

White equity

The Employment Equity Act (EEA) 55 of 1998 tries to redress the imbalances in the workplace brought about by apartheid. However, the Mineworkers Union (MWU) has turned the use of the EEA on its head. Companies often set targets, based on the demographics of South Africa, for the amount of women, disabled and black managers they should have. The MWU claims that companies should also set targets for the lower levels of work where white workers are not proportionally represented. This is surely not what the lawmakers had in mind when they passed this important piece of legislation.

The MWU

The MWU was founded in 1913 for white mineworkers. However, since 1990, it has expanded into other sectors such as steel, engineering and chemicals and other companies such as Eskom and Telkom. The union focuses on skilled workers. When Flip Buys was appointed general secretary in 1997, he prioritised changing the union's constitution regarding race to comply with the LRA. They then implemented an organisational development plan for the union and, according to Buys, 'managed to reinvent the union to be able to cope with the changing circumstances in South Africa'.

He adds that for years their union was associated with apartheid because it only

Etienne Vlok examines how the MWU has been trying to lessen the impact of the EEA on white workers by getting jobs for them in the lower grade categories.

represented white workers. 'We do not want to be seen as the last remaining dinosaur of the apartheid era. We believe in freedom of association, but we are traditionally a white, Afrikaans union.'

Buys continues: 'The Constitution gives us space to organise institutions for members of a certain language and cultural group. We believe that a minority group is entitled to its own institutions like a union.' In the past the union was aligned to right-wing political parties, but at its January congress the MWU decided against aligning itself to any party.

The union has currently 60 000 members (mostly in the mining, steel and engineering sectors) compared to 70 000 in 1989. Buys attributes the drop to downscaling and also the packages that their members receive. Ninety per cent of their members have matric with some kind of trade qualification. They are mostly in technical and supervisory jobs.

Buys believes that their members have

experienced a lot of negative changes, not just since 1994, but for many years now. He argues that the union's 'current members were not advantaged by work reservation since they are too young'.

MWU has legal, research and compensation departments. Buys says that MWU can provide these services because its earlier leaders were conservative with money.

The MWU is co-operating with other unions in the workplace. Buys continues: 'Our members needed convincing because of the political affiliation of some unions. But in the end it is about workplace issues'.

In March, the MWU founded an employment agency called Netmark to help their members who had lost their jobs due to restructuring or affirmative action. It is part of the MWU's greater job creation programme announced at their congress this year. Netmark already has about 2 000 skilled people on their books.

Views on labour legislation

The MWU is not comfortable with the idea of a strong state that can intervene in the labour market and the economy. Buys says that 'we are not unlimited free-marketeers. We feel that basic laws must exist. However, the LRA favours majority unions like the COSATU ones'. For Buys this is not about freedom of association.

Buys says that although their union is happy with the BCEA, they are worried about the costs of implementing it. 'Employers' perceptions are that it is easier to invest in a machine than a person. That perception contributes to unemployment. The government needs to address it. Companies invest in machines and disinvestment in people.'

The MWU argues that the EEA must redress the imbalances and discrimination of the past without bringing about new imbalances and discrimination. They say

that it does not help to shift unemployment from one population group to another. Buys identifies two parts of affirmative action: merit and the upliftment of the disadvantaged. 'We are concerned with the end result of affirmative action. The current labour market has 24% whites (1,4 million people). If you bring that down to the population percentage of 12%, 700 000 whites are surplus to the labour market. The term affirmative action is so broad that you cannot say whether you support it or not. We might support the affirmative action programme at Sasol, but not the one at Eskom.'

The implementation of the EEA does not mean that people will be dismissed. The law does not allow employers to dismiss current employees, who had been advantaged in the past, to create space for affirmative action candidates. Ulrich Stander of the Labour Consultancy Group says that if such a dismissal takes place, there could be legal action. He adds that statements that millions will lose their jobs because of the EEA is overblown and irresponsible.

Setting targets

According to Buys, companies set affirmative action targets in accordance with the EEA on all levels except the lower categories. 'Why do they not do it on a lower level?' Young white people cannot enter the labour market. These young people are being disadvantaged even though they were not responsible for apartheid. Our members' children are coming to us for help.' Buys argues that the lower levels need to be normalised meaning that 14% of workers at the lower levels need to be white in accordance with the population percentages. This translates into 54 000 jobs for white workers in the mining industry, 5 400 jobs at Telkom and 7 360 at Eskom.

The MWU supports input measures, such



The MWU held its congress in January in Johannesburg.

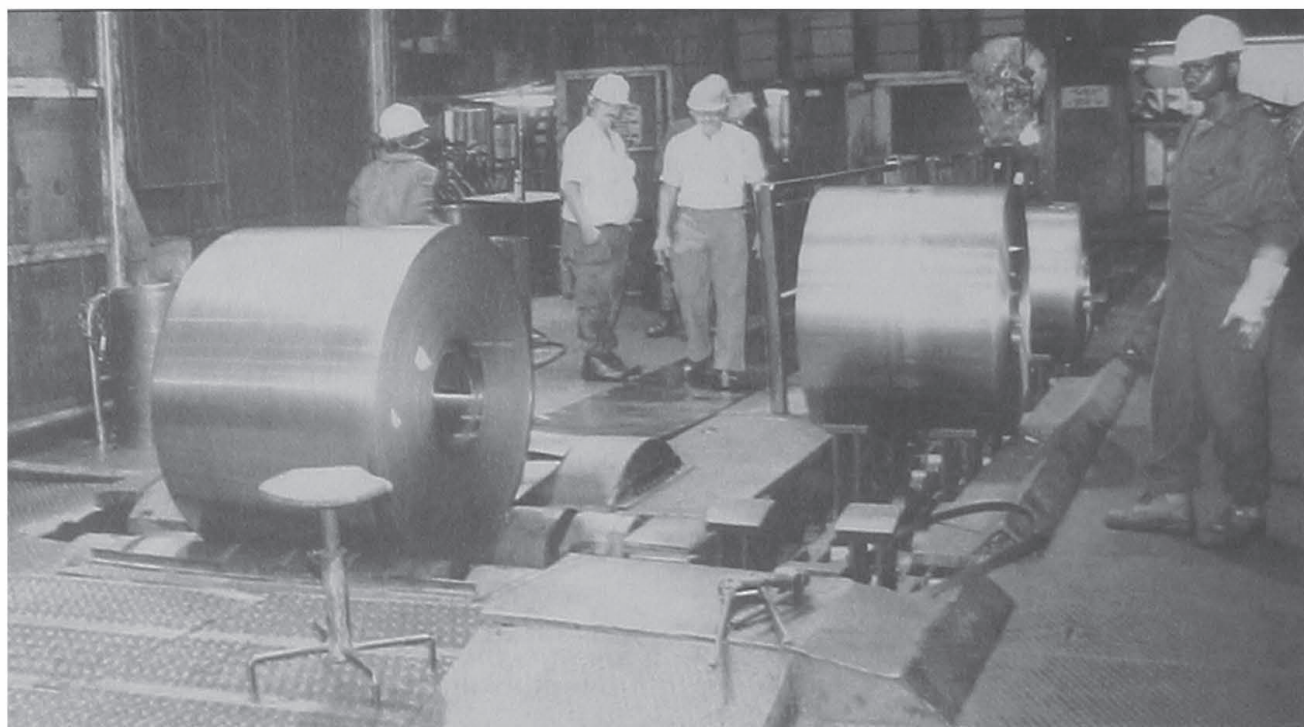
as training, in affirmative action programmes. But they are worried about the output targets (percentage white and black) that companies set. They feel that it has turned into a numbers game where companies are not worried about merit anymore.'

A manager responsible for implementing employment equity says 'Companies cannot focus on the input side without looking at the output side. When discussing inputs one must look at the global picture, not only individual companies. Many companies, especially parastatals, "buy" skilled employees from other companies instead of training their own employees. These companies do not increase the skills pool. Our company had focused on input levels in our equity programme but our output levels did not change because we were losing so many skilled people to the "poachers". We have now set targets for each position and department. Output targets have to be set together with input measures such as training. The EEA is linked to the Skills Development Act. This Act will increase

the pool of skills because now the traditional "poachers" will also have to train people.'

Because the EEA states that companies cannot dismiss anybody to create a vacancy for an affirmative action candidate, companies offer their current employees retrenchment packages to create vacancies or reduce numbers. Buys continues 'We are currently seeing the growth of a package generation. We call them suicide packages, because after six months to two years the money is finished. Eskom has a thick policy document on affirmative action, but there is nothing on how to help those who are affected by affirmative action.'

The MWU is talking to other trade unions about targets at the lower levels. When the MWU approached companies with their proposal the companies were initially very surprised. But, says Buys, they could not refuse it. The companies that did refuse were Eskom. 'We are in dispute with Eskom as they do not want to accept our programme. They say that whites



The MWU also organises in the steel sector.

were not disadvantaged. They are maintaining their black job reservation in the lower categories'

Pretoria branch secretary of CEPPWAWU, Simon Mofokeng, argues that Eskom is correct by refusing to set targets for white workers 'It is not necessary for the MWU to use this opportunity to their own advantage.'

An expert in employment equity, Kuseni Dlamini, also agrees with Eskom's interpretation: 'I would not employ white people in terms of the Act because they have not been disadvantaged. Including whites in the definition would be extending it too far. Employing white people as part of affirmative action is not a justification'

Some gold mines, chemical companies and steel factories have started implementing MWU proposals and are employing more white people at the lower level. MWU recruits these workers and their shopstewards act as mentors to them. Often MWU arranges for them to study further and get bursaries.

Jan de Lange of the *Beeld* spoke to some

of the white workers who have been employed in the lower levels as affirmative action candidates. Due to MWU's insistence, 52 white workers have been appointed at the lowest level at Sasol's Brandspruit coal mine. Previously only black people occupied these jobs. Many of these white workers are the only white people in their section. Their salaries start at about R1 500 per month. Another mine implementing the MWU's proposal is Driefontein, the country's richest goldmine. The white general workers at Driefontein started on a salary of R700 per month. Many of these workers have matric but did not have the money to study after school or could not find other work.

Reaction

According to Mofokeng, whose union also organises at Sasol, it is not fair for the MWU to use the EEA for employing white workers. The EEA was designed to address the imbalances of the past brought about by the old system. Mofokeng feels it is an opportunistic way for them to undermine equity.

Dlamini says that the MWU's proposal is a misuse of the Act that was designed to give opportunity to those who did not have opportunities in the past. He adds 'It is not in line with the spirit and letter of the EEA. I do not see anything wrong with the employment of whites at lower levels through normal procedures, but to do it through the EEA is questionable.'

However, not all unionists strongly disagree with the MWU's approach. *Beeld* reports that NUM general secretary, Gwede Mantashe, is not totally against it. He feels that the integration of white and black workers on all levels must be promoted without anyone losing his or her job because of it.

Affirmative action

Dlamini argues that the amount of effort and resources companies have put into employment equity is not reflected on the higher levels. 'A mere focus on inputs without linking it to output will not result in visible progression. Companies will have to give opportunities to people in jobs that matter.'

According to Dlamini, companies can respond to the EEA in three ways:

- ❑ the 'business as usual' approach where companies continue as normal, thinking that they did enough in the past;
- ❑ turning the EEA into a numbers game and employing black people in unimportant positions, thereby staying out of trouble;
- ❑ seeing the EEA as an opportunity to build companies with world class employees where they employ and interact with people from historically disadvantaged communities.

The MWU is now testing the fairness of companies' affirmative action policies. This comes in the wake of a case they brought against Eskom. Buys recalls 'One of our members was appointed in a

temporary post for one year during which she got the highest possible evaluation. She then applied for the job permanently. However, a person who was 20% weaker than her got the job. She then got posted to a lower job. Eskom applied their policy unfairly. An arbitrator found that Eskom's view that a black candidate must only adhere to the minimum conditions of a job could undermine effectiveness.' The MWU did not want their member to replace the affirmative action candidate, but just for her to be placed on the same level. The MWU is not against the employment of black people but against any actions that infringe on the rights of white workers, says Buys.

Conclusion

Why does the MWU need to use the EEA to ensure that white workers are employed at the lower levels? Could these workers not apply through the normal procedures? If they are skilled, surely they would be employed.

Many white organisations and parties have found lots to complain about these days. But the MWU has decided to do something and are now trying to create jobs. This is commendable, even if you do not agree with the way they are going about it. However, MWU weakens its argument when it asks for targets to be set at lower levels but is against targets being set at managerial levels. Ironically, if they are very successful at setting targets at the lower levels, they might just be creating problems for their members in the managerial levels. ★

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