

The NMC and labour legislation for farm workers:

the problems and possibilities of negotiated labour law

Dawie Bosch* analyses the negotiations in the National Manpower Commission (NMC) over extending labour law to cover farmworkers, as well as the response of the state. He suggests guidelines for future participation of trade unions in tripartite negotiating over labour law in a restructured NMC.

Farm workers in South Africa will be covered by two of the four central labour laws from next year — the *Basic Conditions of Employment Act* (BCEA) and the *Unemployment Insurance Act* (UIA). It is unclear for how long the government will be able to ignore the majority decision of the National Manpower Commission (NMC) that farm workers should be covered by the other two, the *Labour Relations Act* and the *Wage Act*, but it seems to be dragging its feet.

Negotiations around the new legislation on farm workers raised important questions regarding the redefinition of the role of the NMC in the drafting and regulation of labour legislation in South Africa.

At the end of September this year COSATU announced that it has withdrawn its tentative participation in the NMC — because it was unhappy with the government's

handling of the NMC recommendations on farm and domestic workers and because the proposed changes to the NMC were slow in coming and the response from the Minister of Manpower inadequate.

In this article we look at what led to the imminent inclusion of farm workers under labour legislation; how the different parties participated in this process; the possibly changing role of the NMC; and what pointers the process may give to the future formulation of labour legislation.

The recommendations of the NMC

Information on the recommendations of the NMC on inclusion of farm workers are set out under Legal Notes (p 85).

The following are the crucial unanimous or majority recommendations of the NMC:

- Farm workers should be included under the

* Dawie Bosch works at the Centre for Rural Legal Studies in Stellenbosch. He was a member of the NMC's technical committee investigating applications of labour legislation to farm workers.

BCEA, with specific amendments with respect to farm workers.

- Farm workers should be included under the UIA, the *Labour Relations Act* (LRA) and the *Wage Act* (WA), without amendments specifically for farm workers, but with various general amendments, applicable to all employers and workers.
- The BCEA, UIA and the LRA should include farm workers as soon as possible, but their inclusion into the WA should only be effective two years after the changes are made to the law.

History of exclusion

Historically, farm workers have been excluded from protective labour legislation.

In 1979, the government's Wiehahn Commission recommended that they be covered by labour legislation.

But the government was wary of this recommendation. In a White Paper, it referred to the effect of the "intimate and long-established personal relationship between farmers and workers" and decided, instead, to "consult all parties before a decision is taken in this regard".

This process of "consultation" started only in 1983, when the minister requested the NMC to launch a new investigation into the application of labour legislation to farm workers. At that stage, the NMC did not include individuals from the growing black trade unions (who were not prepared to sit in a state body), but included a representative from the South African Agricultural Union (SAAU), the giant and well-organised association of commercial farmers.

It is understood that the NMC recommended that farm workers should be included under the BCEA — as a separate chapter of the Act; LRA — inclusion was to have taken effect five year later; and UIA — subject to further discussion with the Unemployment Insurance Board. It recommended that farm workers should, at that stage, still be excluded from the Wage Act.

It appears as if the organisations of agricultural employers objected strongly to

the NMC recommendations, as the report was never made public.

Negotiating law to protect farm workers

In April 1990, Manpower Minister Eli Louw announced he would direct the NMC to investigate the application of labour legislation to farm workers. The BCEA and the UIA would apply to farm workers and legislation would be submitted to Parliament in 1991. The NMC's brief was to investigate how these acts should apply to farm workers — not whether it should be done.

With regard to the LRA and the WA, the minister made no such promises. The question of including farm workers in these Acts would only be referred to the NMC for investigation and recommendation. At the same time he announced an investigation into labour legislation for domestic workers.

Various factors appear to have convinced the minister to take this step:

- The Labour Party — partly in an effort to win votes in rural areas of the Cape Province — used its limited, but in this case significant, political power in the tri-cameral parliament to block any manpower laws until the government committed itself to labour rights for farm workers.
- President F W de Klerk had just proposed his New South Africa deal, entailing attempts to return SA to the international fold.
- The minister had contact, either personally or through an envoy, in 1989 and 1990 with the International Labour Organisation (ILO) and the International Federation of Plantation, Agricultural and Allied Workers (IFPAAW), which reflected the government's considering moving towards internationally accepted standards on labour legislation.
- The government realised that if it were to open and expand foreign markets for South African agricultural produce to their full potential, it had to get its farms in order.
- The impact of the agricultural lobby on government policy had waned somewhat (but possibly not as much as some

commentators suggest), partly because many farmers had left the National Party for the Conservative Party in opposition to government reforms.

- COSATU had committed itself to organising farm workers, as well as linking its demands for amendments to the LRA to the extension of labour rights to farm workers.

Restructuring the NMC

In September 1990, COSATU, NACTU, SACCOLA (representing most of big business in South Africa) and the government signed an agreement on amendments to the LRA, known as the Laboria Minute. The Minute represented a retreat by the government on its controversial 1988 amendments to the LRA, which were scrapped after a two-year campaign by the COSATU-NACTU alliance.

This agreement had a significant impact on the extension of labour legislation to farm workers in that it led to COSATU's and NACTU's participation in the NMC.

Under the Laboria Minute, the two union federations agreed to participate in a restructured and representative NMC, with NMC recommendations having considerable influence on the Department of Manpower and Parliament.

At present, the NMC is a body of individuals, half from employer's organisations and half from trade unions. Members of the NMC are appointed by the Minister to advise him on labour matters.

The NMC was not yet restructured when its technical committees started investigating labour legislation for farm workers in August last year. COSATU and NACTU were faced with a choice: should they go into a government-created structure and negotiate law before the NMC was restructured — or should they stay outside and criticise whatever emerged?

COSATU took the first step by deciding to participate in the NMC's technical committee and, shortly afterwards, the NMC itself. COSATU believed this would be the quickest way of extending legal protection to farm and

domestic workers — along with its aim to get the NMC restructured to be a body of real power. NACTU joined the technical committee five months later, when discussion on the LRA and WA had started.

Once the issues around farm and domestic workers had been dealt with, COSATU convinced the NMC to suspend its usual work and concentrate on restructuring. This was accepted by the NMC. Geoff Schreiner, COSATU's main negotiator around the NMC issues, said in an interview with SALB that COSATU, would not "participate in an unrepresentative, powerless NMC".

Schreiner was not particularly optimistic about the restructuring process, as "the minister appears to be very nervous of the implications on other state structures". NMC Acting Chairperson, Frans Barker also believed the process would take longer than thought.

By the end of September, COSATU was so frustrated by the slow progress on restructuring (which was initially planned to be completed in mid-September) that it decided to withdraw from the NMC.

COSATU's information spokesperson, Neil Coleman, said in October: "we will definitely not rejoin the present toothless structure. It must be a negotiating forum that accurately reflects the main parties in industrial relations."

Response of the various parties

During the labour federations' short sojourn in the NMC, new challenges faced all those involved in the NMC technical committee on farm workers. Its deliberations emerged as negotiations, rather than mere discussions; the committee was, after all, a forum for major oppositional actors from organised labour and employers in agriculture.

Both the SAAU and COSATU/NACTU were forced to justify their positions and demands in discussion, partly ignoring their relative strengths on the farms.

Barker termed "the constructive contribution of all parties" to be a positive spin-off. Not only because they were prepared

to compromise, he said, but also because they had to argue their respective positions. "Parties could have stuck to their own opinions and threatened mass action and withdrawal from the committee, or put pressure on the minister, but they did not."

Nonetheless, the parties involved in this process did not all react or participate in the same way.

The SAAU

Historically, agriculture has been totally opposed to legal or trade union rights for farm workers.

However, following the Laboria Minute the SAAU has had to accept organised labour's presence in the technical committee — and has had to listen to what it has to say. While some top executives of the SAAU may be quite open to this idea, most provincial farmers' unions and farmers themselves cannot stand the sight of a unionist.

It seems the process of "consultation" from 1984 to 1990 on the previous NMC recommendations between the state and the SAAU had convinced the SAAU that it had to accept some labour legislation in agriculture, with the SAAU settling for an amended BCEA.

Agricultural employers' argument that "the close personal relationship between farmers and farm workers" pre-empted the need for detailed statutory regulation of the employment relationship did not impress. A joint submission to the NMC on the LRA — also supported by COSATU — stated: "Wife battery and incest are proof that a close personal relationship provides no guarantee of acceptable practices."

A second leg of the argument against labour legislation in agriculture was that it is unnecessary because of the prevailing labour peace in the sector. This has been aptly answered by Barker, who said recently that Eastern Europe also appeared to be at peace — and citizens content — until changes exposed deep seated dissatisfaction. It may be that this is what farmers are afraid of in agreeing to rights for farm workers.

The SAAU seems to have undermined its

capacity to conduct informed negotiations on the NMC by not fully acquainting itself with existing labour legislation and its underlying principles.

However, the SAAU delegates were prepared to compromise on some of the organisation's demands, and conceded to a special set of conditions for farm workers in the BCEA — although they were clearly concerned about how such compromises could affect their position in the SAAU.

Since COSATU and NACTU also compromised on some of their demands, many of the recommendations of the NMC on the BCEA were unanimous. In terms of the other three Acts this was often not the case, and the SAAU was usually outvoted, with the majority of representatives from business siding with COSATU.

Three months after the final NMC report on farm workers was published, dissent seems to have appeared in the ranks of the SAAU on its own position.

SAAU affiliates, which include regional or provincial farmers' unions, cooperatives and trade organisations (eg for wool and chickens), have a considerable amount of autonomy. Some provincial farmers' unions now claim the SAAU did not represent them and that delegates did not return to their constituencies for mandates.

The SAAU official responsible for manpower matters, Kobus Kleynhans, said in an interview with the Labour Bulletin that the SAAU consulted its affiliates regularly via its manpower committee. "The SAAU put a united position at the NMC, on behalf of all its member structures, and brought affiliates up to date as to concessions which were agreed to. We acted within the mandate given to us, and I will not have sleepless nights about claims to the contrary."

Barker says there is considerable division among agriculture employers, "between the more enlightened and the less enlightened".

The Transvaal Agricultural Union, for example, objected strongly to the proposed legislation. The union has taken a principled stand against new or proposed legislation on labour and land at a time when the political

power of its chair, Dries Bruwer, has grown within the Conservative Party.

The provincial conference of the Free State Agricultural Union also recently voted against the application of any labour legislation to agriculture — at the same time as passing a motion of no confidence in the minister because of the proposed new protection of farm workers. Both these provincial unions reversed their previous support for the application of an amended BCEA to agriculture.

The chairperson of the Western Cape Agricultural Union (WCAU), Chris du Toit — representative of the supposedly more liberal Cape farmers — supported the SAAU's objection to the LRA and WA. He said recently: "An unregulated relationship works ideally in agriculture and holds advantages for good labour relations which must not be allowed to be lost."

This contrasts sharply with the attitude taken at a symposium of the Cape Pomological Society (an organisation for deciduous fruit farmers), where it was accepted that the LRA would (for some, should) apply to agriculture. The possibility of setting up an Industrial Council for the fruit growing industry was also discussed.

Did the WCAU take the more conservative position to protect the unity of the SAAU? Some commentators believe so, but Kleynhans not. He said the Pomological Society represented profitable fruit farmers in a labour intensive industry who needed, and could afford, a labour relations' mechanism. He believed the Pomological Society did not represent the interests of most Western Cape farmers.

It is, however, clear that SAAU are fighting a battle to maintain unity among farmers.

Recent statements by Kleynhans suggest the SAAU is abandoning some of the positions it adopted at the NMC, possibly in an attempt to unify the affiliates of the SAAU again. For example, the SAAU first supported a compromise at the NMC on a 48-hour week for farm workers with further restrictions on daily working hours while later stating that no limitations should be placed on working hours.

In the same statement, which was published in August, Kleynhans stated that a joint and common position between all affiliates was formulated at a meeting of the SAAU. It appears as if this has not been adhered to: It is understood that some of the provincial agricultural unions have stated in oral evidence at recent hearings of a Joint Committee of Parliament that they had not mandated the SAAU to make concessions, and various unions contradicted each other on what measures they were prepared to agree to.

The SAAU's Durban Conference, held in October, accepted a strongly worded motion opposing the NMC recommendations on the application of all four of the central labour laws to agriculture. Such was the farmers' support for the resolution that only the Sugar Associations voted against it with the Natal Agricultural Union abstaining.

The status of NMC decisions is crucial — determining what effort the various parties put into the negotiation process and to what extent they may be prepared to make concessions. If the government accepts the SAAU's backtracking from the NMC decisions to which it was party, this is likely to affect the confidence other potential participants in the NMC could place in such a negotiating process.

By going back on earlier agreements, the SAAU attempts to make the NMC recommendation the new point of departure to achieve further concessions at the Joint Committee of Parliament which will not be accepted by other participants.

Representatives of the rest of business

Business representatives in the NMC often voted with the labour federations. In many cases this ensured the principles supported by labour constituted the majority position in the NMC.

Business seemed to accept that the principles motivated by labour are generally accepted in modern human resources management. It argued that agricultural employers could not be exempt because most of these principles would be appropriate to farms.



Down on the farm: white farmers resist legal protection for workers

Photo: Paul Weinberg/Southern Light

The Trade union Federations

NACTU's participation in this process was somewhat limited, hence the focus on COSATU.

Negotiations for a sector where the trade union federation was not well established brought new challenges, according to COSATU officials. Among these were:

- There was no significant and effective farm workers organisation which could be consulted on drafting the new legislation;
- officials in unions which had farm workers as members were too busy to participate effectively in preparations for the NMC;
- it was not easy accurately to assess the likely economic effect of certain proposals;
- COSATU was not confident that its members would engage in industrial action supporting demands on farm and domestic workers;
- mechanisms by which COSATU delegates could report back on the NMC discussions to prepare for subsequent input were inadequate;
- union resources were stretched and not enough head office staff were available to

monitor the process closely and give the detailed and necessary backup to the delegates to the technical committee;

- professional input from outside COSATU was crucial in the drafting process, because such services were not available from within the federation.

In the preparatory stage of the process, COSATU officials were reluctant to do more than merely state their views at the NMC's technical committee. According to COSATU's delegate on the technical committee, Mike Madlala, COSATU initially intended not to negotiate on these views. If the SAAU did the same, however, not much would have been achieved at the NMC. Madlala explained: "This position changed in the process, as it was felt that compromises could be reached which would ensure that the minister of Manpower would be forced to adhere to the NMC position."

In practice both parties maintained, to some extent, an openness to negotiate on their stated positions. The nature of discussions also allowed them to state their views without too much reference to their unequal

organisational strength on the farms.

For COSATU, participation in the discussions on farm workers provided the opportunity and experience to prepare for the proposed new labour dispensation. The "new deal" would entail labour, employers and the state engaging in a tri-partite structure dealing with all labour matters.

Service groups contributed to COSATU's own preparations, ensuring that COSATU delegates were well briefed. COSATU never had to retreat on positions adopted by its delegates on the NMC.

Several groups who service farm workers as well as independent trade unions (such as the Municipal, State, Farm and Allied Workers Union based in the Southern Transvaal) were involved in a national forum with COSATU and NACTU. In this forum positions were discussed and preparatory work was done for the NMC process. All participants found this to be important in enabling participating delegates to take a well formulated position to the NMC — although consultation at lower levels was very limited.

These service groups will continue to monitor the process and have committed themselves to assist, where possible.

NMC Directorate

The NMC directorate, headed by acting chairperson Frans Barker, plays a pivotal role in the workings of the NMC.

The directorate is responsible for chairing the NMC and its technical committees, taking minutes at its proceedings and formulating final reports of investigations.

Parties asked to comment on the directorate's handling of its role were mainly complementary. Barker's role was highlighted, and his efforts to facilitate compromises between competing parties were appreciated.

But some concerns were raised:

- Draft provisions need to reflect accurately decisions of technical committees or positions taken by participants. Recording such details involves a measure of interpretation and participants at times felt that records of these positions or proposals

did not adequately reflect their viewpoints.

- Participants did not always have access to the final reports of the NMC before they were published. Sometimes this report reflected the directorate's understanding of decisions, which were not necessarily the same as that of other participants.

In an interview with the Labour Bulletin, Barker stated that normally this was not a problem. He argued that, except in the case of the BCEA and UIA, due to serious time constraints, all draft NMC reports are sent to members of the NMC for scrutiny before being submitted to the minister. He said: "Some of the parties do, however, take chances at the end to try to get some of their proposals included."

If a new role and structure of the NMC is agreed upon, the directorate of the NMC will have to give new attention to diversification of skills - both with respect to facilitation and mediation, and with respect to research aimed at proposing possible compromise positions with which the various parties may be able to live. The state will, however, then have to commit increased funding to the directorate to ensure that such staff can be obtained.

The political importance of the NMC directorate — if it is restructured into a representative negotiating forum — is likely to overshadow that of the Department of Manpower in decision-making on labour matters.

The various parties are sure to keep an eagle's eye on the directorate to ensure that it limits itself to a facilitating and independent role.

Government/Department of Manpower

The Department of Manpower appears to be divided in its handling of legislation on farm workers.

On one hand, the department — by complying with some ILO standards — is working towards returning South Africa to the international fold. This may be evidenced in their attitude to child labour. The majority of the NMC proposed that farmers be allowed to use children to do "light work", but the department insisted on a total ban on child labour.

On the other hand it is also clear that the department has not moved with new thinking on the role of the NMC. An example of this is the publication in March this year of draft amendments to the BCEA which differed substantially from the recommendations of the NMC.

COSATU did not take kindly to this tinkering. It stated in a memorandum to the Department: "The attitude of the Department regarding this Act ... indicates a flagrant disregard of the whole NMC process, and places the development of a new labour dispensation in jeopardy." The proposals formulated by the NMC are the result of four months' detailed discussion and negotiation between the major actors in agriculture. Many of the proposals already represent compromises for one or more of the parties. The Department is urged to treat proposals coming from the process with the regard they deserve."

Commenting, Frans Barker said: "The unhappiness with the inputs of the Department of Manpower, and the role of the department vis-a-vis the role of the NMC, will have to be sorted out in a restructured NMC. One way of doing this is to get the department involved at a much earlier stage, officially or unofficially. The relative roles of the two bodies must still be ironed out."

In the drafting of the Bill, the minister seems to have ignored majority NMC decisions, only being *guided* where decisions were unanimous. If he continues to do so, the viability of the NMC as negotiating forum may have to be rethought. The prospect of all NMC members being in total agreement on all important matters is negligible. At the least, draft legislation should reflect decisions which were supported by a substantial majority of the NMC.

Some took the late tabling of the BCEA and UIA Bills in Parliament — after the NMC recommendations were published more than six months earlier — to be a sign of bad faith on the side of the minister. Although the minister did not give his express undertaking that legislation on these Acts would be passed this year, COSATU believes that he did imply that this would be done. By tabling the draft

laws in the last three days of the Parliamentary session, the minister ensured that their dates of implementation were delayed by nearly a year.

The conclusions drawn by Schreiner are important: "Once consensus had been reached in a representative NMC one would think the recommendations would be dealt with as quickly as possible. We clearly support a process of consultation on legislation, but it seems as if it has now been used to delay the process of effective awakening. This unwieldy lawmaking process will have to be changed."

A look at the future

In conclusion we will briefly look at Parliament's likely response to draft legislation on farm workers, the possibilities for organising farm workers which may be opened by new legislation, and guidelines to the labour movement for future participation in the NMC or similar structures.

Parliament's response

As indicated, some farmers and provincial affiliates of the SAAU may want to convince Parliament that the SAAU acted without their mandate. Even the SAAU does not stand behind some of the provisions and principles which it supported in the NMC, as can be seen from resolutions at its October conference.

This approach clearly aims to attack the status of NMC proposals, and may reduce the weight afforded to them by the Joint Committee of Parliament, if it buys these arguments.

Barker confirmed the NMC's submission that the Joint Committee should appreciate that the overhauled advisory body was engaged in a process of consensus and compromise. He is relatively confident that it will: "The Joint Committee has been very responsible in handling our recommendations, notwithstanding objections against them."

The pressure from farmers' unions to frustrate the process will, however, be considerable. Many of them have vowed to fight labour legislation in agriculture.

But Parliament will have to weigh this

pressure against the fact that substantial protection of farm workers is an intrinsic component of revamped legislation appropriate to the "new South Africa". Internationally, the ILO will probably only accept reformed labour legislation if the type of recommendations supported by the majority of the NMC on the application of the *Labour Relations and Wage Acts* to farm workers are written into law. Expansion of export markets to its full potential may also depend on this legislation.

COSATU is unlikely to stay on the sideline. This was asserted by Schreiner, who said: "The state, in a context where the NMC was far more representative a body than the white Parliament, must be very careful on how it tampers with these NMC recommendations."

COSATU has now taken strong action to show its displeasure with various matters around the role of and participation in the NMC. Its recent withdrawal from interim participation in the NMC was the first step. It is also likely to move to mass action in early November in support of its demands on the restructuring of the NMC, the swift enactment of NMC recommendations on farm and domestic workers and other matters such as VAT.

COSATU has agreed to attend a meeting of the NMC shortly after the stay-away. At this meeting the minister will respond to the NMC restructuring proposals.

It remains to be seen whether Parliament will accord a level of weight to the NMC recommendations on farm and domestic workers which would be adequate to restore confidence in the NMC process — and whether the minister will agree to restructuring the NMC to an extent which would be sufficient to satisfy COSATU and the majority of the current NMC.

Possibilities of organising farm workers

Legislation protecting farm workers may add impetus to their organisation, but farm workers cannot rely on legal measures, only, to improve their generally abysmal conditions of employment. Enforcement by government

inspectors will be limited — as is currently the case even where labour laws do apply to workers in rural areas — and the Department of Manpower has not considered proposals by COSATU and others that enforcement mechanisms should be revamped.

Organisation of farm workers is likely to be the main guarantee that any newly-won rights will be implemented, safeguarded and expanded. And it is doubtful that farm workers will achieve this on their own. Much more will have to be done by labour federations such as COSATU.

Andrew Ball wrote more than a year ago: "Few of the unions organising in agriculture appear to have taken seriously the question of being informed about the trends in agriculture. Probably as a result of this they appear to lack any sense of direction." This still seems relevant, and figures of farmworkers who are effectively organised are still pitifully low.

COSATU, at its 4th National Congress in July, resolved to change its strategy regarding the organisation of farm workers. Originally, this was supposed to have occurred through the FarmWorkers Project of the Food and Allied Workers Union — which the congress seemed to believe did not bear enough fruit. The conference instead decided that COSATU should create a separate union for farm workers. It also suggested that COSATU as a whole was unable to achieve its aim of convincingly addressing the conditions of farm workers. Underlying the resolution was the argument that industrial unions did not share the same concerns as farm workers; it was therefore more appropriate for farmworkers to be organised into their own union.

It is understood that COSATU is unlikely to dedicate resources, including skilled organisers with an understanding of conditions and circumstances of farm workers, to such a new union in the near future.

At the same time COSATU affiliates in the forestry, textile and food sectors with members on farms may be reluctant or at least slow, in implementing the congress

resolution. The congress — backed by the joint might of the National Union of Mine Workers and National Union of Metalworkers of South Africa — outvoted these unions on the issue of forming a separate union for agricultural workers.

The possibility of a merger between COSATU and NACTU has again been mooted in the federations, and if this were to come to something then NACTU's National Union of Farmworkers could form the basis of a new and separate farm workers' union. However, it is unlikely that this will happen in the short term.

At least until COSATU has effectively organised farm workers it will have to seek the advice and obtain the support of other organisations with experience of the agricultural sector while drafting appropriate organisational strategies. Such organisations would include rural advice offices and some service organisations and structures.

Without the dedication of substantial resources to the organising process and assistance of these service organisations in strategising, it is unlikely that COSATU will make any significant inroads into addressing the substantial imbalances which still prevail in rural areas.

Concerns of the labour movement

COSATU has indicated that it will not get involved in the NMC in the long run unless the body complies with its requirements. But if the NMC is restructured to COSATU's satisfaction, does the federation have the capacity to participate effectively in this process?

Negotiating labour legislation is a complex and time-consuming process. If one examines the process surrounding the drafting of legislation for farm workers, real limitations become apparent.

Schreiner admitted that there is a need for infrastructure, as well as administrative and technical competency, and proper structures to engage effectively in the process — much of which is currently not sufficiently available. In a recent article, he also highlights problems in methods to consult the

grassroots, and obtaining clear mandates from affiliates.

Should the labour movement decide to participate in a restructured NMC, it is suggested they consider the following:

- Thorough preparation before participation in discussions will give it the competitive edge.
- Delegates need adequate backup and resources. Assistance should be given to the delegates on relevant research, drafting of detailed proposals, input on motivation for proposals etc. Head office staff would have to be involved here and sufficient resources should be dedicated to the process.
- Consultation with relevant unions will have to be improved. Close monitoring of the process is necessary, including report backs on initial positions of the various parties, and subsequent or possible compromises on these issues.
- Delegates need to take careful notes on decisions for use when checking official minutes of the proceedings. The actual recording by the NMC directorate of decisions should be very closely examined. It is this record which will be used in the final drafting of the report, and labour delegates may be compromised by the exact way in which decisions or positions are formulated.
- The labour movement should not consent to the publication of final reports drawn up by the NMC directorate before the draft report has been scrutinised. This will ensure that its position is adequately reflected.
- Public comment on the Department of Manpower's response to NMC recommendations should be referred back to the NMC for consideration.
- The labour movement should consider proposing that parties to a restructured NMC should commit themselves to be bound by decisions which they supported in the NMC, in order to ensure that compromises reached in the NMC process will not be undermined by backtracking at a later stage. ☆