

The referee

Bulletin: Can you tell us about your work experience?

Dexter: I come from a family where everyone had to work, so I've worked since I was in high school. I've worked as a labourer, a waiter, a pizza chef and I worked for a clothing manufacturer. I landed up managing a restaurant and a clothing company. My work experience made me much more practical about trade unionism as opposed to having an academic viewpoint.

When I came back to the country after studying and working abroad, I went into the unions. I started as an organiser and was later elected general secretary of NEHAWU. I went to Parliament and then got involved in the trade union investment business. I was supposed to sort out one of the companies - I was on a year's contract, and then labour initially proposed me as executive director of Nedlac. My main political experience is in the labour movement and it is a well-known fact that I am a member of the Communist Party and the ANC. I still see the labour movement as being my home. I know that some people have tried to portray my coming to Nedlac as a contradiction - I was asked by someone if I was not going to try and reconcile the irreconcilable class differences between labour and capital. I said to them in jest that I think I actually have to referee!

*Tanya van Meelis interviews
Nedlac's executive director
Phillip Dexter.*

Bulletin: In the last three to five years, Nedlac's work programme has largely been driven by government's legislative agenda. What do you see as driving Nedlac now and what will be the key issues on Nedlac's agenda in the future?

Dexter: Nedlac is becoming much more seized with strategic issues like the Jobs Summit or the discussion around an accord of some sort. We are shifting away from being focused on the detail of legislation - I know that we have to look at legislation, but I'm not convinced that we have to scrutinise every line - that is Parliament's role.

I think it was probably necessary during that period because there was such an incredible load of legislation. If any had slipped through here that wasn't looked at, there probably would have been huge consequences. But I think things have settled down to a relatively normal pace in Parliament and in government and I would assume the volumes of legislation will slow down. That's going to be very good for us because the secretariat can play more of a strategic and proactive role on

issues coming up. A wonderful example of this is demutualisation, which was never taken up in Nedlac. It has huge consequences for all the social partners, and that's the kind of thing I think we should be doing more of.

Bulletin: Do you think there is a reluctance on the part of certain government departments or officials to use the Nedlac process?

Dexter: It's a bit early for me to say. I've heard that that's the case - it's said by a wide variety of people, so I'll have to take it that there's some truth in this, and certainly, it wouldn't be out of character. There's a sociology of governments - it doesn't matter if the government is left wing or right wing - all governments have a character, a sociology of government, that defines the way they operate..

I'm not saying that there is no difference between a fascist government and a progressive government, but I think that all governments like to govern and keep decision-making within their own structures. There is a natural tendency to want to avoid opening up as a structure. That's not necessarily a bad thing - governments must take decisions, they must ensure that things happen. But I think that you have to find a balance between when government must take decisions and run with things and when it must consult. The advantage of having an institution like Nedlac is that it gives you a formal way of dealing with these issues. We will have to deal with reluctance where it exists.

Bulletin: What role could Nedlac play to strengthen social dialogue in the region?

Dexter: I'm still very new and trying to find my way around. It seems to me that

there are a number of serious potential contradictions and even conflicts in the South African Development Community (SADC) region around integration of economies and markets. I don't think those things are confined to the interests of government. The other SADC countries don't necessarily have as developed an institution as Nedlac, but it doesn't mean that they don't have processes of social dialogue. One of the key things is going to be to help create capacity. I don't want to sound like we are going to teach people in Zimbabwe how to engage in social dialogue, for example. But I do think we have gained good experience over the last few years. We've learned a lot as an institution and as individuals working here.

South Africa sets a standard for the region because we have Nedlac and because of the fact that South Africa is so central to the development of the region. South Africa can act as a catalyst for the region. But I think we need to have more engagement with our own government about what role we can play. Our role needs to be thought through and I don't want it to seem like we are going to tread on anyone's toes or start taking over the role of government.

There is social dialogue in any society. The question is: how is it taking place and who is involved? Ordinarily you will find that any government engages in a process of consultation with elites in society, because no government will take a decision and just implement it. The real challenge is to create mechanisms to allow a much broader base of people to be involved and to empower them to be in the process. Even in South Africa, with a fairly strong labour movement, this has been a huge challenge and I've noted it as a challenge that Nedlac, locally, should be doing more about. If you look at Nedlac's



budget, only a small amount goes to resourcing and much of that is spent on travel to get people to meetings. There is so much more we could be doing. I'm also not convinced that even in Nedlac's constituencies the debate filters down to the people on the ground adequately. And I think that there are established power relationships within those constituencies - look at *organised business in relation to the rest of business and labour in relation to unorganised workers*.

It is not to say that people here do not have legitimacy, I don't want to suggest that. But I'm not sure that people on a broad base are being involved in the social dialogue. I do think there are some very important issues where you could create much more awareness in society and involve people and the spin off is obvious. The HIV/AIDS issue is a very good example - if we could really get people involved in the discussions about what we could do as a country to deal with HIV/AIDS, in the process we would be educating and empowering everybody. But

it is very hard to convince people to educate on the issue when they want clinics built.

Bulletin: Should Nedlac's relationship with Parliament be strengthened? If so, how?

Dexter: Definitely, it is one of our summit declarations/resolutions. A lot of what I am going to say is from a parliamentary perspective - I was on the labour portfolio committee. There has been a constant tension between Nedlac and Parliament, and it's a tension that needn't be there. I think the tension is a result of a misunderstanding as to what Nedlac's role is in relation to legislation.

We've had a few high profile incidents like the LRA that came to Parliament, literally not needing to be amended. Certainly parts of it, if they were to be amended, would unravel the agreements that had been struck between the Nedlac constituencies. Now that would not have been a problem if it had been presented to Parliament in the right way. But it was presented by people throwing it on the desk and saying to members of Parliament 'here is the legislation - pass it'. So there has been a problem around the way things are managed and it created a situation where people would say 'are we as the labour portfolio committee a rubber stamp for Nedlac?'.

What also happened in Parliament is the 'two bites of the same cherry' story. Issues would come to Nedlac and the constituencies would be involved in negotiations here.

Sometimes if they didn't get what they wanted here they saw Parliament as another stop. That created a huge tension between Parliament and Nedlac because Nedlac kept on feeling 'we cannot reach an agreement because whatever we reach here will be unravelled when the

legislation goes to Parliament'. So that's something we need to deal with and be very firm about.

There also isn't a tradition of involving Parliament and parliamentarians in Nedlac's activities. But this year, for example, a lot of people at the summit who were asked to facilitate commissions were parliamentarians. The idea was to create an environment where the parliamentarians interact with the Nedlac processes and begin to feel like they can participate - because there is nothing that says that parliamentarians can't interact with Nedlac and can't make inputs. I think it is an issue that we have identified and definitely want to make a special effort to deal with.

We are opening a parliamentary office in Cape Town. While we haven't discussed exactly what that will entail, the mere fact that we are going to set this office up is important. I'm going to have a series of meetings with the chairs of various portfolio committees and hopefully speak to the committees over the next few months to try and build those relationships. We will try and look at how we can create an understanding between the two institutions without undermining Nedlac's autonomy and independence and without interfering with the sovereignty of Parliament.

Bulletin: At the Nedlac summit the Minister of Labour suggested that labour's actions, such as high industrial action, cast doubt in the public's mind around how useful social dialogue is. Do you have any comments around labour's action specifically and what it means for social dialogue?

Dexter: Look, I think to be fair, the statement he made was broader than that - he referred to business as well. The

general point he was trying to make is a very important one - that if you have an institution like Nedlac, you shouldn't have the situation where people are seen to undermine agreements arranged here or undermine the process. The minister was saying - 'if you have an institution like this then you must commit to it. You must say "we'll throw our weight behind the processes".'

That doesn't mean that you have to always reach agreements. Sometimes when the differences are so great between people, then those differences should be stated. We have a tradition and (like all countries) we have all forms of organisation which allow people to mobilise and use their collective power to achieve their objectives. Nedlac is not supposed to substitute this - it is supposed to be a conduit for institutionalising and managing that process. Where tensions exist, I think they are a result of the failure to use this institution strategically.

At the end of the day, if labour still wants to mobilise, it has the right to. But I think what the minister is saying is that you can't create this institution and then not use it or conduct yourself as if it wasn't there. And in his view that seems to have happened. Industrial action and negotiations are not mutually exclusive and I think it is more about how you manage the process than anything else.

In terms of an apparent rise in industrial action in the last 12 months, I'm not sure that has anything to do with a failure to use Nedlac. The kind of action that seems to be going on has to do with very real collective bargaining issues. There's been a very tight economic situation with high interest rates - a while ago inflation was still high. The industrial action we saw was an outcome of very real material conditions. If you look at

Nedlac's report, working people haven't necessarily seen their conditions improve dramatically in the last few years and in certain sectors conditions have declined. There have also been massive retrenchments and a number of factors that have created an environment where you would necessarily see more industrial action taking place because unions are trying to defend their members. Some of those issues - like mass retrenchments - have started coming to Nedlac. We've had a number of Section 77 notices. So perhaps coming here might help to ease that crisis situation.

Bulletin: What are Nedlac's strengths and weaknesses?

Dexter: The fact that Nedlac has been set up, has run efficiently and has achieved the number of agreements it has is a huge strength. It shows that it has capacity. It has done that with a very small budget and to that extent, the people at Nedlac should be very proud. Nedlac has a strong presence - it has a profile and a position in society, which strengthens its role.

Secondly, the way Nedlac was conceived of and the fact that it developed historically out of other institutions means that Nedlac is part of a solid culture of social dialogue. In the short time I've been here, I've seen a genuine commitment from all the constituencies and certainly from the staff at Nedlac. Nedlac hasn't necessarily been one of the easiest places to work at, but there are people here who are very dedicated and who have thrown their entire person into this institution.

In terms of major weaknesses, I am not sure that there are any. There was this debate about 'Is there a future for Nedlac?'. What precipitated that debate was Nedlac's relationship with government, and the political reality that it's sometimes

not a good idea to have too high a profile. I think there was a time when Nedlac was perceived to be eclipsing a lot of other things and that wasn't the intention when Nedlac was formed. So Nedlac went through a period where its relationships with some of the constituencies were damaged.

I don't think any of those things were mortal wounds for the institution but it obviously had to take stock of that and people here have had to try and reposition it a little bit. So Nedlac as an institution, and the people involved in running it, have to have a broader perspective about the political terrain that they operate in. They have to try to fit into that terrain, maintain independence but not become dislocated from political power, from economic power and from what really exists outside Nedlac.

We can't operate in this environment and pretend there isn't a majority government that got an overwhelming vote of confidence from the electorate - that would be foolish.

The big weakness I think has been day-to-day managerial systems - for example, human resource management. There are basic things that would make this institution run that much more efficiently, but people are aware of them and will deal with them.

While no resources have been misappropriated or anything like that, I don't think there has been a tight enough control of and a strategic use of resources.

Bulletin: Are you going to maintain your position with the union investment companies?

Dexter: My relationship has changed with the investment companies - I'm not going to be actively involved in running projects at all, but I'll serve on the main boards -

Union Alliance Holdings and NEHAWU Investment Companies. One of the conditions I put when I accepted the job was that I wouldn't want to cut ties with the investment companies, not because I think they cannot do without me, but because it's just so much part of what I have done over the last few years. I feel it would be terrible not to be involved in seeing those things come to fruition. I like to think that I'm part of a collective of people who have got a particular vision about how you get involved in business with a sense of social responsibility. I don't see there being any real contradiction with my position in Nedlac. First of all, those union investment companies are not part of Business South Africa. They are also not really part of the trade union negotiating and bargaining activities.



Bulletin: The mainstream press has questioned how effective or impartial you will be, given your political affiliations. Do you have any response to that?

Dexter: There has been this thing raised in the newspapers about my political involvement in the ANC and SACP and my relationship with the union. I am mindful of the fact that people will say 'how do we know that this person will be able to conduct himself impartially?'

It's very important to say that my political views have no bearing on the professional aspect of what I do, that is running Nedlac as an institution, making sure we account for the resources etc. I'll either do that properly or I won't. But there is a hysteria from the Democratic Party that the ANC has plans to occupy all

institutions and deploy people into them. I don't think that view of transformation is really one that does anyone any good. Part of the fact that people like me can now be appointed to a place like Nedlac points to a maturity in our country and institutions.

I would like to think that it is a good sign that we are breaking down some of the stereotypes - that it won't be the case that just because somebody was the member of AZAPO they can't be a good judge or whatever the case may be.

There is also a strange notion that once you become a political servant, you no longer have political views or affiliations. That is absolute nonsense - I call it a crude bourgeois understanding of impartiality. I think it is much better to have a situation where people are transparent. Getting people to give up their political positions does not mean that they give up their politics. ★