a speaker from the National Congress of Trade Unions from the stage. The strikers reportedly took over the stage and tore down loudspeakers. Security guards then marched onto the streets, allegedly taking sweets and food from street vendors. Police used pepper spray to scatter the strikers, who responded by throwing fruit at them. The crowd moved to Cape Town station, where they dispersed after the police used stun grenades and rubber bullets. Six strikers were arrested.

On 3 May, the minister singled out employers as an obstacle to further negotiations. "I assume that because their profits are not affected by this strike that continues to cause harm to ordinary South Africans, they do not care. Employers must remember that it is the South African public that contributes to their riches," he said. He also said in a press statement that the 1 April agreement was "not worth the paper it was written on," and was not implementable.

In Cape Town, on 16 May, strikers caused hundreds of thousands of rands of damage in the city centre when they allegedly broke shop and car windows.

There were also reports of looting. A Sapa reporter was sjambokked on the head, pelted with stones and had to have a leg wound stitched up.

During this week, a CCMA effort to get parties to meet for exploratory talks failed. The talks began a day after the Labour Court dismissed the employers' application to have the strike declared illegal. On 19 May, a week later, however, the parties deadlocked because neither would concede to the others' preconditions in order to continue talks. Employers demanded an end to the strike and would not agree to forgo disciplinary actions and the unions refused to suspend the strike.

Meanwhile, Metrorail reported a significant increase in the number of train deaths, which they argued was directly as a result of the strike. Spokesperson, Thandi Mlangeni, explained that typical train deaths occurred when people 'surfed' on the tops of trains in motion or crossed the tracks. In contrast, during the strike period, train deaths were mostly the result of people being pushed from moving trains. On 10 May, Mlangeni said that over 11 train deaths had occurred, amounting to one every couple of days.

During the strike, in random interviews with employers, they routinely mentioned incidents of intimidation that were not picked up in the press. Andre Cheminai, the owner of Alexandra Security in Cape Town, said that his staff had been beaten up and his vehicles vandalised. Another employer mentioned that one of the guards in his company was forced to drink petrol and then shot. A total of 57 security guards were killed, according to Kevin Derrick, acting chairman of the private security

industry provident fund, who based his data on newspaper analysis.

The 57 dead included striking as well as non-striking workers. In April, for example, Sibongile Tutu, a Satawu member, was shot dead when he answered his door in Langa. Although the police said that the motive for the killing was unknown, there were suggestions that it was strike-related.

Throughout the strike, the unions condemned the violence. In the first days of the strike, Satawu's general secretary, Randall Howard, said, "Our position has always been very clear. Satawu is not a union that condones violence or intimidation. We expect our members to protest in a disciplined manner and peacefully ...".

On 2 May, Satawu held a press conference to address the previous day's violence. The union acknowledged the need to address intimidation by its members, "Justified as our actions in the security sector may be however, we as Satawu cannot afford to sit back and not condemn the action of the last couple of weeks, where violence and intimidation have characterised our protest actions."

On 22 June, after nearly three months of action, all of the negotiating trade unions and employer associations signed an agreement to end the dispute. The settlement gave the lowest paid guard an increase of R232 or 19.89% and annual increments for the next three years of 9.25%, 7.25% and 7.25% respectively. Other gains included an end to negotiating monetary increase and its replacement with percentage increases.

While parties resumed talks on 12 June, it took another ten days and overnight negotiations on 19 June to reach settlement. An





Final reportback meeting in Beyers Naude Square in Johannesburg. About 10 000 strikers met in ten smaller groups. Each group reported to a plenary on the agreement and the return to work.

important factor behind the success of the talks was the involvement of labour and business representatives. Cosatu president, Willie Madisha, and labour policy official, Rudi Dicks, assisted the labour caucus and Business Unity South Africa delegated the chamber of mines' chief negotiator, Frans Barker, to assist with mediation.

REFLECTIONS ON THE VIOLENCE

Several factors emerge that shed light on the violent character of the strike. It is important to distinguish between violence that was tied to the union's collective actions, such as trashing during protests, and other forms of violence by smaller groups in train murders and the assault of on-duty guards, which could not be directly attributed to striking workers.

An important factor behind violence in union-organised actions, like the sacking of the labour department offices or the 16 May march in Cape Town, was the strikers' sense of frustration at the authorities for shutting down their constitutionally protected space to voice their demands. In March, the Johannesburg Metropolitan Council denied Satawu the right to gather and march "to protect the public

interest". After talks with the Council, the union came to a compromise where government representatives would collect the memoranda from them in the Library Gardens. By 20 April, in the Western Cape and in Pretoria, municipal authorities would not give the union the right to gather or march.

"Our strikers have been angered because their constitutional right to strike has been limited," said Randall Howard. He said that it was a problem if the union could not "channel the militancy and anger of the workers" through these sorts of activities.

Poor public policing reinforced the strikers' perception that the authorities were denying their right to demonstrate and publicly defend their interests. An anecdote that Cosatu president Madisha told a Satawu rally indicates the unions' perception that police were in general hostile to their cause. He told the crowd how a police officer had used his fingers to imitate shooting him. Madisha was angered by the gesture and used the platform to defend his right to be free from police brutality in solidarity with the crowd. He also drew comparisons with the apartheid past to remind the crowd

that the police had to respect workers' protected right to strike. Acts like throwing fruit at the police or overturning dustbins were a response towards an official attitude that strikers had no right to protest.

Media accounts indicate that the police were ill prepared to deal with the crowd, which may explain their hostile attitude. A journalist who witnessed the 16 May Cape Town march noted that there were insufficient police, few had riot shields or helmets and none had horses or water cannons.

The hostility from the police and municipal authorities compounded the strikers' sense that Satawu was under attack. After six months of negotiations, employers signed the 1 April agreement with smaller unions. Satawu members saw the behaviour of the employers as a divide-and-rule tactic designed to smash the majority union. Satawu saw the agreement as the outcome of 'collusion' between certain unions and employers aiming to undermine it. On 1 April, the parties were dismissed from the CCMA after talks deadlocked. Later that evening, the CCMA called back some of the unions to sign the agreement. A signatory union leader told of how the employers convinced them to sign by suggesting that Satawu would not join them in a strike if they failed to settle.

Satawu felt that employers had tried to trick the union because it would never have agreed to signing an agreement over the weekend without getting a mandate from its members. "There was an element of bad faith negotiations introduced to undermine Satawu, to delegitimise us as a key stakeholder," said Howard, "That's why this strike is about the right of a majority union fighting for its rightful place

to negotiate on behalf of its own constituency.”

The minister's reluctance to take sides strengthened the strikers' belief that they had to defend their union. During April, the minister condemned the violence and called on both parties to negotiate despite Satawu being willing all along to return to talks. His remarks made it seem as though Satawu was the party at fault. While the minister's spokesperson denied a turnaround in the minister's approach, the minister only began to focus his attention on the employers' behaviour from 3 May. Satawu's public calls for the minister to intervene reveal the frustration that it felt in being unable to get employers to recognise its majority status and resume talks.

The bargaining process further frustrated workers because of the combination of collective bargaining and sectoral determination systems. If the groundwork for a collective bargaining process had happened, it would have been clear that Satawu was the majority union and the 1 April agreement would never have been signed.

The parties also knew that the minister would ultimately intervene and so they expected him to play a larger role than he was willing to play. Because of the expectation of a sectoral determination, the employers prolonged the dispute by refusing to negotiate and calling on the minister to implement the 1 April agreement. The structure of negotiations therefore contributed to labour's frustration.

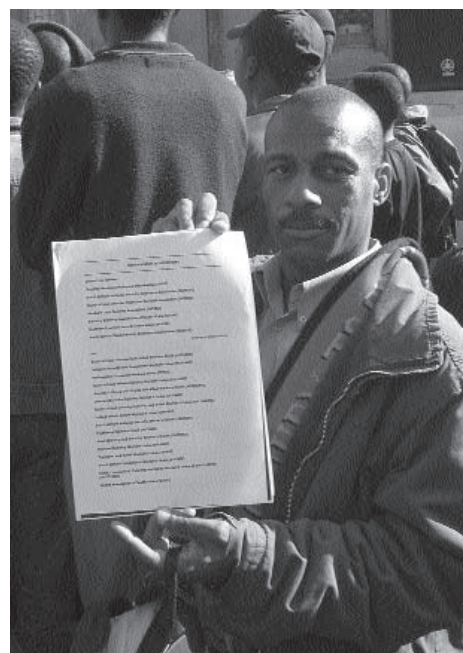
Another consequence of this dual process was that the union and employer negotiators did not have a history of bargaining with each other. The three occasions on which the parties met at the CCMA was a learning curve for employers

and employees about bargaining and how their counterparts negotiated. Participants to the talks said that because the negotiators lacked experience, they prolonged the process by adopting harder positions than was reasonable. Moreover, employers tried legalistic tactics that could not work under the new labour dispensation.

There are other reasons too that explain why a security sector strike would be prone to violence. Along with domestic and farm workers, security workers are amongst the most vulnerable workers in the economy. Their vulnerability is a factor in their low pay and high turnover rates. Twenty-four percent of public sector security guards and 57% of private guards earn under R1 500 a month, according to the September 2004 Labour Force Survey. This compares with only 6% of all formal sector workers earning less than R1 500 a month. Moreover, security guards do not have guaranteed employment past the duration of three to five year contracts [see p29].

Guards are also vulnerable because there are many more registered than employed guards. Some analysts say that one in two registered security guards has a job. Because the industry is relatively labour intensive, the barriers to entry are low and firms can undercut each other on the basis of cost, in particular labour costs. The violence was in part a reaction to the real threat arising from the ease of recruiting scab labour as well as that the majority of workers are not union members.

Security guards also work in an environment where the threat of violence is always present. Interviews with security guards revealed a painful awareness that they are on the frontlines of criminal activity. They witness



A worker holds up the final agreement

crimes before the police arrive but are not equipped to take on criminals.

Most of the analysis so far concerns violence on union-organised marches and protests. While the media reflected the view that striking security guards were responsible for the train murders and assaults, it is significant that no guards have been convicted for murder. This despite police reports that some train murder witnesses said that they recognised the perpetrators. In June, the police arrested three members of what they claimed was a gang of 12 to 15 people responsible for the murders of 25 non-striking guards on the East Rand. By July, no other members of the alleged gang had been arrested. In these circumstances, it is hard to determine how much of the violence was due to a small group of strikers and how much was done by criminals.

A Satawu shop steward said that during a Rustenburg march, members noticed a group of men who were heavily armed. "We all know each other, we see each other



everyday. It's been a long strike but we did not know these people.' Satawu called the police to search the armed individuals and they were removed from the march. The shop steward suggested that employers, or members of unions who had signed the agreement and were afraid of losing members, may have planted people to disrupt the march. (See box for similar incident in Cape Town.)

Employer involvement in 'third force' activity is hard to prove, however, and the rise in criminal activity may be significant for what it says about South Africa's reliance on private security. Insurance companies have reported a rise in other forms of crime in this period such as hi-jacking and house-breaking. Reduced security is not an outcome of strikes in other industries except in the case of the police, who as an essential service are not permitted to strike.

Towards the end of the strike, Satawu held a report-back meeting in Beyers Naude square in Gauteng to get the go-ahead to sign the agreement. About 10 000 strikers met, then divided into ten smaller groups, where they pored over the draft agreement, checking calculations on scraps of paper. Each group reported back their decision to the larger group and announced their decision to return to work.

This scene symbolises the strike as a defence of democratic labour rights. When this right came under threat, some workers responded with acts of violence to reclaim this space and force recognition. On the streets, the police's hostile attitude, their readiness to open fire on the crowd and arrest strikers and union leaders, openly threatened workers' ability to strike. The municipal authorities' reluctance to allow workers to strike questioned the

importance of their project. In the bargaining chambers, the unions came under attack as employers tried to strongarm them into an agreement that they did not support. The issue of violence in itself threatened workers' ability to voice their interests as employers turned it into a material issue and public sympathy for the strike waned.

Important in this analysis is the flawed structure of bargaining in this sector. It is a half-baked

bargaining council system that held out the promise of negotiation without laying the ground for parties to engage properly. The possibility of the whole bargaining effort being side-stepped through the publication of a sectoral determination acted as a sharp backdrop to the , which resulted in an unnecessary three month trial of strength.

Tumi Magketla is a journalist at the Mail and Guardian.

Eye witness account

Cape Town 16 May security march

There was a truck towards the front of the march, with a sound system and some of the [Satawu] leadership on it. From the truck they had a good vantage point looking back over the marchers behind them. At a certain point, people on the sides and towards the back of the march started bending car mirrors and hitting cars with sticks... There were police lining the streets who did not intervene. The attacks on property escalated despite appeals from leadership on the truck. Two of the regional office bearers, including myself and Nono Madlala, had been participating in general meetings almost every day for two months by this time, and we could not recognise any of those who were perpetrating the attacks on property - at least to begin with.

The march continued and workers found themselves forced towards a line of armed police.

When they turned around they found they had been trapped by a line of police behind them. It was as if the police had deliberately ignored the initial (then minor) attacks on property in order to trap workers. All hell broke loose at this point, with workers being beaten and shot at by police.

I am convinced that the perpetrators of the property attacks were not Satawu members, or even security guards. What convinces me is that at one stage a stone was deliberately thrown at Nono Madlala. No Satawu striker would have done this, as more than anyone else in the region, Nono had been absolutely with the strikers since day one. It is inconceivable that any Satawu striker would have thrown a stone at her.

Patricia Pietersen, Satawu regional office bearer.