

Silencing union that will not be silenced

The South African Municipal Workers Union (Samwu) is at the forefront of exposing corruption in local government and this has opened its membership to attacks. **Kally Forrest** spoke to the union and found out how ANC politics and corruption walk hand in hand and how Cosatu is compromised in the fray.

What if you confront corruption every day in your work? Does it impact on you as a worker? How do you respond? Do you turn your eyes away? This is a situation that confronts Samwu members across the country who work in local government.

Take the North West province for example where there are 24 municipalities most plagued by corruption. Typically corruption takes this form. A council manager owns a company and has a cable problem with one of his trucks. He checks it into the maintenance department as a municipal vehicle and gets it fixed free of charge.

There are also grander forms of corruption.

In the Ngaka Modiri Molema District Municipality (Mafikeng) Samwu members went on a three-month strike in January 2009 demanding the mayor's dismissal when he used R16-million to send children to a sporting event in Brazil. The council had allocated this finance for sanitation and clean running water which was scarce in the area. The union's action forced an investigation which resulted in the suspension of officials including the mayor.

In Naledi (Vryburg) the council's executive approved R360 000 for a function. Later the municipal manager, George Mthimunye, inserted into municipal documents almost double the amount of R600 000 and took the balance for himself.

In the Greater Taung Municipality workers witnessed the manager buying goods and services for himself from municipal funds – a stove, TV, car repairs as well as bypassing tender procedures to allocate work to family members.

Samwu shop stewards are also suspicious of the Rustenburg council's desire to privatise waste disposal despite municipal workers' availability to perform this function. 'Why privatise municipal utilities if it's not to give contracts to friends?' asks Jacob Modimoeng, Samwu North West provincial secretary.

In Gauteng's Erkhuruleni municipality corruption is also an issue. Employees cut grass but the council also pays a non-functioning external company to do this. In the courts of the Johannesburg Metropolitan Police Department, preparing traffic summonses is also duplicated. Municipal employers doing this work are chased away by employees of a paid private company who sit at their desks.

Such corruption combined with managerial inefficiency has been lethal to effective service delivery.

Modimoeng tells of how over three months in 2010 in the Roads & Technical Services division of the Madibeng council (Brits) workers were unable to work. All tractors and equipment had broken down, parts were missing and no maintenance was done. Workers clocked in every day and did nothing. Garbage mounted around the town and political leadership was absent.

However, although maladministration and lack of skills and training for municipal workers is often pinpointed for lack of service delivery, corruption is seldom identified as a major cause.

Incompetent and corrupt managers have a demoralising effect on workers as well as directly threatening their jobs through unnecessary outsourcing and the running down of council services.

Whistle blowing also threatens jobs as many Samwu shop stewards can testify.

Frequently members request shop stewards to take up corruption as they work in municipal finance departments and have direct access to financial records. When stewards raise problems with managers they



are often dismissed. Senior Samwu employees are especially affected as they pick up tender fraud.

A sense of injustice is created and as Samwu's National Media and Publicity Officer, Tahir Sema explains this further impacts on council finances, 'We see our superiors lining their pockets so we demand double digit increases even when we can see the municipality cannot afford it.'

SAMWU RESPONSE

Samwu turned to government and the ANC (African National Congress) to request that they investigate corruption in municipalities. In Gauteng, Tshwane and the North West government responded by appointing Task Teams to investigate.

Paul Mashatile (former Gauteng premier) headed a Task Team comprising Samwu, South African Communist Party (SACP), South African National Civic Organisation (Sanco) and the ANC in Ekurhuleni. At its first meeting in March 2011 Samwu presented two files of evidence of corruption including the grass cutting and traffic fine duplication as well as corruption in the Information and Technology department (now in the hands of the Special Investigations Unit).

However all came to nought as the previous Ekurhuleni mayor, Ntombi Mekgwe, and the city manager refused to meet with Samwu. In response Samwu members organised a march and presented a memorandum to the council but the silence was deafening.

In frustration Samwu stewards conducted a second protest march on a council meeting in late March 2010 to demand an answer. They arrived to witness a senior manager planting a camera to film the proceedings. Stewards covered the camera and when the presiding officer attempted to record proceedings on his cell phone a scuffle erupted and shop stewards removed it. Fourteen stewards were dismissed on charges of theft and common assault (later reduced to seven). Stewards surmised that 'council managers were trying to provoke them so that they could then accuse them of vandalising property,' said Ntsikilelo Klaas, Samwu Gauteng Provincial Secretary.

The municipality charged Samwu alleging damage to chambers but ultimately settled out of court. Further meetings with the mayor were inconclusive and Samwu's demand for a moratorium on tenders was refused. Samwu is now attempting to enforce this through the courts.

In frustration in February this year Ekurhuleni Samwu members struck illegally to again protest the dismissal of the seven shop stewards. The response from the new mayor, Mondli Gungubele a former National Educational Health & Allied Workers Union (Nehawu) official, was to dismiss 78 workers who downed tools which inflamed an already fraught situation. (They have now been reinstated).

In Tshwane a similar march was held to protest corruption in Metro Bus where senior council officials were selling parts to outside bus companies. This resulted in the

council dismissing 160 stewards and in police tragically shooting and killing a shop steward. The stewards were later reinstated.

In the North West's Madibeng, the council employed a similar tactic of dismissing shop stewards who reveal corrupt activities. After Samwu exposed Greater Taung municipal manager Mthimunya and forwarded other complaints about corruption, he dismissed 20 stewards complaining that they belonged to an ANC faction that wanted to get rid of him.

Mthimunya was suspended but after challenging this in the labour court, he returned to dismiss the five Samwu stewards who had laid corruption complaints against him.

ATTACKS ON SAMWU

Samwu officials agree that attacks on the union are political. The ANC is the employer so when Samwu members blow the whistle on ANC officials it involves ANC politics.

Comments Klaas, 'The ANC tries to ensure loyalty as it deploys people after elections – directors, mayors. It will act against people who are not loyal even if it costs more than a municipal general worker earns in a year of R80 000 to defend such dismissals in the labour court. These things don't happen out of the blue – they are planned. The city appoints those loyal to the ANC and people deployed by the ANC remain loyal and compromise their beliefs.'

In the ANC's eyes many Samwu members have not been loyal because they question the corruption or maladministration of people it has deployed. This results in the suspension of Samwu members but also in more indirect attacks on the union.

Shop stewards get trapped comments Klaas, 'Those more loyal to Samwu get dismissed and those who pledge greater loyalty to the ANC are not dismissed. You must decide where your loyalty lies – with the union or ANC. What

comes first the working class and the poor or the ANC. The Samwu seven comrades dismissed in Erkurhuleni have been very loyal union members for at least seven years.'

Samwu comes under attack from the ANC and from government and there is often a direct link. Comments Klaas, 'Decisions in government are taken in ANC structures. The ANC REC (Regional Executive Committee) Erkurhuleni, for example, took the decision to dismiss the seven shopstewards. The problem is that if municipal workers articulate frustrations at an ANC branch meeting, this follows them to work. We are the only union that suffers in this way. It is purely politics.'

In April this year Samwu learnt that the Johannesburg council planned to close Metro Bus and convert to Bus Rapid Transport (BRT). Some buses have already been taken off the road. Klaas explains, 'We have documents showing this decision was made in ANC structures. The ANC wants to weaken us as we are the only Cosatu union (Congress of South African Trade Unions) organising in local government and the militancy of other Cosatu unions is much reduced. The ANC prefers Imatu (Independent Municipal & Allied Trade Union – affiliated to another union centre) which is not strong and does not threaten them.'

The union believes that the ANC intends weakening Samwu by placing local government health services with provinces which are organised by Nehawu. 'They have started doing this with clinics in North West and in Eastern and Northern Cape. The Johannesburg branch alone has 48 000 members. In Cape Town, Nelson Mandela metro and in Buffalo City (East London) 20 000 members could be lost. It would kill the union.'

According to Modimoeng attacks on Samwu are sometimes 'framed as a political issue but in fact it is just to cover up corruption.'

In the North West the Samwu provincial secretary blew the whistle on corruption and was put on a hit list. He quit the union. 'It has now calmed down as the ANC nationally had to intervene,' comments Modimoeng.

Sema believes corruption and attacks on Samwu have worsened over the last five years. 'There are more brazen attacks on whistleblowers and the employer and politicians are more open. There is a tussle between the employer, union and political party. Fights have taken on a more politically violent nature.'

SAMWU FIGHTS BACK

Samwu has responded to attacks by appealing to national ANC structures and through protest action. Madibeng is an example.

In November 2009 an Acting Chief Finance Officer, Nana Masithela, was appointed to the Madibeng Municipality. Proving useless and corrupt the council ground to a halt. Samwu members who were reporting for work but could do nothing struck for three weeks in February 2010 to demand her dismissal.

At the same time communities around Brits such as Oukasie, Maboloka, Mothotlung and Letlhabile started to complain about deteriorating services. A group of six residents then organised the largest ever protest march through Brits. Joining hands with strikers on 8 March around 15 000 people marched to demand better roads, clean and accessible water and other services and that the mayor Sophie Molokoane-Machike resign.

Modimoeng recalls, 'Before this march Cosatu unions and communities had been quiet with few people going to ANC meetings... The community group who belonged to no particular organisation drafted a memo. Old people and children came and it was mainly peaceful although one guy was killed by police in a skirmish in the build up to

march and a few people were arrested. Some ANC supporters also marched.'

Services in the municipality however continued to deteriorate forcing the Deputy Minister of Cooperative Governance and Traditional Affairs Yunus Carrim, to visit Brits. By June 2010 Madibeng was so badly mismanaged by dishonest and incompetent political appointees that the North West Premier invoked section 139 of the Constitution and placed it under an Administrator.

Samwu workers continued to raise corruption issues throughout the province but they were mainly ignored by the ANC and ANC in government. 'We told the ANC in the province that we had proof of corruption and that we wanted it to intervene but it did not act,' recalls Modimoeng.

Samwu also tried to raise the issue in the Alliance (Cosatu/ANC/SACP). Then complained Modimoeng, 'We met with North West premier Maureen Modiselle and we got the same story: 'We will investigate'. We went back six months later but she said she had insufficient time to look into our allegations and read the memorandum. Before her it was the same with premier Edna Molewa. Now we are raising it with Thandi Modise – we've had three premiers in three years.'

Eventually Sicelo Shiceka minister of Cooperative Governance and Traditional Affairs established a Task Team of government officials, SACP, Sanco and Cosatu where Samwu presented evidence of corruption. However Shiceka has refused to release the report.

Comments Modimoeng, 'We have been transparent and produced hard evidence. But Shiceka does not want to dismiss the people involved as they are influential in the ANC. He does not want to get involved because he knows as soon as one allegation of corruption is investigated, Samwu will raise another.'

Samwu has called for Shiceka's dismissal and two weeks before the

May 2011 municipal elections its NEC (national executive committee) raised the non-availability of their corruption report to the public. Only one municipal manager was dismissed and 'he is now the provincial treasurer of the ANC in the province. He is a corrupt man who swindled the municipality out of thousands,' complains Modimoeng.

Modimoeng continues, 'There is a blurring of the ANC and the state. We don't know if these things are ever discussed in the ANC as there is no report back. We are a very poor province and only Cosatu is ringing the bell. Some municipalities such as Kagiso, Meropa and Koster have no income.'

COSATU SUPPORT

Cosatu's support for Samwu has been ambivalent.

Cosatu's North West province understands Samwu's position. But even here it is divided according to Modimoeng, 'We get more into politics than work in the unions. In the PEC (Provincial Executive Committee) of Cosatu we argue but sometimes the position you take depends on which faction you are in. Also the SACP is weak and not here to support us. It is simply not playing a vanguard role.'

Cosatu leaders who are deployed by the ANC to local government are often afraid to speak out. Klaas observes, 'The Gauteng provincial secretary of Cosatu, for example, should be on our side not with the ANC. We expected him to be vocal but he did not support us.' Comments Modimoeng, 'The easiest way is not to speak out.'

Union officials believe Cosatu has been tough on Samwu which it criticises for not towing the line. Affiliates have not been openly supportive either except for Satawu (South African Transport & Allied Workers Union). Samwu is forced to justify its position. 'We deal directly with ANC as employer so you can't blame us for that,' comments Sema. Samwu has to endlessly explain to

Cosatu that its employer is the ANC in government and members see the corruption and become disillusioned with the ruling party.

In frustration Samwu decided at a special NEC to strike nationally before May's municipal elections. Cosatu's general secretary, Zwelinzima Vavi was alarmed and Cosatu then postponed its March 2011 Central Committee (decision making body between congresses). Remarks Klaas, 'It feared Samwu would use the CC as a platform to discuss our grievances and other unions would be sympathetic. The CC took place after elections.'

Cosatu persuaded Samwu to meet the top leadership of the ANC and the union explained that it was not boycotting the ANC but it was finding it hard to mobilise its membership to vote for the ANC. The meeting ended with the ANC promising to investigate corruption allegations and Samwu calling off the strike.

MEMBERSHIP BACKLASH

At many Samwu NEC meetings the issue of the ANC and government not addressing corruption has arisen. Union leadership is now afraid of a backlash from membership who complain that Samwu leaders are not carrying out its mandate.

Members have criticised union leadership for calling off the pre-election strike especially as the ANC, post elections, is still not investigating corruption allegations.

'It is now difficult to explain to members why the action was called off. Although wages are mentioned in strikes, 99% of strike issues are about rooting out corruption in municipalities and the victimisation and hostility from the ANC. Local government has failed us. No-one is listening to us anymore. We had commitments from the ANC to investigate but membership is saying we must get it on paper. They are threatening to go on an indefinite strike. Members are simply not buying the ANC talk.'

Samwu sees calling off the strike

as a tactical retreat. 'We are very mobilised in North West, we don't have to scratch our heads to bring people out,' warns Modimoeng.

The union has already struck this year over corruption in Pikitup in Johannesburg. A task team has now been set up to investigate and the union is appointing an accountancy firm to look into financial irregularities.

Samwu intends taking the corruption issue to the Cosatu CC and other Cosatu meetings but it is afraid the issue will again be quashed. 'Most provinces, especially the big provinces want it properly discussed. We are open to persuasion we are not saying dogmatically that our position is correct.'

CONCLUSION

Samwu believes that corruption in local government is so widespread that it is impossible for municipalities to function properly. It believes radical reforms are needed to stamp out corruption.

Cosatu workers often say they admire Vavi for his strong anti-corruption stance. Indeed Cosatu has taken a strong position against the Protection of Information Bill where whistleblowers can get lengthy prison sentences if a government official has classified leaked information an official secret. And yet when one of its affiliates has the courage to confront corruption, Cosatu backs away to avoid rocking the Alliance boat.

Cosatu seems to want Samwu corruption complaints to go away but there is no avoiding widespread corruption in South Africa anymore.

Samwu workers are however not going to let the ANC, Cosatu and its affiliates off the hook, as Modimoeng explains, 'We take up corruption to protect our jobs, ensure good service delivery and because there is a moral obligation to keep a clean workplace. What sort of society are we creating if we allow people to loot the state? We are getting older and what of our kids.' ^{LB}