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SALHA 146: NUMSA

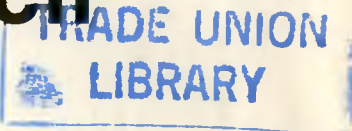


No 1, July 1993

# Numsa Motor News

## Employers out to smash Industrial Council

*How it could affect YOU*



**W**HILE wage negotiations with employers are deadlocked, there are more serious rumours that some employers are trying to smash the Motor Industrial Council and so break down centralised bargaining.

They are acting just like other employers and the government who want to destroy centralised bargaining. They see it as a way to weaken the power of workers.

COSATU decided early this year to fight against these moves. NUMSA is committed to centralised bargaining. It bargains centrally in all the industries where it organises - motor, auto, engineering and tyre.

The collapse of the IC in the motor sector would encourage employers in other NUMSA industries to smash the other central bargaining forums. This would defeat all the gains we have made over the years.

Motor workers must lead the way in squashing employers' wishes.

### HOW WILL YOU BE AFFECTED IF THE IC COLLAPSES?

#### • WAGES

Already there is no wage agreement. The last one expired at the end of August 1992. Since then workers have received no increases.

The end of the Industrial Council will mean an end to national wage negotiations. It will mean an end to a national minimum wage. Employers will only pay what workers force them

to pay at plant level. At weakly-organised workplaces, employers could just ignore workers' demands.

#### • WORKING CONDITIONS

On 1 September 1993 the Administrative Agreement expires. After that there will be no agreement governing working hours, overtime rates, etc.

But "most of our members will not suffer any change in present employment conditions. It is the new employees that will have vastly inferior working conditions forced upon them", says Cde Percy Thomas, NUMSA's new National Motor Organiser.

#### • BENEFITS

All the **BENEFIT SCHEMES** run by the Industrial Council will collapse. This means:

- YOU will have to pay your doctor's bills,
- YOU will have to pay for medicines,
- YOU will get nothing when you retire,
- YOU will get no additional holiday pay if you are a journeyman.

#### STRATEGY TO STOP EMPLOYERS

At NUMSA's Fourth National Congress, a special campaign to support NUMSA's motor workers was adopted.

- NUMSA will inform members: through the radio, pamphlets, stickers, special meetings in all locals
- NUMSA will take action: on 2 August and in other marches,

boycotts, demonstrations and pickets, talks to community organisations.

**DISCUSS** these problems with your fellow workers. **TAKE PART** in actions to stop employers smashing the IC. If you don't and the IC collapses, it is **YOU** who will suffer - not employers.



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# Wage deadlock!

**N**EGOTIATIONS are still very seriously deadlocked. The Employers refuse to finalise the wage negotiations unless the Unions agree to extend the Trading hours to include Saturdays.

The Unions have rejected the Employers' demand that Saturdays become a normal working day for workers in the Industry.

NUMSA stated it was prepared to allow Employers to have their businesses open on Saturdays provided that:-

- The work week remains Monday to Friday at 45 hours.
- That all work on Saturdays be deemed to be overtime and be paid for at overtime rates and they can open until 6:00pm.

- That work on Saturdays be on a voluntary basis.

The Employers refuse to agree to the above proposal from NUMSA. They have also refused to increase the previous wage offer. (see SAMIEA's wage offer below) So there is no settlement yet in the wage negotiations.

## SAMIEA WAGE OFFER

	CURRENT RATE	NEW RATE	INCREASE	PERCENTAGE
<b>WATCHMAN</b>	R 150.00 p.w.	R 160.00 p.w	R 10.00 p.w	6.7 %
<b>GRADE 1</b>	R 2.72 p.h	R 2.86 p.h	14 cents	5.1 %
<b>GRADE 2</b>	R 4.07 p.h	R 4.40 p.h	33 cents	8.1 %
<b>GRADE 3</b>	R 4.62 p.h	R 5.00 p.h	38 cents	8.2 %
<b>GRADE 4</b>	R 5.06 p.h	R 5.50 p.h	44 cents	8.7 %
<b>GRADE 5</b>	R 5.72 p.h	R 6.20 p.h	48 cents	8.4 %
<b>GRADE 6</b>	R 7.00 p.h	R 7.50 p.h	50 cents	7.1 %
<b>GRADE 7</b>	R 9.38 p.h	R 10.00 p.h	62 cents	6.6 %
<b>GRADE 8</b>	R 10.78 p.h	R 11.80 p.h	102 cents	9.5 %

## CHAPTER IV – CATEGORIES NOT PROVIDED FOR IN GRADES

Operative Engine Assembler	CURRENT RATE	NEW RATE	INCREASE	PERCENTAGE
During first 18 months	R 5.72 p.h	R 6.20 p.h	48 cents	8.4 %
Thereafter	R 9.38 p.h	R 10.00 p.h	62 cents	6.6 %

Operative Grade A	CURRENT RATE	NEW RATE	INCREASE	PERCENTAGE
During first 12 months	R 5.72 p.h	R 6.20 p.h	48 cents	8.4 %
Thereafter	R 7.00 p.h	R 7.50 p.h	50 cents	7.1 %

Operative Grade B	CURRENT RATE	NEW RATE	INCREASE	PERCENTAGE
During first 12 months	R 4.69 p.h	R 5.00 p.h	31 cents	6.6 %
Thereafter	R 5.01 p.h	R 5.50 p.h	49 cents	9.8 %

Operative Grade C	CURRENT RATE	NEW RATE	INCREASE	PERCENTAGE
	R 4.62 p.h	R 5.00 p.h	38 cents	8.2 %

establish a training board. With the assistance of the council's infrastructure it was easy to meet SAMIEA and discuss the establishment of the training board.

**Can we go back to the issue of centralised bargaining. Centralised bargaining seems to be under attack, generally and there are new rumours every day. It was reported that an employer spokesman said at one Industrial Council meeting that he intends to collapse this Motor Industrial Council. If the Industrial Council collapses, how will this affect our members?**

Sam if you asked this question three months ago then I would have to answer that the effect of the collapse of the Industrial Council will be a disaster for us. However since we became aware of SAMIEA's intention we have been developing contingency plans.

If the NICMI collapses, for whatever reason, it will still have a profound effect on our members and the economy. The advantage of bargaining in a centralised forum will be lost to us.

Insofar as certain protections provided by the Main Agreement are concerned, our members will suffer from the immediate loss of their pensions and medical aid.

You have to bear in mind, Sam that the Industrial Council plays a major role also as a collection and distribution agency for the medical and pension funds. In the case of the medical aid funds the Industrial Council provides the administration. So it stands to reason that if the collection and distribution agency collapses then the funds must inevitably collapse.

These things will not only affect our members but an estimated 170000 workers in the Motor Industry. The vast majority of these are sole breadwinners. Add their

dependants and you will see the enormity of the problem. It will then be the duty of each individual employer to provide social security instruments for our members. We will have to make these demands to the individual employers.

**If they succeed in their mission to smash the Industrial Council system, what will happen?**

Then two things have to happen. One we will have to declare over 7 000 individual disputes against the SAMIEA members and the persons they represent. Coupled with this are the strike ballots that will have to take place etc.

Second, we need to challenge the deliberate collapse of the Industrial Council. This ideally should be challenged in a two pronged attack. It is a legal challenge as well as targeted action against the members of SAMIEA. While SAMIEA is promising to assist their members, it is clear that SAMIEA does not have the infrastructure to handle the resultant chaos that they will be unleashing.

**A few words?**

We must strengthen our shop floor organisation. This is vital if we are to succeed in building a united working class that will be able to withstand the determined onslaught by capital. Let us not forget our socialist objectives in this euphoria of impending uhuru. Also members recruited via the closed shop need to be organised and serviced. We seem to forget this.

If I am permitted to suggest something, I would suggest that in future your Motor News carries a supplement especially for the rural areas.

## Resolution of the 4th National Congress of NUMSA, July 1993

### RESOLUTION: CAMPAIGN IN THE MOTOR INDUSTRY

This Congress notes that the collapse of the Motor Industrial Council will be a reality on 31 August 1993 and that our members will be detrimentally affected.

### THEREFORE RESOLVES:

1. A plan of action be adopted to mobilise our members.
2. The campaign programme as set out below is ratified and must be announced at this Congress and discussed in all constitutional structures.
3. The campaign must be popularised to all workers and discussed with the Alliance, SABTA, SANCO and other organisations.

### PROGRAMME OF ACTION:

1. The programme of action set out by the NEC is endorsed.
2. SAMIEA leaders who are trying to destroy NICMI should be isolated. Their garages and businesses should be picketed. This must first be explained to workers in those garages.
3. NUMSA members and the communities should phone

SAMIEA leaders from 5 July to ask them why they do not want to settle.

4. The big groups must be well organised and they must be pressed to get SAMIEA to keep the Industrial Council and to settle.
5. Letters must be sent to all motor employers to ask if they support SAMIEA's attempts to destroy NICMI.
6. Other mobilising action should also be undertaken.
7. There should be a day of action of the motor sector on 2 August. This must be supported by all sectors and the community should be asked to support as well.
8. The threat to NICMI must be raised by the COSATU delegation at the National Economic Forum on 5 July.
9. Our aims in this campaign are:
  - \* to get SAMIEA to settle on wages and conditions for 1992
  - \* to get them to negotiate the 1993 agreement in good faith
  - \* to stop the break up of NICMI
  - \* to stop the deregulation of the petrol price which will cause up to 40 - 50 000 job losses and the closure of many small and black owned garages.

# KNOW YOUR LEGAL RIGHTS

A regular column written by our resident para-legal officer Dawood Omar

*Many of our members face the problem of petrol shortages. As we know many employers deduct monies for petrol shortages from the wages of petrol attendants. Very often when the petrol attendant objects to the deduction he, or she, is dismissed.*

*Lately we have discovered a new trend among employers. When a petrol attendant objects to a deduction for shortages, the employer calls in the police and lays a charge of theft against the petrol attendant. Is the employer allowed to do this? Do you have protection and what are your rights if you refuse to pay for shortages?*

*The employer is entitled to make deductions only for items described in the Main Agreement for the motor industry. Some of these are tax, pension, medical-aid, UIF, industrial council levies, etc. He may not make any deduction for petrol and oil shortages. In terms of the Main Agreement deductions for shortages are illegal and the employer may be liable for criminal prosecution.*

*It is the employer's responsibility to put procedures and systems into place that ensure there is proper control over the money from petrol and oil sales. The employer also cannot make one worker responsible for shortages if different petrol attendants carry the money bag.*

*Below are some of the most common questions that our members ask in regard to petrol shortages.*

**Question: What must I do if the employer forces me to sign for deductions from my wages for petrol shortages?**

**Answer:**

- (i) It is illegal for the employer to force you to sign for deductions, or anything else, against your will.
- (ii) You are entitled to refuse to sign a letter agreeing to the deductions for petrol shortages. Furthermore an employer cannot take disciplinary action against you if you refuse to sign.
- (iii) The employer cannot deduct money if you have refused to give permission. Unilateral deductions are illegal and the employer will be liable for prosecution.

If any of these things happen to you then you must do the following:

Contact your shop steward immediately and complain to him about the deductions for petrol shortages. The shop steward must assist in getting your money back and stopping any more deductions. If there is no shop steward at your garage then phone the union organiser, at the local office of the union, immediately. You could also phone an Inspector at the Motor Industrial Council to assist in getting your money back and stopping any more deductions.

**Question: What must I do if the employer lays a charge of theft against me because of petrol and oil shortages?**

**Answer:**

- (i) You are legally entitled to contact your family. You must also contact your local union office so that the organiser can go to the police to enquire about charges and your release. He can also assist in

making bail applications etc.

- (ii) The employer must prove "beyond any reasonable doubt" that you stole the monies. If there is evidence of victimisation or malicious prosecution, the union will assist you in taking up this matter.

**Question: What must I do if the employer dismisses me "instantly" because of shortages?**

**Answer:**

- (i) Contact your shop steward or the local organiser immediately. They will help you fight your case to get you reinstated in your job.

**Question: The employer has notified me to be at a disciplinary hearing. What must I do?**

**Answer:**

Ask the employer what the charges are and to give them to you in writing. Remember you are entitled to be represented at the hearing by a shop steward, union official or a fellow employee of your own choice. The employer cannot decide who will represent you or give you a representative. You must be allowed enough time to prepare for the hearing with your representative. You have the right to call any witness that you want to. An employer cannot decide who you can or cannot call to give evidence. You also have the right to ask for an interpreter if the hearing is not in your home language.

*These are merely guidelines spelling out your rights. Because all cases are different you must first contact your shop steward or local organiser.*