

Showdown *at* Springbok Patrols



The security industry is a difficult sector to organise. Workers face illegal deductions, dismissals and abusive treatment. TGWU is using a range of tactics to challenge the industry's biggest employer, Springbok Patrols. KALLY FORREST reports.

Following labour relations at Springbok Patrols is a bit like watching a Wild West movie. There are all the elements of drama – shootouts, assaults, attempted murder, betrayals, broken promises, foul language, lawlessness, deceit and innocent victims. Only it is not a movie, it involves real people living out this drama every day.

Springbok Patrols is owned by the well-known rugby-playing Bartmann family. It is the largest company in the cut-throat contract security industry and has about 7 000 employees nationally.

Long history of complaints

Springbok Patrols is notorious in complaints offices around the Transvaal for its abusive labour practices. For nearly ten years, the Black Sash, Legal Resources Centre, the Industrial Aid Society and the Transport & General Workers Union (TGWU) have all taken up cases or lodged complaints with the Department of Manpower over the company's illegal practices.

In September this year TGWU declared seven different disputes with Springbok and has asked the Department of Manpower to run a full investigation into the company. The Department says it receives up to eight

complaints a week about the company. In 1984, Springbok was charged for illegal practices around the payment of wages, but this has not altered their labour practices. All it has done, allege shopstewards, is to make the company more knowledgeable about how to manipulate labour law.

The seven disputes concern:

- illegal deductions for uniforms
- the unilateral introduction of a new insurance scheme and the past illegal scheme
- retrenchments of four workers
- dismissal of a worker
- cancellation of trade union facilities including full-time shopstewards and an office
- the practice of 'spares'
- cancellation of individual stop orders without the union's authority.

These disputes centre on the East and West Rand branches of Springbok and concern breaches in the law, bad faith bargaining, and lack of fair dealing in labour relations.

History of union organisation

TGWU had members in the company since 1988, but was unable to gain a majority as workers were afraid of victimisation. In 1992, recruitment began again and the union

now has about 2 000 members nationally. Since then, the relationship between the union and company has been difficult and, at times, explosive.

In August 1992, stop orders were implemented, but there is no recognition agreement. In the West Rand and East Rand branches the company had permitted a union office for two full-time, paid shopstewards. In essence, these shopstewards acted as the company's wage clerks dealing with wage queries. It was difficult for them to get involved in disciplinary enquiries because of the absence of negotiated procedures.

The company also allows the Springbok Workers Association (SWA) to operate on the company premises. The SWA's general secretary, Sheila Mtimkulu, was originally employed by the company in a liaison function. Union shopstewards allege that the company set up the SWA to divide the workforce because of its deep hostility to the union. The company denies this allegation and says that the SWA has been operating for seven years.

Shopstewards also allege that workers are recruited into the Association on false pretences: "If you have a work problem, the company sends you to Sheila. She tells these workers, 'You must sign here before we can help you'. Workers are often recruited in the rural areas and have no experience of

unions."

The company's equitable public face belies a deeper anti-union strategy. "But," says Jane Barrett, TGWU national organiser for the security sector, "they have not been stupid enough to put any anti-union sentiments in writing or even to state such in a meeting."

Company insurance scam

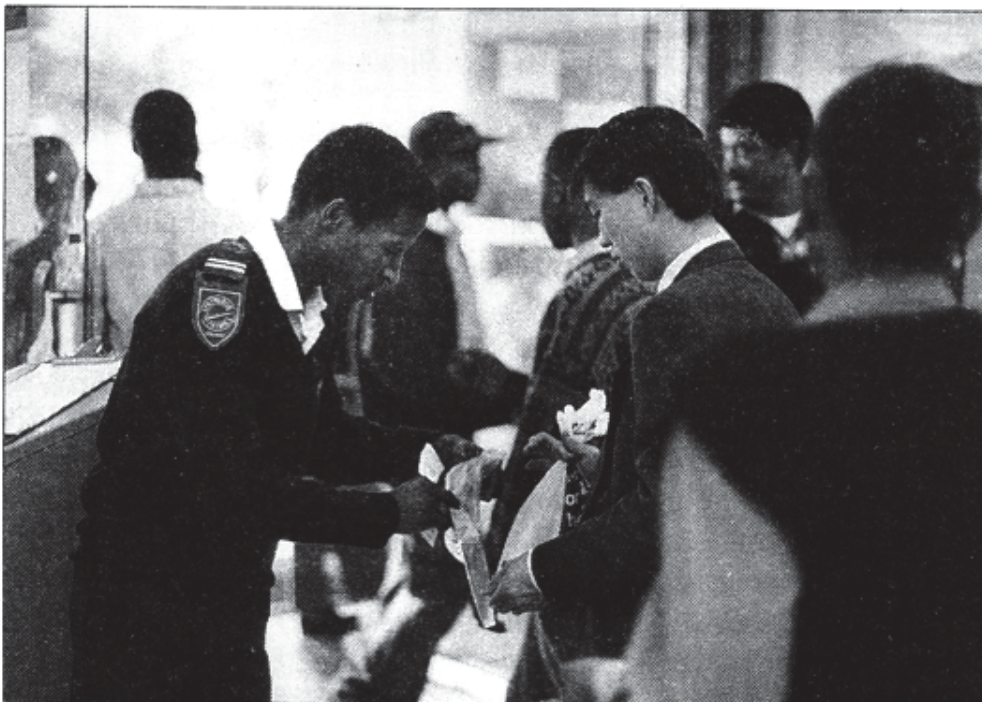
The company has a way of letting longstanding grievances fester until they explode, ignoring repeated union attempts to resolve the problems. The workers' life insurance issue is a case in point.

Metropolitan Life administered the scheme but in January 1991 Springbok took over the administration when Metropolitan withdrew because of erratic payments and a large number of claims by the company.

The insurance scheme was then administered by Mtimkulu as company employee. With no explanation, R25 for insurance was deducted from workers' wages. The union established that, upon a worker's death, R10 000 would be paid out to the family, with funeral expenses deducted from this amount.

Workers allege a scam involving the company and Mtimkulu was going on. Shopstewards say: "On a guard's death, Sheila would arrange all the funeral

expenses, then the family would see no more than R600." Some workers believed that Mtimkulu had arranged a hit squad to kill off guards and then cream off their insurance money. She could easily do this, they believed, because 'nightrider' guards accompanying



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food deliveries into the townships are easy prey to attacks.

The union complained that it was illegal to deduct money without being registered with an insurance company. Then, in September 1992, strong feelings exploded into a wildcat strike of about a 1 000 workers. The central grievance was Mtimkulu and the insurance scheme.

The scheme was then put into the hands of Peace of Mind, a company underwritten by Sanlam, and membership is voluntary. The scheme is still administered however, by Mtimkulu. This leaves workers who opt out, without cover in an industry well known for its dangers.

Workers are now demanding backpayment for all insurance deductions made illegally, and the union has called in the statutory Financial Services Board to investigate the internal administration of the scheme.

The heart of workers' exploitation

Another running grievance is the issue of 'spares'. This goes to the heart of many workers' complaints and the company's system of exploitation.

Workers sign a contract for permanent, full-time employment but are treated like casuals – although deductions associated with permanent employment, like UIF, are recorded on payslips. There are often more guards than posts, so the company runs a system of 'spares'. Workers report in the morning and are posted if their names are called out. If guards are not posted, they do not receive pay for that day. Some workers end up reporting for months without getting posted, and eventually leave. According to the company, these workers have 'absconded'. The union alleges that this 'spares' system is a way of dismissing workers without going through the correct procedures.

The company gets away with this because there is no clocking in procedure and hence no record of which workers arrive for work. If the union complains, the company simply denies that the worker was



The long, long struggle for justice at Springbok – sh

present. The Wage Determination and Basic Conditions of Employment Act stipulate that all time off and at work should be recorded by employers. But Springbok Patrols have a Department of Manpower exemption from this clause in the Contract Security Wage Determination.

It is easy for a company to get exemptions from clauses in wage determinations. The company applies for exemption from the Department of Manpower and there is no onus to prove that workers support the application. The application and exemption are not published, and so workers may be ignorant of the exemption and hence not able to challenge it. COSATU is currently raising the issue of exemptions and the anomaly that applications for exemptions do not go through the Wage Board, where the conditions of work are formulated, but through the Department of Manpower, who



ds at TGWU office

have not been part of this process.

Shopstewards allege that the setting up of the SWA fits into this 'spares' system, and that Mtimkulu simply recommends to management which workers should receive work. In this way, 'troublesome' union members are pushed out of the company. The company is denying that such a 'spares' system exists.

Uniforms: a running grievance

Another grievance is the issue of uniforms. The Wage Determination stipulates that security employers must provide uniforms free of charge, and take responsibility for cleaning uniforms. But workers' payslips show a variable deduction for uniforms. This may be as much as R300 per uniform. The union raised this illegal practice with the company a number of times but the problem was not resolved.

Again, tensions built up, leading to a

1 000-strong wildcat strike in February 1993. The central issue was Mtimkulu and the insurance scheme, but uniforms were an additional grievance. The strike was marked by violent confrontation between workers, management and the police. At one stage, a manager fired into a crowd of striking workers at Robertville, injuring two workers. A company vehicle was burnt and another stoned. Sixteen workers were arrested and charged with public violence – these cases are still in progress. Management subsequently put wire mesh around their offices to protect themselves!

At a post strike meeting, Bartmann senior informed workers that deductions for the first uniform had been stopped, and that deductions were for the second uniform only. This was still illegal in terms of the Determination. At a further meeting, the union demanded that the company refund the workers for illegal deductions on uniforms. The company never responded.

In March 1993, another wildcat strike was sparked by the dismissal of five workers. According to Barrett: "The union has consistently claimed that the frequency of strikes is a result of the absence of proper procedures. This reluctance to put in place proper procedures has been part and parcel of the company's strategy of leaving things as disorganised and confused as possible. The union threatens the advantage Springbok has through its chaotic employment arrangements."

At a strike settlement meeting with the company, uniforms came up again. Bartmann stated that all uniform deductions would stop, and that workers would be refunded. But no worker was refunded and deductions continue. In fact, allege shopstewards, the company now has a new strategy. When requesting new uniforms, workers now have to sign an application form. 'Advance on uniform' has appeared as a deduction on their payslip. Workers later discovered that the form authorises this.

At meetings with the union the company appears to be reasonable, but back in the workplace, the same abuses continue. The

shopstewards commented on a photo on an office wall of Bartmann at a social gathering with state president FW de Klerk. A commentator remarked that a comparison between the two is apt – an ostensibly reasonable prime minister and government on the face of it, but a society underpinned by violence, divide and rule tactics and lawlessness. There is the semblance of change but no real change is happening. The company claims to be giving something but what they give with one hand they take away with the other and they constantly breach undertakings.

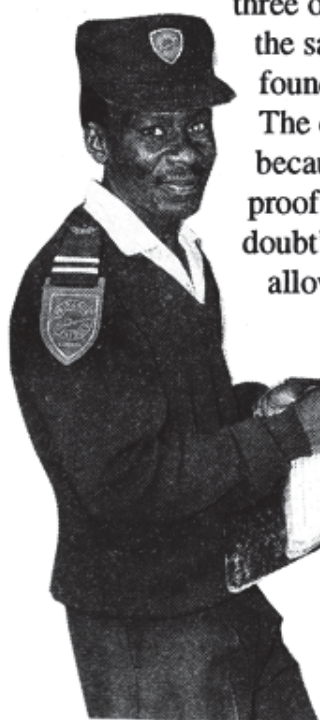
Attack on Mtimkulu

On May Day this year, there was a hand grenade attack on Mtimkulu's house, injuring her two sons, one seriously. Soon after, six Springbok shopstewards were arrested and charged with attempted murder and conspiracy to murder. The company then cut off communication with the union, and closed down their offices. An East Rand shopsteward, Richmond Peter, has sacrificed a large part of his pay by working weekends only so that he can deal with workers' numerous complaints.

The shopstewards were tried and acquitted on 22 November. Subsequently, the company held their own disciplinary enquiry accusing three of these shopstewards on

the same counts. They were found guilty and dismissed. The company could do this because criminal law requires proof 'beyond reasonable doubt' but labour legislation allows for proof 'on the balance of probabilities'.

Another shopsteward was dismissed because he was found guilty of assault, and the remaining two were dismissed for 'absconding' as they



did not immediately report for work when they came out on bail.

Union approaches Springbok clients

The union decided on a strategy of writing to Springbok's clients, some of them large companies with established relationships with unions, like OK Bazaars, Checkers, Eskom, Simba, and Coke. The letter told them of Springbok's illegal employment practices. It urged these companies to impress upon Springbok the importance of dealing in fair labour relations and operating legally. The union explicitly did not call for the cancellation of contracts with Springbok.

It is clear that some companies did take up this protest call as Springbok management obtained an urgent temporary interdict to prevent the union from communicating with its clients on labour-related issues. The company also threatened to sue the union for defamation. The company lost the interdict case however, in mid-November, and were ordered to pay the union's legal costs. It was basically a freedom of speech case where the court ruled against Springbok's attempt to muzzle the union. Threats to sue the union seem to have been dropped.

Where to next?

It is clear that the union has won a number of victories and the company is losing ground as the union whittles away at its lawless operations. Workers are more confident about asserting their rights, and the union is feeling the spin-off affect in other security companies, where many workers, through knowledge of the Springbok struggle, are joining the union.

Recently, the company reinstated the full-time shopsteward facility at the West Rand Branch. There is now a struggle to reinstate these facilities in the East Rand branch. The company has also started to make a real effort to ensure shopsteward attendance at disciplinary hearings. But there are still many issues to resolve, and it is taking up huge amounts of the unions' time and resources.

The union is waiting for the Financial Services Board report on their investigation into the insurance scheme. It is also fighting a number of dismissal cases, including those of the shopstewards who were acquitted on the attempted murder charge.

The union is also opposing the SWA's application for union registration. TGWU is opposing this application on the basis of its being an in-company union, and not representative of workers in the industry. The union is now awaiting the decision of the industrial registrar.

The union is also awaiting the Department of Manpower's report on its investigation into the company. No sick leave payment, no overtime records and hence payment, incoherent payslips with no record of basic pay, are some of the issues under investigation. The Department of

Manpower has two courses of action it can embark on if it finds complaints of malpractices to be true. It can instruct the company to rectify the wrong-doing, and it can pursue prosecution.

The Department told the union that the company has been

instructed to pay a proper overtime rate from the end of November. It has also been instructed to reflect certain things on worker's payslips so workers can check the wage paid, and to grant regular time off and annual leave.

The company is insisting on reflecting only the rate per shift on the payslip and not the basic wage, and is applying to the Department for exemption in this regard. The union will fight this exemption application. On the question of uniform deductions, which the company denies, the union is taking a strategy of flooding the Department with workers' payslips reflecting deductions.

The Department of Manpower now sends

an inspector every Tuesday to the company to follow up complaints that individual workers have lodged with the Department. The complaints are so numerous that Manpower decided to set up a regular appointment with the company.

Since May this year, the union has sent more than 40 letters of complaint to the company. Most of these complaints were formulated into the different disputes that the union declared. There have been a number of Conciliation Board hearings on these disputes, but none of them has been resolved.

The union is now faced with the decision of taking certain disputes to industrial action or going to industrial court. It is seriously considering taking the issues of the unilateral introduction of a new insurance scheme into the company, certain dismissals, and the operation of the 'spares' system to industrial court.

Springbok: reflecting the industry?

The question arises as to whether Springbok Patrols reflects the state of labour relations in the contract security industry. From the unions' demands in a campaign directed at all employers in the industry, it is clear that Springbok is not an isolated case. Looming large on the list of campaign demands is "An end to all illegal practices by Security Bosses. We are sick and tired of underpayment and over deductions. Many employers are still not paying overtime properly. They are not giving workers time off or paid leave. And they are deducting illegally for uniforms."

Barrett comments: "Fidelity Guards and Gray Security are about the only companies who appear to abide by the Wage Determination. I could not say this with confidence about any other company." It is an industry that is still firmly rooted in the old South Africa, where a shopsteward alleges that a director, in the presence of the company lawyer, speaks to a shopsteward who is politely conveying a request from workers, in this way: "You can't come and tell me what to do in my company. Are you drunk? Are you mad? Fuck off. I'll get you locked up." ☆

"An end to all illegal practices by Security Bosses. We are sick and tired of underpayment and over deductions"