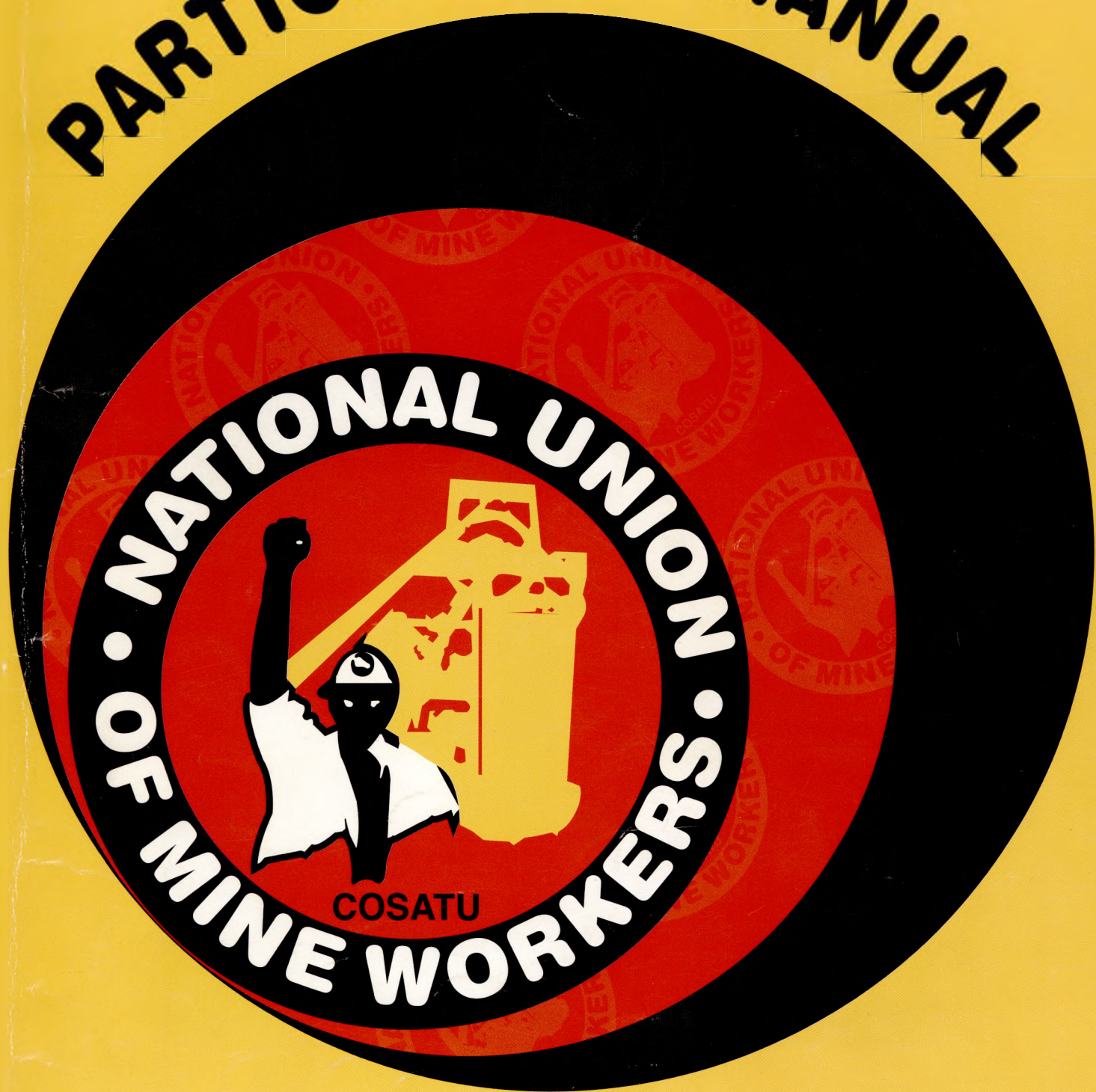


INDUCTION COURSE PARTICIPANTS MANUAL



PROJECT

National Union of Mineworkers (NUM)



Stewards' Induction Course

TRADE UNION
LIBRARY AND
EDUCATION CENTRE

Issued by: National Union of Mineworkers, 1998
P O Box 2424, Johannesburg, 2000

Updated: November 1999

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Thanks to other shopstewards' courses produced by various COSATU affiliates which were
used as reference material. Thanks also to *The Shopsteward* for useful material
particularly in the area of grievance and discipline.

Foreword

This Induction Course is the most important education programme in the National Union of Mineworkers. It is the beginning of a development programme for shaft/shop stewards as cadres of the labour movement and cadres of the working class movement.

The Induction Course is part of a programme to organise, deepen organisational understanding, raise class-consciousness and develop working class leadership. Once a shaft/shop steward has completed the course, he/she must demand progression through the intermediate course to the leadership school. Development and desire for self-growth should be in the hands of stewards themselves.

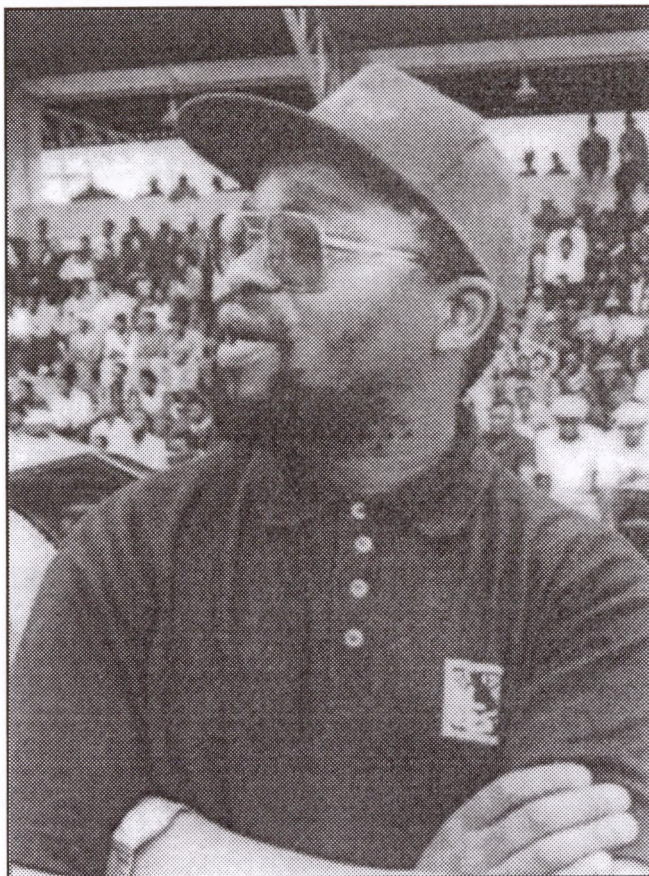
We train shaft/shop stewards because we are committed to ensuring that Mine and Energy workers themselves determine their destiny. They must lead and control their own union. This can only become reality if it translates into these workers taking over all strategic positions in the union. The Induction Course must instill ambition and make our members develop dreams about the union.

As shaft/shop stewards you are commanders of the proletarian army. You must lead local struggles. You must ensure that these local struggles lead into a national working class struggle which has great impact.

We wish that every steward who has gone through this learning process grows into a great working class leader.

EDUCATION IS POWER!

Gwede Mantashe
General Secretary



Foreword



National Union of Mineworkers (NUM) Stewards' Induction Course

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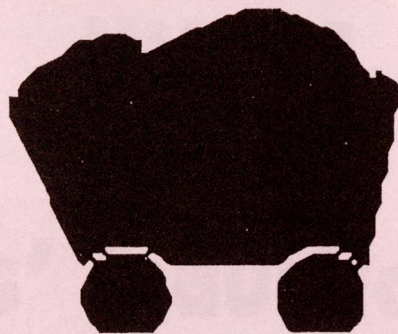
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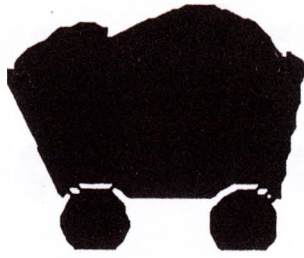
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UNIT 1



STEWARDS' INDUCTION COURSE: EXPECTATIONS & OBJECTIVES



UNIT 1

Stewards' induction course: expectations and objectives

Aims

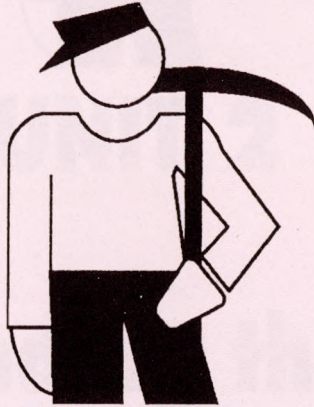
- To introduce and welcome all participants
- To develop learner profiles
- To create a climate for active participation by stewards on the course
- To explore steward's expectations of the course and to introduce the overall objectives of the course
- To present the course programme

Objectives of stewards' induction course

The Stewards Induction Course aims:

- To inform stewards of the history of the mining and energy industries in order to better understand workers' position in their industries
- To inform stewards about the position of the mining and energy industries in the overall economy
- To inform stewards about the NUM and organisations that NUM is affiliated to
- To empower stewards to deal with day to day problems that workers meet in the workplace through:
 - focusing on worker rights
 - giving stewards the skills and knowledge to deal with these problems for example legal and negotiating skills
- To help stewards understand all agreements that apply to workers, for example, grievance and disciplinary procedures, and to understand how to monitor these agreements, and to identify issues within these agreements that need further negotiation
- To help stewards to understand the roles and responsibilities of stewards, for example, in the areas of organisation building and leadership
- To inform stewards of the different bargaining levels in the NUM, and to equip stewards with negotiating skills
- To give stewards a working knowledge of the NUM's constitution

UNIT 2



UNDERSTANDING THE MINING AND ENERGY INDUSTRIES



UNIT 2

Understanding the mining and energy industries

Aims

To give stewards some knowledge of the history of the mining industry in order to understand:

- how South Africa developed an industrialised capitalist economy
- how black people became wage earners in the mines
- how apartheid and big capital walked hand in hand to oppress, and to control black people's movements, to ensure a constant supply of cheap labour
- to understand how mineworkers' work and living conditions have been organised to ensure maximum profit for the mine owners
- the beginnings of organised resistance by mine and energy workers and the emergence of trade unions

To give stewards an understanding of the role of the gold mining industry in the South African economy by looking at:

- the role of the conglomerates
- the declining role of gold in the economy
- the importance of the mining and energy industries to the reconstruction of South Africa and to the manufacturing sector

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LOOKING AT HISTORY

A way to understand the mining industry
A way to understand the living and working conditions of mineworkers



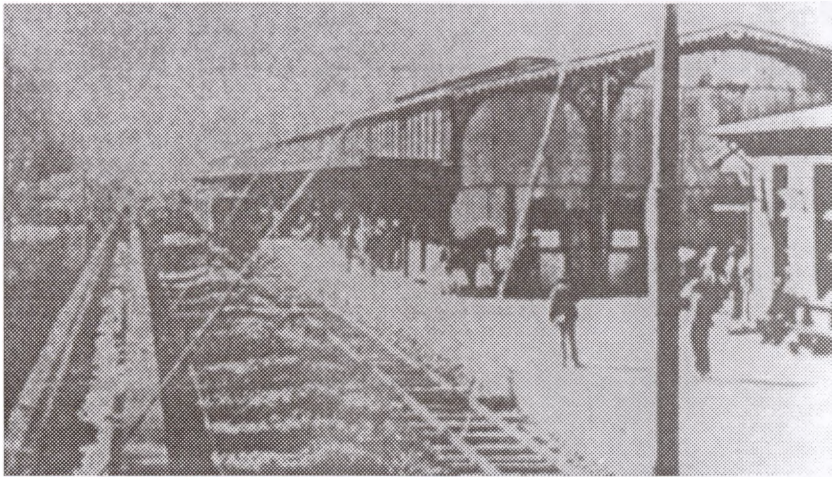
- ▲ **1** The hunting and farming life before the discovery of large deposits of diamonds and gold

Large deposits of diamonds were found in the Kimberley area in 1867 over a hundred years ago. Blacks and whites flocked to the area from all over the country to dig up these precious stones. This was the beginning of a huge change to the South African economy and to all its people's way of life. In future the economy would no longer be based on farming but on mining.



- ▲ **2** Mining in the early days before the takeover by big companies

At first anyone could come and dig for diamonds, but as the diamond diggings got deeper water seeped in and pumping it out was difficult and expensive. Many smallholders were forced out and business with money took over diamond mining and made rules that stopped blacks from owning diamond claims. People like Cecil Rhodes made their fortunes from the colour bar in the diamond fields. Fifteen years later all black claim owners had been forced out and a few big capitalists controlled the richest diamond mines in Kimberley.



This new wealth from the diamond mines led to a need for better transport and so many new railways sprang up. As transport improved so did economic activity of all kinds. And everybody wanted cheap African labour for their new business operations. The bosses could not find cheap labour from South Africa alone so they started to bring in cheap labour from other countries like Zimbabwe and Mozambique.

▲ 3 The old oxwagon transport was too slow so docks and railways grew enormously



In the 1880s the government working with the mine bosses brought in new systems and laws to control the movement of mine labour — laws which miners suffered under for many years after this. The mine bosses controlled the recruitment of labour and set up the compound system, and the carrying of passes was introduced in order to control mineworkers' movements. A law allowed the bosses to strip and search workers to find stolen diamonds — black workers were forced to wear mielie sacks so it was hard to hide diamonds! These laws were made to take power away from mineworkers.

In 1884 Cecil Rhodes set up De Beers Consolidated and got permission from the government to use unpaid prison labour on the diamond mines. Young black work seekers would be arrested for not carrying a pass, put in prison, and end up working on the diamond mines for no pay. De Beers used free prison labour until 1932.

▲ 4 A worker on the way to the mines — the long and dangerous journey to the mines led the Chamber of Mines to set up their own recruiting system

▼ 5 White miners at the drill supervising the black worker



Another law said that 'no native' could use explosives in the mines — this had to be done by a more skilled and better paid white. All work by black mineworkers had to be supervised by "some white man as his master or boss". So black workers became inferior to whites in all mining activity.



In 1886 gold was found in large amounts on the Witwatersrand. This was one of the turning points in the history of South Africa. The diamond industry had already put in place the exploitation of black workers that the gold mining industry would then benefit from. The government also quickly put a law in place saying that Africans could not own gold mines.

▲ 6 Early gold mining before the rise of the big mining companies

South Africa's gold lies very deep under the ground so gold mining needs large amounts of money, or capital investment, to mine. Many bosses from the diamond companies put their money into gold, and in 1887 these bosses came together and formed the Chamber of Mines. The Chamber co-ordinated capitalist interests in the mining industry. The Chamber still acts for the bosses in the coal and gold mining industries today.

7 The Chamber of Mines set up in 1887





◀ 8 Cecil Rhodes set up Consolidated Goldfields and made a fortune

The big mine bosses needed more money to mine the gold so they formed big mining groups which swallowed up all the small mining companies – big companies like Consolidated Goldfields (under Cecil Rhodes), Rand Mines, Genmin and Anglo American Corporation that still exist today. These big companies could now attract foreign money, or foreign investment to help cover the costs of mining the gold deep under the ground. Foreign investment came in from places like Germany, Britain, France and later America.

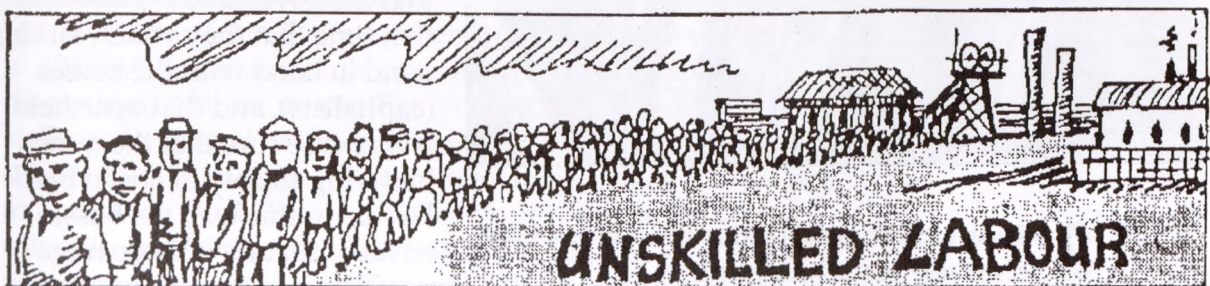
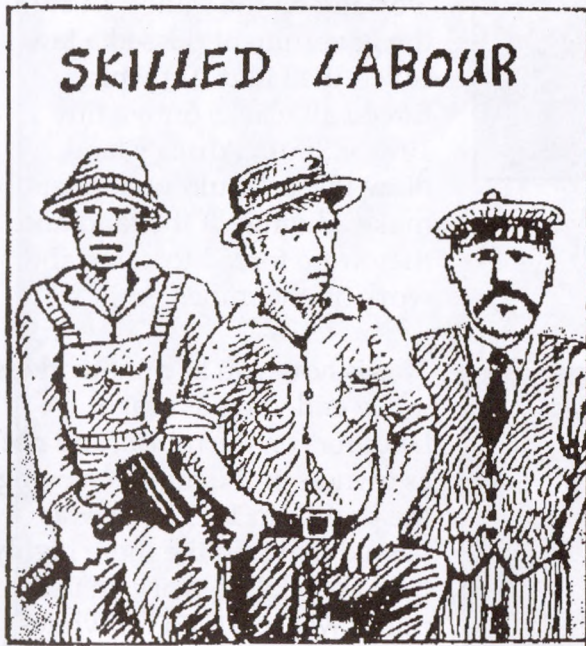
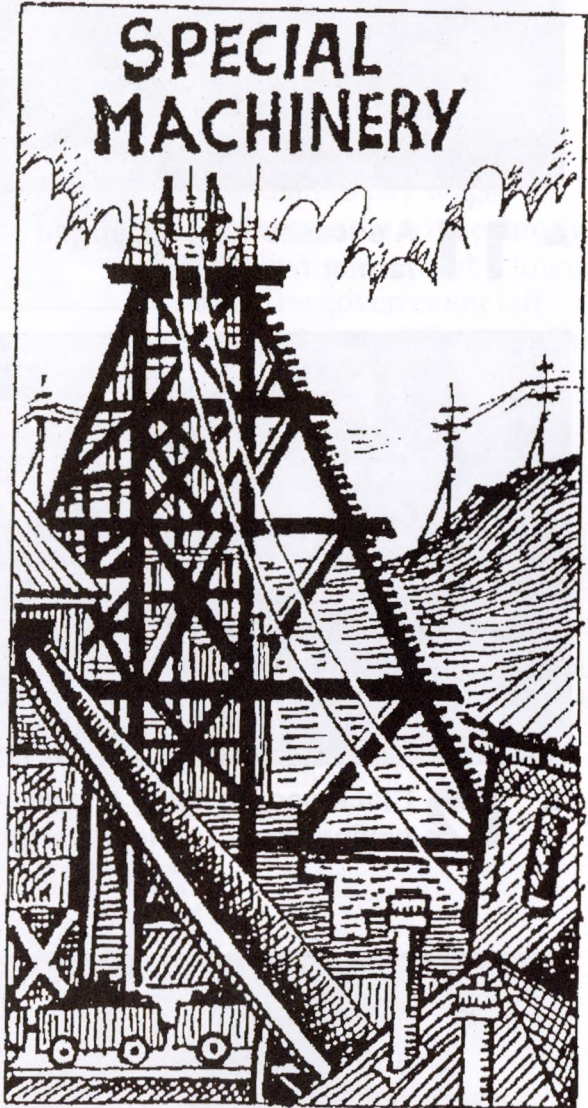
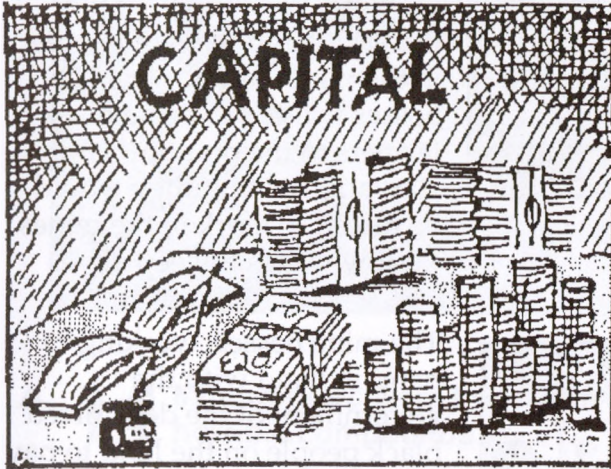
▼ 9 Migrant workers from Mozambique

Cheap labour to work on the mines was the mining bosses big problem. At this point in time South African blacks were not very interested in working on the dangerous mines for low wages – they were still successful farmers or running their own businesses. So the Chamber of Mines made agreements with the colonialist Portuguese in Mozambique to send a cheap supply of labour to South Africa every year. Cheap workers were even brought from China! This is why there are still many foreign migrants working on the mines today.



▲ 10 Cheap workers for the mines brought out from China

What the gold mines needed





▲ **11** A successful black sugar farmer from Natal

But the mine bosses wanted cheap South African labour to work in the mines. This meant they had to force blacks off farming land where they could make a living. In fact many black farmers were successfully growing crops to sell to the increasing numbers of people in the mines and towns. The bosses wanted to bring black farmers to the point of starvation so that they would be forced to work in the mines for low wages to keep alive.



▲ **12** Black people living off the land paying taxes to the government

The mine bosses, working hand in hand with the government of the day, forced black people on the land to pay high taxes. To pay these taxes the men had to leave their families to raise money by working on the mines. In 1913 the government passed a law called the Land Act which forced all blacks onto a tiny 10% of South Africa's land. Now Blacks could no longer make a living off the land and they were forced to come and work on the mines.



▲ **13** More skilled and better paid work was reserved for white miners

This is how you as mineworkers today ended up as wage labourers on the mines, and not as owners of the mines enjoying the profits. In 1911 a law was passed that said the more highly paid and skilled work on the mines was reserved for whites only. It is clear from the laws that the government passed at that time that they were working hand in hand with the bosses (capitalists), and that apartheid laws made sure that the mines had a big supply of cheap black labour. In this way the bosses ensured that they made huge profits.



▲ 14 Mineworkers were housed in these horrible compounds



In the early days of mining there were many white miners working as labourers on the mines. Many of these white workers came from Europe where trade unions were strong. In 1913 white miners came out on strike and demanded recognition of their union, The Mineworkers Union. The strike soon spread to other mines until it became a general strike of white miners. These miners forced black miners not to report for work. It was a violent strike, the police were called in and 20 people died, but in the end the bosses and government came to a settlement with the white miners.

The mines employed migrant workers from South Africa's rural areas as well as from countries surrounding South Africa. This system of migrant labour suited the mine bosses very well. It is cheaper to feed, house, and pay wages for the upkeep of one worker than to pay wages to support a whole family living in a nearby town. The government left just enough land on the reserves for the miners' families to live on. Miners were then housed in very cheap accommodation — the compounds — with 16 or more men to a room, on hard bunks and low grade food. This system of migrant labour saved the mineowners millions of rands every year.

◀ 15 Police break up a white miners' strike meeting in 1913

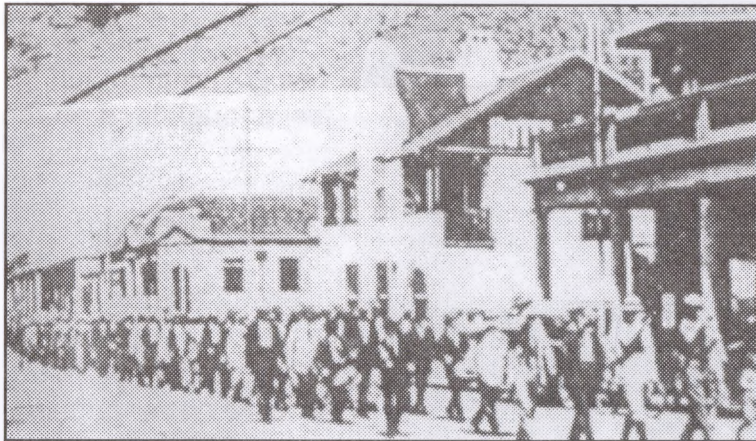
Black workers learnt a lot from the white miners' strike and started to organise their own strike to demand higher wages.

Soon after 13 000 black workers went on strike.

But their leaders were arrested and imprisoned, and the bosses and government refused to negotiate with them.



16 Black strikers arrested during the 1913 strike



17 Striking white miners march in the streets of Brakpan



In 1922 there was a white miners' strike which was to divide black and white workers from each other up until today. The mine bosses wanted to get rid of white mineworkers because they were unionised and their wages were becoming too high. The bosses wanted to replace white workers with low paid black workers. The Chamber of Mines told The Mineworkers Union that white miners' contracts would change, more black workers would do semi-skilled work, and white workers' wages would go down.

18 The army in their trenches in Market Square wait to fire on striking white mineworkers

White workers came out on strike. The strike turned into a revolt where white workers armed themselves and fought the police and army in the streets of Johannesburg. The white miners were crushed by Smuts' government. But in the next election these same white workers voted out the government and voted for the Nationalist Party which they knew would protect the interests of the white workers. The Nationalist Party did not come to power in 1924, but from then on they had the support of white workers who wanted to make sure that blacks did not take their jobs.



In 1948 when the nationalist government came to power they protected white workers through apartheid laws which reserved skilled jobs for whites and unskilled low-paid jobs for blacks. The white Mineworkers Union became a union that worked with the bosses and government to protect their privilege and the union lost its militancy. This made the black mineworkers' struggle a much harder one — they could not rely on the support of their fellow white workers on the mines.

▲ 19 Black and white South African mineworkers deeply divided



It was always very difficult to organise mineworkers because of the carefully controlled system under which mineworkers live and work. Union organisers were not allowed onto mine property and mine security police spied on workers in the compounds — workers who joined unions were instantly dismissed. Miners had to organise secretly and meet union organisers secretly on mine dumps outside the mine.

▲ 20 Mine police in the early days — they spied on workers in compounds and made it difficult for workers to organise against the bosses

But in spite of these difficulties mineworkers have at times organised some largescale militant resistance. There were a number of attempts to set up a mineworkers union by the South African Communist Party (SACP) and ANC, and in 1941 the African Mineworkers Unions (AMWU) was launched again. JB Marks was elected the President.



▲ **21** James Phillips, Chairman of the AMWU Strike Committee 1946



▲ **22** JB Marks, the President of AMWU



▲ **23** Mineworkers told the Commission about their terrible living conditions in the compounds

AMWU put pressure on the Chamber of Mines to recognise the union but it refused. AMWU then campaigned around miners' low wages and the government was forced to set up a Commission of Enquiry. For the first time mineworkers told their story to the public — how they were recruited, badly treated underground, earned low wages and lived in inhuman compound conditions. A year later the Commission gave its report. It recommended union recognition, a small increase in wages, free boots and annual leave. The Chamber refused to give these things.

Mineworkers were very angry. For a while the union tried to negotiate with government and the Chamber but miners' complaints fell on deaf ears. Then in 1946 at an AMWU Conference 2 000 delegates voted for a general strike in the gold mines.



▲ **24** Mineworkers meet to plan the 1946 strike in Market Square — it was impossible to meet on mine property

Armed guards were put around the mines so that the union could not talk to its members. Pamphlets telling of the strike were smuggled into mines, or thrown over walls but many miners could not read. All organisation was done secretly. In the end about 76 000 workers, a quarter of black mineworkers on 21 different mines came out on strike. Three days into the strike all union organisers and officials were arrested and the government called in the army and police to put down the strike.



▲ **25** 1946 — A policeman beats down a striking mineworker

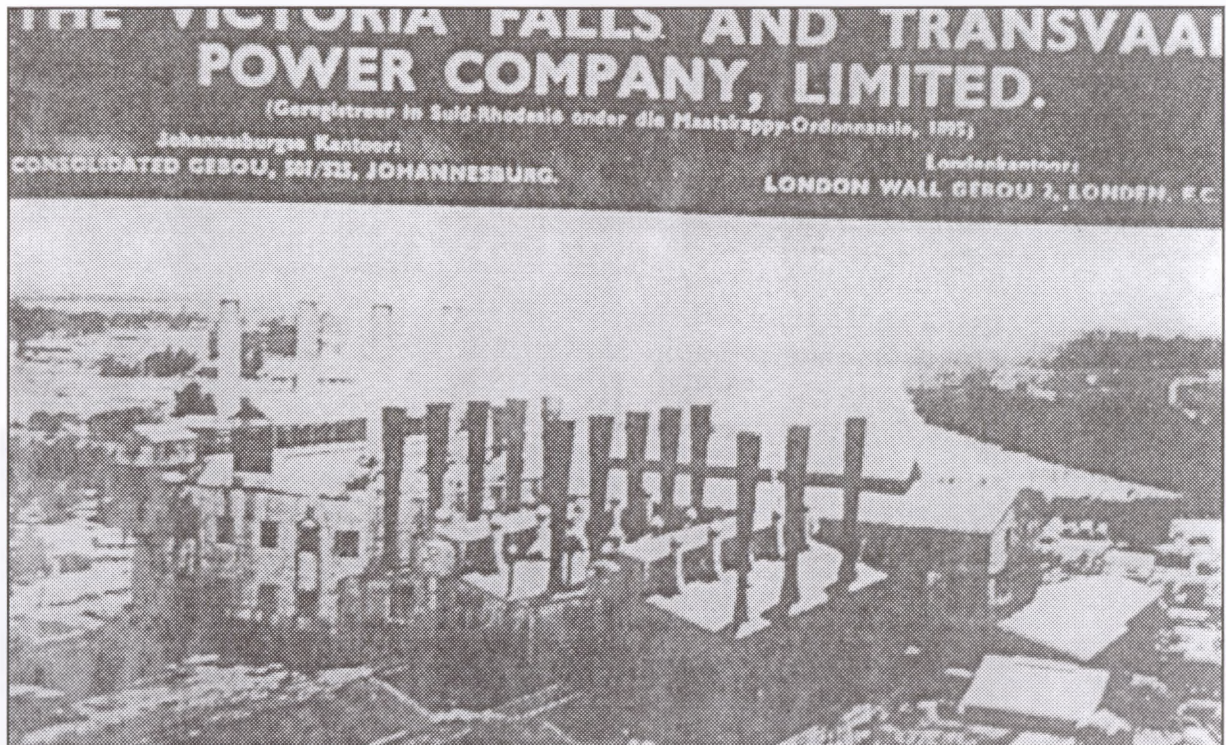
The Chamber of Mines did not give in to any of the union's demands, 1 000 miners were arrested, and many dismissed. It was 30 years before mineworkers organised again under the National Union of Mineworkers.



▲ **26** Workers out on strike during the 1946 black mineworkers' strike

But the 1946 strike showed miners that they could overcome ethnic differences and unite and organise. It also brought together many organisations like the ANC, SACP, the Indian Congress and labour organisations for the first time over a workers' issue. This was the beginning of resistance organisations uniting to fight apartheid and worker's oppression. We can still see this unity today in the SACP/ANC/COSATU alliance.

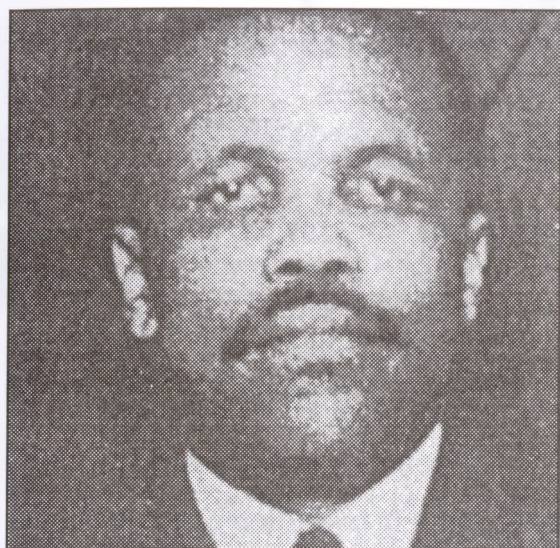
Power workers: A history of resistance



▲ The VFP Plant goes on strike

In 1942 power workers at Victoria Falls and Transvaal Power Company (the VFP) went on an important strike. It was important because it was the strike that turned government policy most clearly against black organised workers, and because the strike showed the clear militancy of power workers but the weakness of trade union organising at that time.

Fifty workers at VFP power station downed tools to demand a pay increase in the new Wage Determination. Like the mineworkers they earned very little, were on 24 hours notice, but had to work on annual contract. The strike shocked the government and employers. The workers were non-union migrant workers and migrant workers were not supposed to organise themselves!



The bosses refused to meet the workers and they called in a trade unionist Gana Makabeni from the old African Gas & Power Workers Union to get workers back to work. Makabeni told the workers that the bosses would meet with them to discuss their grievances.



2 Gana Makabeni leader of the African Gas and Power Workers Union

The power stations supplied power to most mines on the Rand, and the mines in the words of the Prime Minister (General Jan Smuts) were 'the treasure house of South Africa'. The profits on the mines could not be delayed by the loss of power and Government were worried the strike may spread to the mineworkers. The mine and power bosses met with the Prime Minister and told Makabeni that he must tell workers that the bosses were not going to give in to workers' demands. Makabeni was very upset and felt betrayed as he had relied on the goodwill of the authorities.

The government were afraid of a further strike so they set up a Commission to look into power workers' conditions. Two years later the Commission recommended that VFP double workers' wages as VFP was making good profits. The government was shocked and would not grant the wage increases. Angry workers called in the Union. The Union asked workers to wait. All 2 500 workers came out on a wildcat strike. Bosses met with shopstewards but gave no concessions.



▲ 3 The Prime Minister, General Smuts, refuses to give power workers a wage increase

The militant spirit of the power workers was broken, and government moved against migrant workers by granting urban workers in the manufacturing industry higher wages. In the later apartheid years the Nationalist government continued this policy of dividing urban and migrant workers in rights and pay. We can still see these differences in pay and conditions between mine/power workers and workers in the manufacturing sector today. The gap still has to be closed.

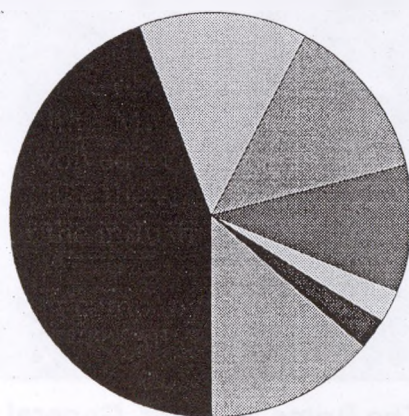
The role of the mining and energy industries in the economy

In our discussion on the history of the mining industry we saw how the big mining companies emerged to control the industry. These same industries control the mines even today. Some of these big mining companies also control large parts of the South African economy. Mining companies moved into other areas of the economy and own companies involved in different activities. They are also important for other sectors of the economy, like the energy sector, as the mines are one of the major consumers of electricity for the industry.

The big mining company, Anglo American, currently owns many different companies and controls 44% of all companies listed on the Johannesburg Stock Exchange (JSE). Anglo American is a conglomerate, that means a very large company which operates in a number of different industries (and sometimes countries). This means Anglo American, with a few other companies, dominates our economy. Not only this but other companies also rely on the mining houses to make profits as they supply services to these conglomerates, for example, electricity and water.

As workers we need to find ways of taking away the enormous power of these conglomerates to control workers' lives.




Ownership of shares in the stock exchange



<u>Conglomerate</u>	<u>Percentage of shares on the Johannesburg Stock Exchange</u>
Anglo American	44,2%
Rembrandt	13,6%
Sanlam	13,2%
SA Mutual	10,2%
Liberty Life	2,6%
Anglovaal	2,5%%
Other	13,7%

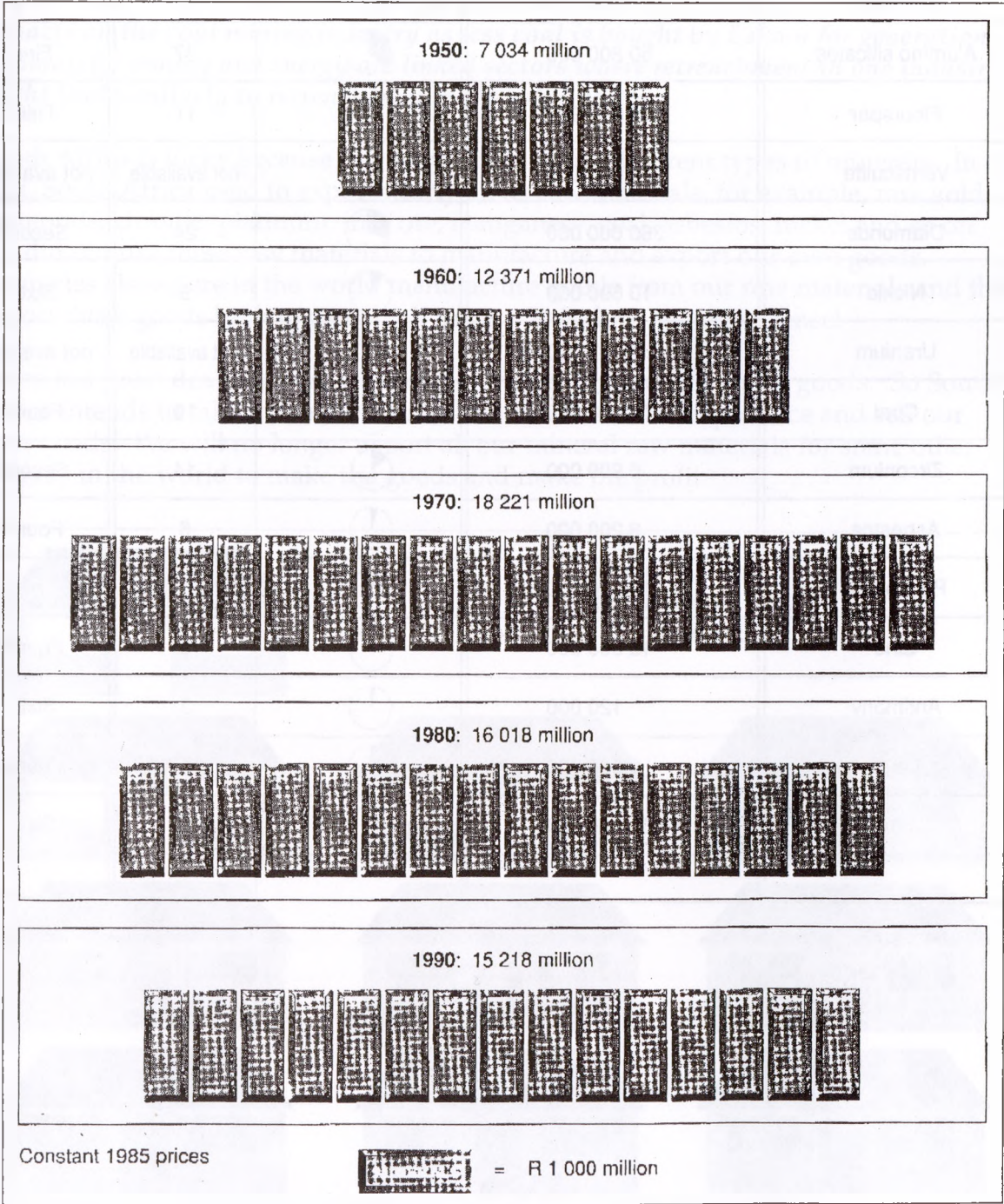
We also saw from the history of the mining industry that mining in general, and the gold mining industry in particular, was a very powerful force in our economy. Up until the 1970s the mining industry was the most important sector in the South African economy. The gold mining industry was the single most important source of foreign exchange (ie brought the most amount of money into the country).

Between 1960 and 1980 the manufacturing sector grew very quickly. By 1980 the manufacturing sector was more important than the mining sector, and is still the most important sector in the South African economy today. Since 1970 the gold mining industry has been in decline. It contributes only 12% to South Africa's total economic output (manufacturing contributes 22%). The world price of gold has fallen greatly in the last few years so gold does not bring in much foreign exchange any more. For


















		1960	1970	1980	1990
	Agriculture	R3 689 m	R4 338 m	R6 503 m	R7 444 m
	Mining	R12 371 m	R18 221 m	R16 018 m	R15 218 m
	Manufacturing	R7 121 m	R16 267 m	R27 342 m	R27 596 m

▲ Comparison of mining, agriculture and manufacturing output (1960–1990)

▼ Output of the mining sector



South Africa's mineral resources as a percentage of world reserves

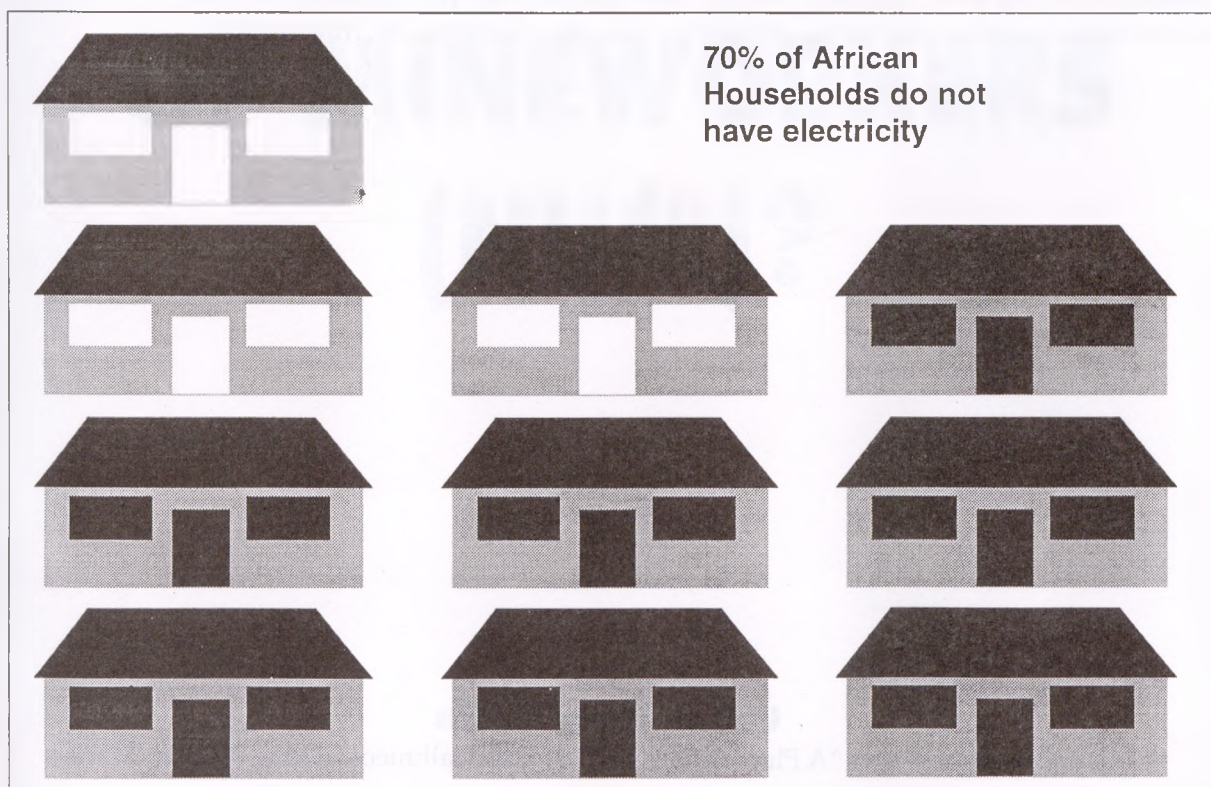
Mineral	SA's Reserves metric tons	% of world reserves in South Africa		Rank in th world
Manganese	3 992 000 000		82	First
Platinum	26 700		69	First
Chromium	2 400 000 000		56	First
Gold	20 000		44	First
Vanadium	5 400 000		33	First
Alumino silicates	50 800 000		37	First
Flourspar	32 000 000		11	Third
Vermiculite	73 000 000		not available	not available
Diamonds	360 000 000		24	Second
Nickle	10 690 000		9	Sixth
Uranium	317 000		not available	not available
Coal	58 404 000 000		10	Fourth
Zirconium	6 900 000		14	Second
Asbestos	8 200 000		6	Fourth
Phosphate	2 310 000 000		6	Thlrđ
Zinc	15 000 000		5	Fourth
Antimony	120 000		3	Sixth
Lead	5 000 000		4	Fourth
Iron	6 000 000 000		6	Sixth

example, in 1980 the price of gold per ounce was \$800, by 1992 the price was \$350 an ounce. In 1999, the price fluctuated widely from between \$200 to \$300 an ounce. This has all had an effect on the industry. Since 1991 thousands of mineworkers have lost their jobs and mines are closing down.

The trend we see in South Africa for the manufacturing sector to be the most important sector in the economy (more important than mining) is a worldwide trend. But this does not mean that the mining and energy sectors are not still very important in our economy. The mining sector has a very important role to play in creating a growing economy in the new South Africa. *However, this industry has been in decline for a while and this has impacted negatively on the energy sector. The reason for this is that mining uses a lot of electricity for various activities, such as pumping water from underground; lighting etc. When a mine closes, this means that it no longer has any use for electricity and Eskom is forced to cut back on generation. Again this impacts on the coal mining industry as less coal is bought by Eskom for generation. Ultimately, mining and energy are linked sectors where retrenchment in one industry might lead similarly to retrenchment in the other sector.*

South Africa is lucky because it is very rich in many different types of minerals. In the past, South Africa used to export nearly all its raw materials, for example, raw gold, diamonds, chrome, platinum, iron ore, manganese, coal, asbestos, nickel and so on. We did not use these raw materials to manufacture and export our own goods. Countries elsewhere in the world manufacture goods from our raw materials and then export these goods back to us at high prices. This does not make sense!

There is a great deal of money in making and selling manufactured goods. So South Africa intends to take the raw materials from the mines and produce and sell our own goods. We will no longer export all our mineral raw materials for some other country in the world to make the goods and make the profit.



The mining and energy industry also has an important role to play in the reconstruction of our country. For example, only 15% of African communities have electricity and schools are badly affected by this neglect. Eskom committed itself in 1994 to electrify 1.7 million homes and reduce the real price of electricity by 15% by the year 2000. Since 1995 Eskom has managed to exceed its targets. In 1995 Eskom also electrified 893 schools and 37 clinics, and supported 289 community development projects. Eskom has made available R50 million per year until 1999 to spend on the electrification of schools and other community development projects.

Eskom currently has 24 power stations, and is also one of the lowest cost producers of electricity in the world. Eskom supplies 95% of the country's electricity requirements, which equals more than half of the electricity generated on the continent. Approximately 40% of all electricity is sold to local councils.

Most electricity in this country is generated from coal. This therefore means that the coalmining industry will get a big boost from Eskom's need to generate more electricity.

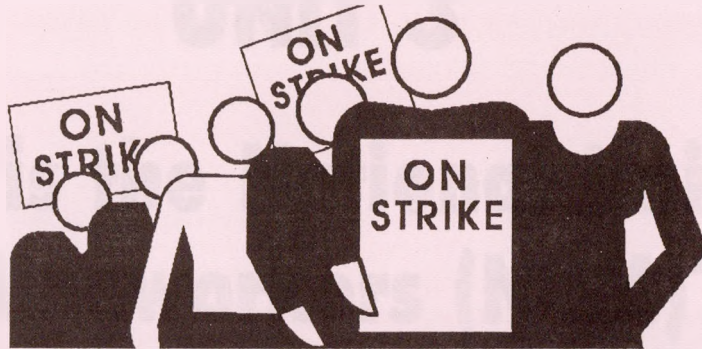
Perhaps at the moment it looks to many workers like the mining industry is in big trouble and workers will go on losing their jobs. The gold industry has many problems because of the falling price of gold, and gold miners are feeling the pinch of retrenchment but in the long run, the mining industry will grow and continue to play an important role in our economy. While the energy sector has also been affected by the decline in the mining industry, the economic situation is likely to improve in the next few years.

It is important though, that mine and energy workers have an equal say in the restructuring of their industries so that workers equally benefit from the profits of South Africa's more efficient, restructured economy. Look at the example of how the Eskom workers have ensured worker and community participation in the restructuring of the electricity industry - this must happen in mining too.

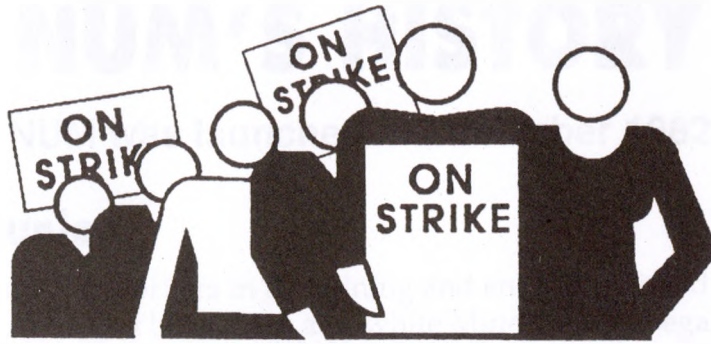
Unit 2: Photo credits

"Gold and workers" and "A Place in the City" by Luli Callinicos; IDAF; William Matlala

UNIT 3



**WHAT IS THE
NATIONAL UNION
OF MINEWORKERS
(NUM)?**



UNIT 3

What is the National Union of Mineworkers (NUM)?

Aims

- To give stewards a knowledge of the history of their union and its struggles and achievements
- To explore the objectives and principles that the union is based on
- To give stewards a knowledge of the union at present:
 - Scope and membership
 - Branches and regions
 - Major policies and campaigns
 - National office bearers
- To look at NUM's local and international affiliations
 - COSATU
 - South African Mineworkers Federation (SAMF)
 - Mineworkers International Federation (MIF)
 - International Federation of Chemical, Energy, Mine and General Workers Union (ICEM)

NUM'S HISTORY

NUM was launched in December 1982

Birth of the union

The history of organising workers in the mining and energy sectors did not begin with NUM. We saw in Unit 1 that both black and white Mineworkers began to organise themselves as far back as 1913 — even if these were separate struggles. But organisation collapsed in the period of great repression in South Africa in the 1950s and 1960s.

By the 1980's political and union activity were well underway again and mineworkers were becoming militant. The idea to form the NUM was put forward by CUSA (the Council of Unions of South Africa) and Cyril Ramaphosa, the legal officer, was mandated to form a union for black miners. The unions organising white mineworkers at the time excluded African workers.



1

The NUM was born on the 4th December 1982. The union has always existed side by side with other progressive organisations fighting for national liberation.

NUM grew fast - it took only 12 weeks to recruit 14 000 members! At the time of the union's first national Congress the union had 4 regions and eight branches. The first national office bearers elected at the congress were:

James Motlatsi (President)

Elijah Barayi (Vice President *-who died in 1993*). He was also the first president of COSATU)

Treasurer (Ishmael Thulo)

General Secretary (Cyril Ramaphosa - *now in business leading black empowerment bids*)

In 1985 NUM left CUSA and came into COSATU as one of its founding members under the leadership of Ramaphosa.



2 Cyril Ramaphosa, first General Secretary of the NUM



3 Jay Naidoo and Elijah Barayi at Cosatu National Congress Nasrec Johannesburg

The early days

As soon as the union was launched militant mineworkers' struggles began. In 1982 there was a wave of wildcat (illegal) strikes involving about 40 000 workers on 8 mines, in which 10 workers died. This pushed the mining houses into signing recognition agreements — a recognition agreement was signed with the Chamber of Mines in 1983.



4 The 1983 signing of the Chamber of Mines recognition agreement

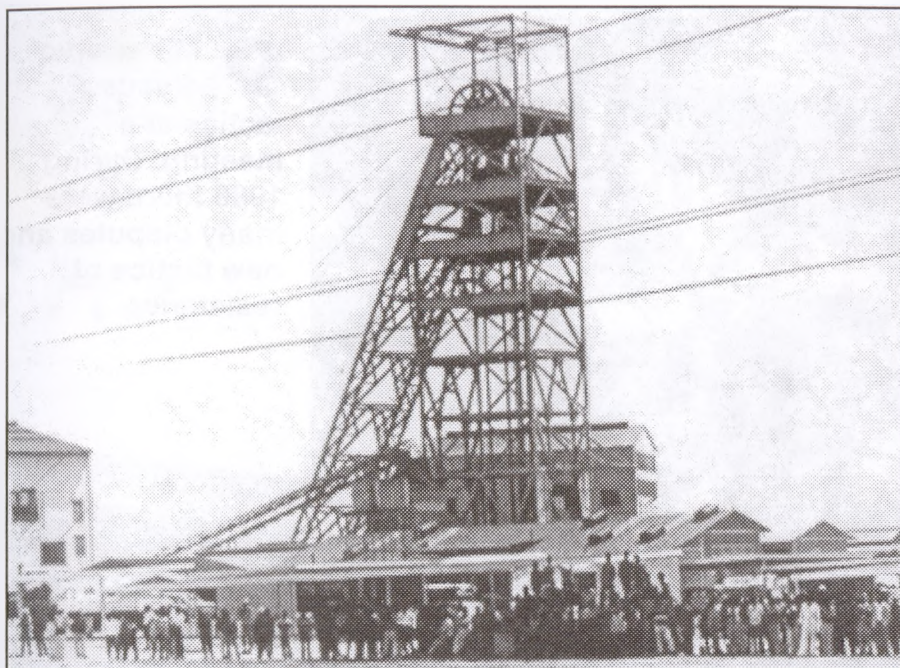
The early days of organisation were characterised by wildcat strikes marked by some terrible violence to mineworkers, and by legal battles. It was terribly difficult to organise on the mines in those days! The mine bosses were very hostile to the union, and union access to mines was often difficult.

The union often used legal methods of struggle. For example, in 1983 the union managed through legal means to reinstate workers who were dismissed during a safety dispute at the West Driefontein mine.

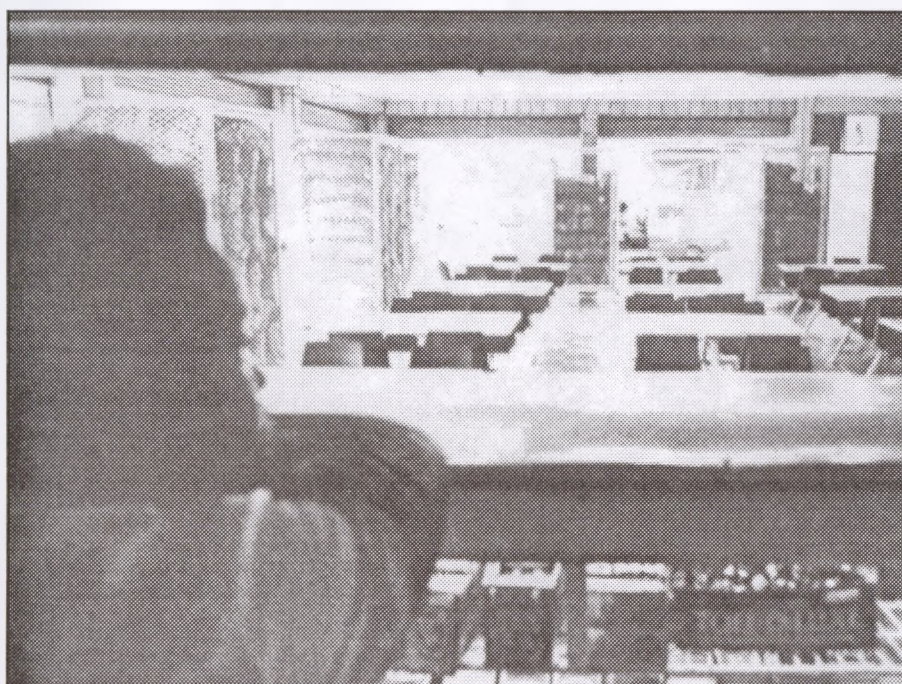
In 1984 a wage dispute was declared with the Chamber of Mines and a number of stoppages happened during the dispute — at Anglo Collieries 1750 workers came out on strike and one miner was killed and a number injured. The NUM then came out on its first legal strike. The Chamber would not give the wage increase and only offered an increase in workers' leave. By the time the union accepted the offer 40 000 miners were on legal strike. The bosses brought in the police and 250 workers at Anglo mines were hospitalised, 10 miners died and by the end of the strike 500 were injured. It was clear that the bosses did not respect a legal strike any more than a wildcat strike.



5 Strikes in the early days were marked by terrible violence against workers. Mine security, police, and the army moved freely around mine property shooting and beating striking workers



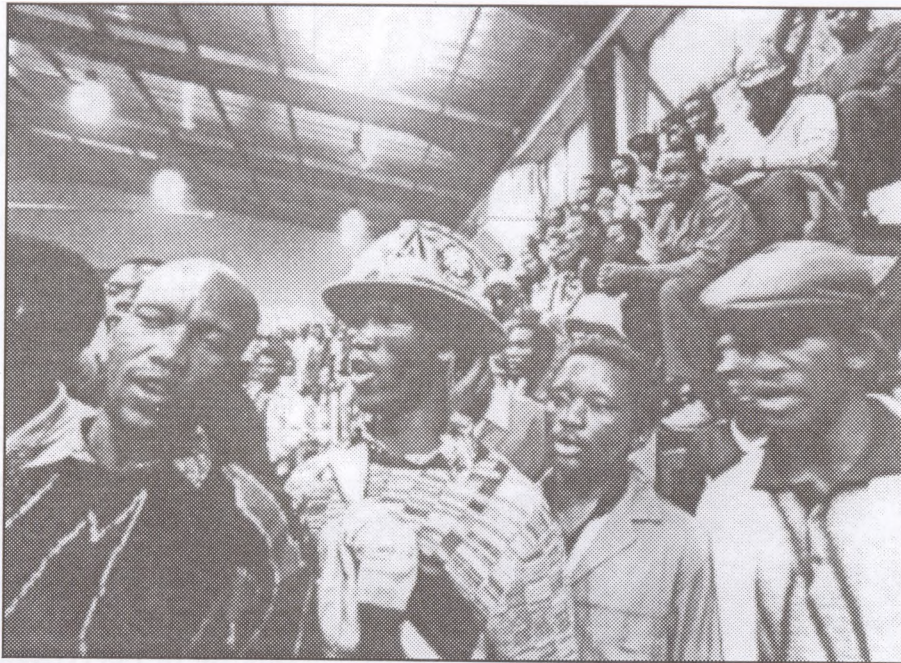
Between 1984 and 1986 many industrial actions took place on different mines. These were stoppages around the deaths of workers underground; strikes for union and shaftsteward recognition; strikes demanding the abolition of the induna system, and stoppages around assaults on black workers by white workers. From December 1985 to March 1986 more than 100 000 mineworkers went on strike. During the first quarter of 1985 strikes cost the mining industry 170 000 working days — more than any other industry in South Africa!



Boycotts were also common: boycotts around the compound system, boycotts of mine concession stores, liquor boycotts, and taxi boycotts — grievances included overcharging and bad treatment of workers. The whole mine system came under attack. These boycotts met with some success — food quality improved, shops were cleaner and prices more stable, and shopkeepers more polite.

8 Mineworkers in the mining town of Carletonville in 1989 took part in a consumer boycott to protest petty apartheid. This shop was empty at noon — usually the busiest time of day.

Photo: Philip Littleton



9 Mineworkers discuss tactics at a meeting. During 1986 there were many disputes and new tactics of resistance

During 1986 the amount of disputes was even greater. Union members started to use new tactics eg 'working to rule' where workers refused to do any tasks which the colour bar said they could not do — this was in response to accidents involving untrained black workers. Workers also worked half shifts, and organised sit-ins and stayaways. All these struggle tactics underlined that there was no effective industrial relations system to deal with black mineworkers' grievances.



10 NUM negotiators after a caucus meeting during a strike at Vaal Reefs goldmine in 1986



11 TWENTY ONE DAYS THAT SHOOK THE CHAMBER

1987 Strike

1987 was a year of great importance to the NUM. The union talks about 'the 21 days that shook the Chamber' to describe the 1987 miners' strike — the biggest ever strike in the mining industry. In these 21 days the strength of the union was tested and the mineworkers showed their determination to get a living wage.

The union declared a dispute at a wage demand of 30% — the Chamber were offering between 16 and 23%. A strike ballot in 27 gold mines and 18 coal mines showed that 95% of workers were in favour of strike action. The strike began on August 9 and at its height at least 230 000 workers were out.

The state security forces and mine bosses reacted with great force. Regional leadership and hundreds of workers were arrested, NUM Kimberley offices were burnt, some workers were forced to work underground at gunpoint, roadblocks into mines were set up, organisers were not allowed to hold strike meetings, indunas informed management of union tactics, and hundreds of workers were shot and injured by SAP rubber bullets.



12 Mineworkers give their support to their union outside the building where NUM and the Chamber were locked in talks during the 1987 strike



13 Hundreds of workers were injured as the SAP unleashed their force



14 1987—
Randfontein
Mines fired these
striking NUM
members and bused
them home to the
Transkei



15 A crowd of mineworkers cheer NUM leaders leaving Chamber negotiations during the strike

Very soon bosses started to dismiss workers. At Vaal Reefs, for example, workers were forced out of hostels, driven to mine stadiums, dismissed and paid out.

The Chamber met with the union but only offered to increase the holiday leave allowance and death benefit. By the end of August 50 000 workers had been dismissed. The NUM accepted the Chambers offer and called off the strike.

It is clear that the union suffered great losses in this strike but the union learnt a great deal about organising, and the Chamber of Mines will never risk a strike like that again — it is estimated that the strike cost the mining industry about R186 million. The Chamber know that NUM members are prepared to strike for their demands and rights.

Strike committees used the hostel system to develop effective communication and co-ordinating structures and defence committees. The strike was most successful at mines where workers controlled hostels. One worker said “We did away with management structures like mine security and replaced them with democratic worker structures.” The old structures of control were beginning to break down forever. The strike marked the end of the old systems of control. In fact the slogan adopted by the NUM at their Congress that year was: ‘MINEWORKERS TAKE CONTROL’ — and this has been the mineworkers’ song ever since that time!



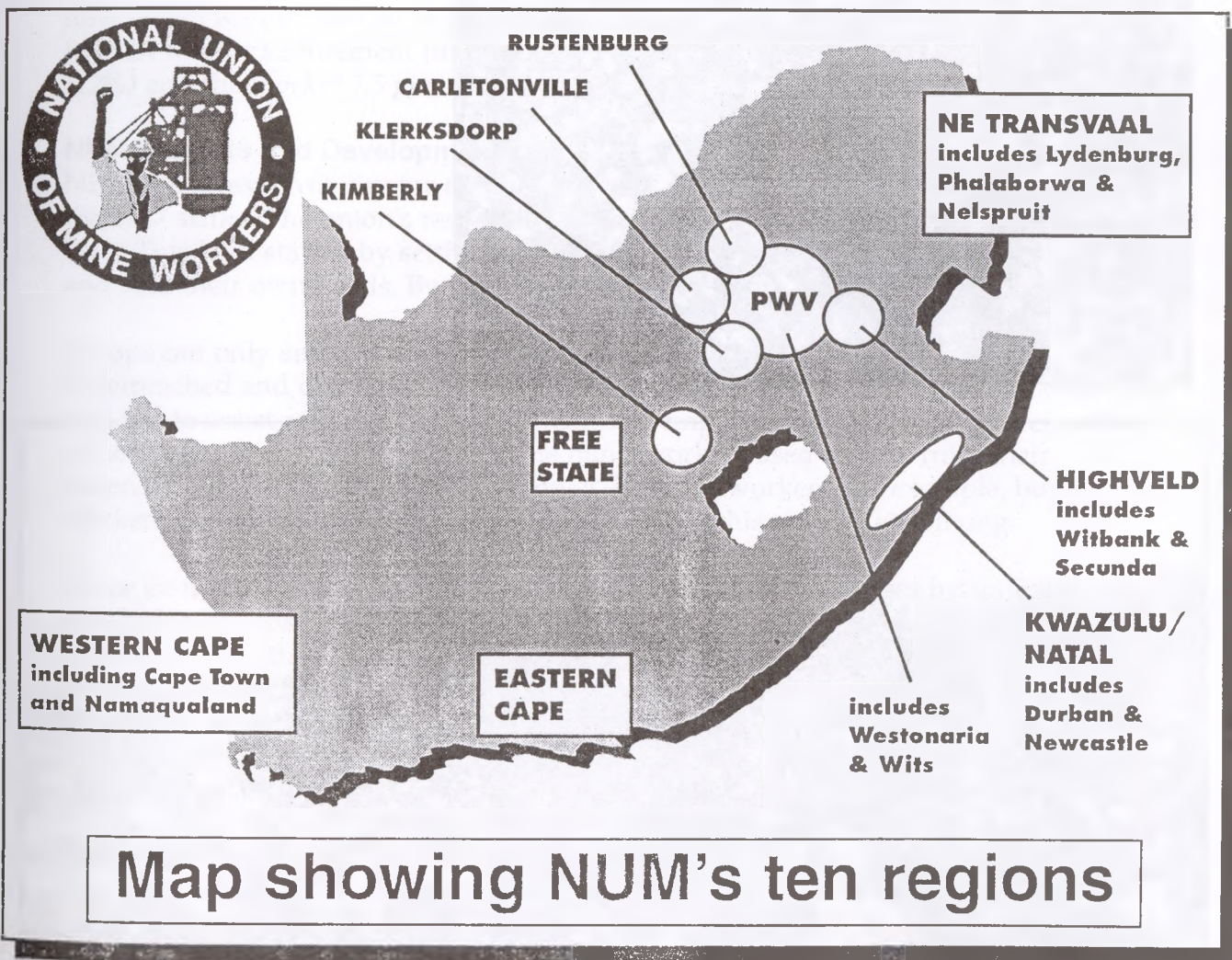
16 An NUM rally in Soweto in 1987 – workers demanded to take control of their lives from the mine bosses

Consolidation, growth and achievements

The 1987 strike proved that the NUM could mobilise huge support from workers. After the strike, workers and organisers set about rebuilding and consolidating the strength of the union in a very serious way.

Expansion of membership and regions

Within a few years the union had built up 10 regions, with an overall membership of 252 000. There are 238 000 members in the mining sector and 14 000 members in the energy sector.



NUM has ten regions: Carletonville, Highveld; Klerksdorp; Kimberley; Natal; NE Transvaal; Free State; PWV; Rustenburg; Western Cape. The map above gives an idea of where these regions are in South Africa.



17 and 18

After the 1987 strike the union expanded to organise workers in all mining activity as well as in all energy sectors



Organising new sectors

After the strike in the coal and gold industries the union decided to organise and consolidate in the mining industry more broadly - the union now deals with all types of mining activity - and also organises in the energy sector (ESKOM). The NUM has already gone a long way to restructuring ESKOM to deliver electricity to the majority of our people.

NUM Benefits

Mineworkers' Provident Fund (MPF)

A victory to come out of the 1987 strike was that the Chamber agreed to a national provident fund - the Mineworkers' Provident Fund (MPF). *The MPF is open to all mineworkers although in the beginning it dealt only with benefits for coal and gold workers.*

Workers now have control over what happens to their own money in a Fund that is now worth R3,1 billion. At first the Chamber agreed to contribute half a percent (0.5%) to each worker's retirement fund, now the Chamber contributes up to **12 per cent (12%)** and the *worker 7,5 per cent (7,5%)*. See: **DETAILS OF NUM** later in this unit.

NUM Projects and Development Unit

NUM felt a responsibility for the thousands of minerworkers who were dismissed in the 1987 strike. The union's response was to set up the Projects and Development Unit. This Unit started by setting up co-operatives where dismissed workers produced and sold their own goods. By the end of 1992 there were 30 NUM co-ops.

Co-ops can only employ small numbers of people so this did not help the thousands of retrenched and dismissed workers in the mining industry. So the Development Unit decided to assist retrenched workers with self-employment projects in the retrenched miners' (ex-miners) home villages. The minerworkers used money from their retrenchment packages as start-up money. Ex-minerworkers, for example, buy chickens for R10 and sell them for R15 each and in this way make a living.

These ex-minerworkers help each other with their small businesses by setting up **enterprise groups** where minerworkers share the cost of transport and give help and advice to each other. This approach has been successful so the NUM decided to set up a Job Creation Programme. The NUM provides training for ex-minerworkers wanting to sell their own things. The union bought a big yellow truck that travels from area to area and has all the equipment to train miners in a range of different skills eg candle-making, bricklaying, breadmaking, juice-bottling, gravestone making etc

The NUM Development Unit has set up Development Centres in different areas eg in Mount Ayliff in Transkei. These Centres provide on-going training, equipment hire and space to work. The Development Centres are part of a NUM development strategy to empower, build, and generate income for poor communities.



19 A retrenched miner explains NUM's development schemes for ex-miners in Lesotho



20 An NUM Development Centre in Phalaborwa – these centres provide on-going training, equipment hire and space to work, so that retrenched miners can learn new skills and new ways of earning a living



21 A Transkei development Project where ex-miners and their families work on the land to earn a living



22 The NUM Job Creation Unit truck that travels from area to area with equipment to train miners in different skills

Details of NUM Benefits

Benefits to workers in the mining industry

The Mineworkers Provident Fund (MPF)

Who does the fund cover?

The MPF is for workers in the Chamber of Mines affiliated companies, like Rand Mines and Rustenburg Base Metals, and for mines in the rest of the industry. The MPF covers 352 000 workers and every NUM member on the mine has to join (it is compulsory to join). Non-union members can join through the employer.

Who runs the MPF?

The MPF is run by:

- A national Board of Trustees consisting of 5 Chamber of Mines trustees and 5 NUM trustees. Trustees deal with things like the changes in the rules of the Fund and where best to invest worker's money.
- Regional Advisory Committees (RAC) also consisting of 5 Chamber and 5 NUM trustees. These RACs deal with the day to day running of the MPF.

How much is the contribution to the MPF?

Workers contribute 7,5% (seven and a half percent) of their monthly salaries and the employers contribute between 7% - 12% of the worker's monthly salary (Rustenburg Base Metal, for example, contributes 12% of every worker's salary to the MPF retirement fund). There are Regional Advisory Committees in the FS; Klerksdorp; Carletonville; Rustenburg; Secunda; Witbank; Westonaria; and the Wits region.

What does the MPF pay out?

The MPF pays out the following:

● Resignation of the worker

The worker gets all their contributions into the fund and a part of the employer's contributions. The part of the employer's contribution the worker gets depends on their years of service in the mine. After five years of service, the worker will get the full amount. The worker will have to wait 12 months before this money is paid out by the MPF.

● Dismissal of the worker

The worker gets all their contributions into the fund and a part of the employer's contributions. Again, the employer's contribution will depend on the number of years of service the worker has. The worker will be paid out 6 months after she/he leaves the job.

● Retrenchment of the worker

The worker gets all the money that she/he has contributed into the Fund as well as all the employer's contributions and the interest on the investment of the money. This is referred to as Fund Credit. The MPF pays all the retrenchment money owed to you as a lump sum.



23 NUM signed an agreement with the Chamber of Mines around the setting up of the MPF in 1989

● **Death of the worker**

The worker's family will either receive the Fund Credit or three times their Annual salary - whatever amount is the greater. Death benefits are only paid to your surviving dependents (such as your family) if you die while still employed at the mine.

● **Retirement of the worker**

The worker gets all the money that she/he has contributed into the Fund as well as all the employer's contributions and the interest on the investment of the money (Fund Credit). The worker gets this money from the retirement age of between 55 and 65 years old. You can retire at 63 years old if you are a surface worker, and at 60 years old if you are an underground worker.

● **Early Retirement**

You can take early retirement from 53 years old if you are a surface worker and from 50 if you are an underground worker. A worker who wishes to take early retirement will get all the money that she/he has contributed into the Fund as well as all the employer's contributions and the interest on the investment of the money (Fund Credit). This money will be heavily taxed though.

Please Note: Do not waste money consulting with people who are not involved in the running of the Fund. Rather get help from your shaft stewards, trustees and Regional Advisors.

What other benefits do Chamber of Mines workers get?

Chamber of Mines workers are covered by the Mines Association Benefit Scheme. This Scheme give workers **Death Benefits** and **Funeral Benefits**. The Scheme is administered by Old Mutual. Workers pay R1,50 for every R100 they earn into this Scheme, and the employer's contribute R3,50 for every R100 the worker earns. All NUM members have to belong to this Scheme (it is compulsory to join).

Death Benefits

If the worker dies when she/he is still working on the mine the family gets 36 times the worker's monthly salary or the Fund Credit - whatever is the greater.

For example: Vusi Mayepi earns R800 a month (including hostel, food etc costs). He dies while he is still working. So his family get:

$$800 \times 36 = \text{R } 28\,800$$

If the Fund Credit is more than this, Vusi will get the Fund Credit.



24 There are many retrenchments in the mining industry. The MPF pays dismissed workers all their contributions and part of the employer's contributions, when they leave the job

Funeral Benefits

The Mines Association Benefit Scheme will pay the following funeral expenses:

- The member, the member's spouse (the person the worker is married to), and the member's children who are over 14 years old = R 4 000
- The member's children: 6 - 13 years old = R1300
1 - 5 years old = R660
0 - 1 years old = R330

Disability Benefits

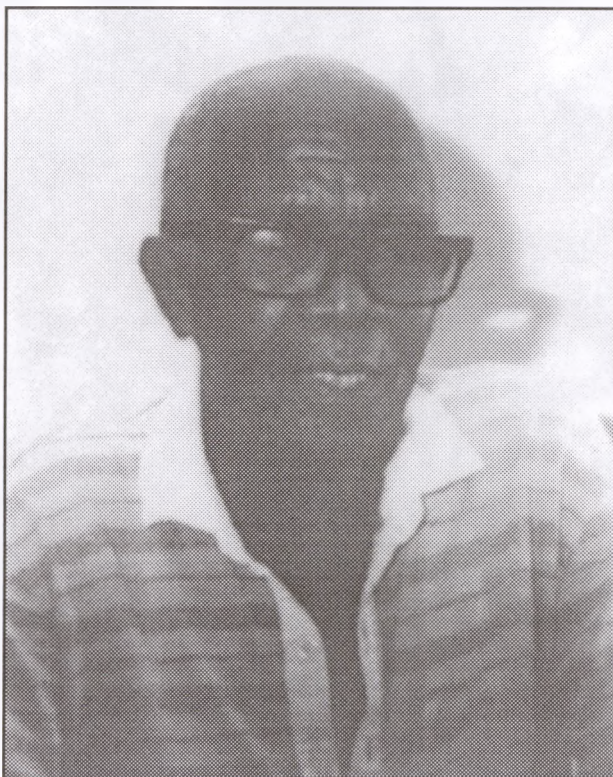
If a worker is **permanently** injured, or sick, while she/he is working in the mining industry the Mines Association Benefit Scheme pay out a certain amount (a percentage) depending on the kind of injury or sickness. For example: if a worker loses a finger at work, the worker will get less money than a worker who loses a leg. The mine must pay a Disability Benefit to the worker by law under the Compensation for Occupational Injuries and Diseases Act (COIDA).

Benefits for other workers in the Mining Industry

All the Funds described below offer:

- Retirement benefits (retirement between 55 and 65 years old)
- Funeral benefits (paid at different rates for different members of the worker's family)
- Death benefits (paid to the family on the worker's death while the worker is still working)
- Permanent Disability benefits (paid to the worker in the case of permanent injury or sickness while the worker is still working in the industry).

All the Funds are run by a Board of Trustees with 50% union representation and 50% company representation.



25 The MPF pays out all the workers' contributions plus interest when the worker retires

Workers in the Diamond industry

Workers in the diamond industry are covered by the De Beer's Pension Fund. The union has restructured this Pension Fund to get better benefits. This is still in the process of being sorted out. NUM has 50% representation on the Board but the rules are still to be finalised. The union wants to see the De Beer's Pension Fund run like the Eskom Fund.

Workers in Randcoal

There are nearly 3 000 workers in Randcoal. They are covered by the Randcoal Provident Fund which the union negotiated. Workers contribute 7,5% of their monthly salary and the employer contributes 14%.

Samancor Group Provident Fund

This covers the workers of all Genmin companies, for example: workers in Genmin chrome and ferro-alloys mines. The workers contribute 7 and a half percent of their monthly salary and the employer 10 and a half percent. There are about 10 000 workers that contribute towards this Provident Fund.

Mine-based provident funds

The NUM has negotiated provident funds on each of the following mines:

Ergo, Gefco, Levino, Pering Mine, and Philips Dodge Mine.

Contributions: worker contributions = 7% of worker's salary and employers between 12 and 14%.

Impala Provident Fund

This Fund covers workers from all Impala Platinum Mines, without Amplats. About 25 000 workers are part of the Fund. The workers contribute 7 and a half percent of their monthly salary and the employer 10 and a half percent.



26 The MPF pays a permanently disabled or sick worker a certain amount of money depending on the disability or sickness

Benefits to workers in the energy and electricity industries

Energy workers are covered by the Eskom Retirement Fund (ERF).

Who does the ERF cover?

ERF covers all union members at Eskom. Non-union members can also join the Fund through the employers. It is compulsory (union members have to join) for all union members to join the ERF.

There are 40 000 worker members of the Fund and about 8 000 pensioners receiving benefits from the Fund. NUM negotiated changes in the rules of the ERF and this gave much greater benefits to workers.

How much is the contribution to the ERF?

Workers contribute 7 and a half percent of their monthly salaries to the Fund, and employers contribute about 16 % to the Fund.

Who runs in the ERF?

The ERF is controlled by a Board of Trustees. There are 3 Trustees from the bosses, 3 union Trustees, 2 pensioner Trustees, and an independent chairperson.

What does the ERF pay out?

Resignation or dismissal of a worker

The worker gets 50% of the ARV (actuarial value) — the ARV is the employers' and the employees' contributions plus any interest from the investment of this money. The worker gets this 50 payout as soon as they leave work. The worker gets the other 50% payout on the ARV at the age of 55.

Retrenchment of a worker

The worker can choose between taking:

- 3 times the worker's contribution to the fund in one lump sum at the point of retrenchment

OR

- the full ARV (employers' and employee's contributions plus full interest on both amounts paid as a lump sum.

OR

- a monthly pension.

Retirement of a worker

The worker can retire at any time between 55 and 65 years.

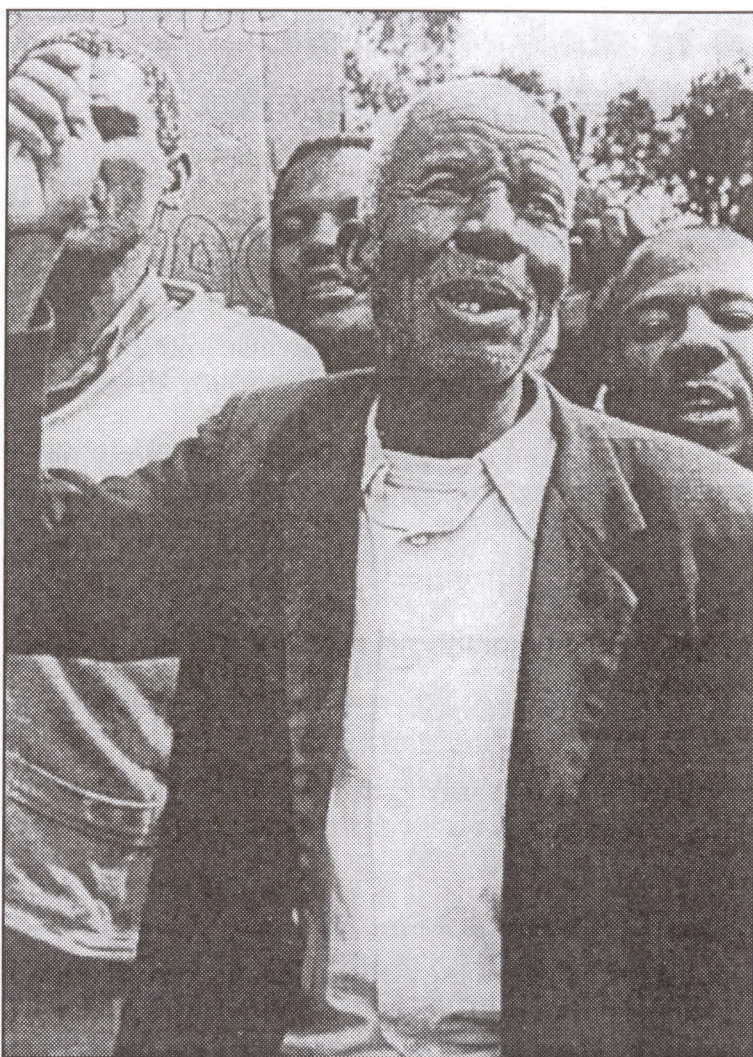
If the worker retires between 55 and 64 years the worker gets a cash lump sum.

If the worker retires at 65 years old the worker gets:

2.17% times the worker's years of service times the worker's salary (the highest salary that the worker earned in the year of retirement).

For example: Abigail Ndlovu retires at 65 years. She worked in Eskom for 15 years.

This is the money she gets at retirement:



27

$2.17\% \times 15 \text{ (years of service)} \times R1\,000 \text{ (salary)} = R32\,550$

Abigail will get R32 550.

One third of this amount is paid in a lump sum at the point of retirement and the rest will be paid out later. So at retirement Abigail will get a lump sum of R10 850.

Death of a worker

This is if the member dies while she/he is still working at Eskom. There are a number of different benefits, below are the main death benefits:

- if the worker died in a work accident, the worker's spouse (husband or wife) gets:
 - 3 times the worker's yearly salary paid as a lump sum

- if the worker dies while she/he is still working at Eskom the spouse gets a monthly pension of:

- 40% of the worker member's last salary
- and

- 10% of the worker's last salary for each child up to the maximum amount of 30% of the member's last salary.

This means it is possible for the spouse to get 70% of the dead member's final salary as a monthly pension.

Total permanent disability

The benefits are the same as the retirement benefits. So if the member dies at 30 years the benefits are exactly the same as if she/he retired at 65 years old.

Funeral Benefits

If a member, or the member's spouse or the member's child dies the Fund pays out money for the funeral:

For children the Fund pays out:

under 1 years old = R1 500

1 - 14 years old funeral expenses of R 2 500

15 - 21 years old (or up to 26 years old if the child was a student) = R3 500

Funeral expenses for the worker member or their spouse = R5 000.

All families of all pensioners in the Eskom Fund get a death benefit payout, and Eskom pensioners have special Health Care Facilities for their use.

MOST OF THESE BENEFITS HAVE GREATLY IMPROVED FOR WORKERS SINCE THE NUM NEGOTIATED BETTER DEALS.

THE NUM AIMS TO CREATE ON MINEWORKERS' PROVIDENT FUND WITH THE SAME KINDS OF BENEFITS THAT THE ESKOM FUND OFFERS.

IF ANY STEWARDS OR WORKERS NEED TO KNOW ABOUT THEIR BENEFITS OR HAVE ANY QUESTIONS, THEY CAN GO TO THEIR SHAFT/DEPOT AND BRANCH OFFICES.

OR PHONE NUM HEAD OFFICE TEL: (011) 833 7012/9

What benefits does NUM have for its members?

The JB Marks Education Trust

This is an educational bursary for members and their dependents. Members can apply on behalf of their children who are at secondary school or doing tertiary education. All applications are considered by a Board of Trustees made up of the NUM National Office Bearers.

Funeral Cover

The family of every member is paid out R2 500 if the worker dies while she/he is still working. This amount is paid out immediately at Regional level. This is a union based scheme.

Guiding principles and policies of NUM

• worker control

NUM is controlled by its worker members. This control is carried out through the constitutional structures of the union. The union believes that the strength of NUM lies in strong and militant workplace union structures. It is committed to building and strengthening organisation at the workplace level. The NUM actively organises at the workplace level and sets up elected shaft and shopstewards committees in organised workplaces (there will be discussion of union structures later in the course). Members take on leadership at all levels of the union.

• non-racism

NUM is open to workers of all races, and beliefs. The union is opposed to any racism in the worker's movement. The union believes in the equality of all workers in the trade union and society.



28 Stewards arrive at a congress in 1985 – NUM believes in worker control so the union actively organises in the workplace where workers elect their steward representatives

• non-sexism

NUM is opposed to sexism (where men, or the society, discriminate against women because they are women) in the worker's movement and in the whole society. Women must have equal opportunity with men.

• trade union unity

One union – One industry

NUM believes in the goal of one union in each major industry in South Africa.

One country – One federation

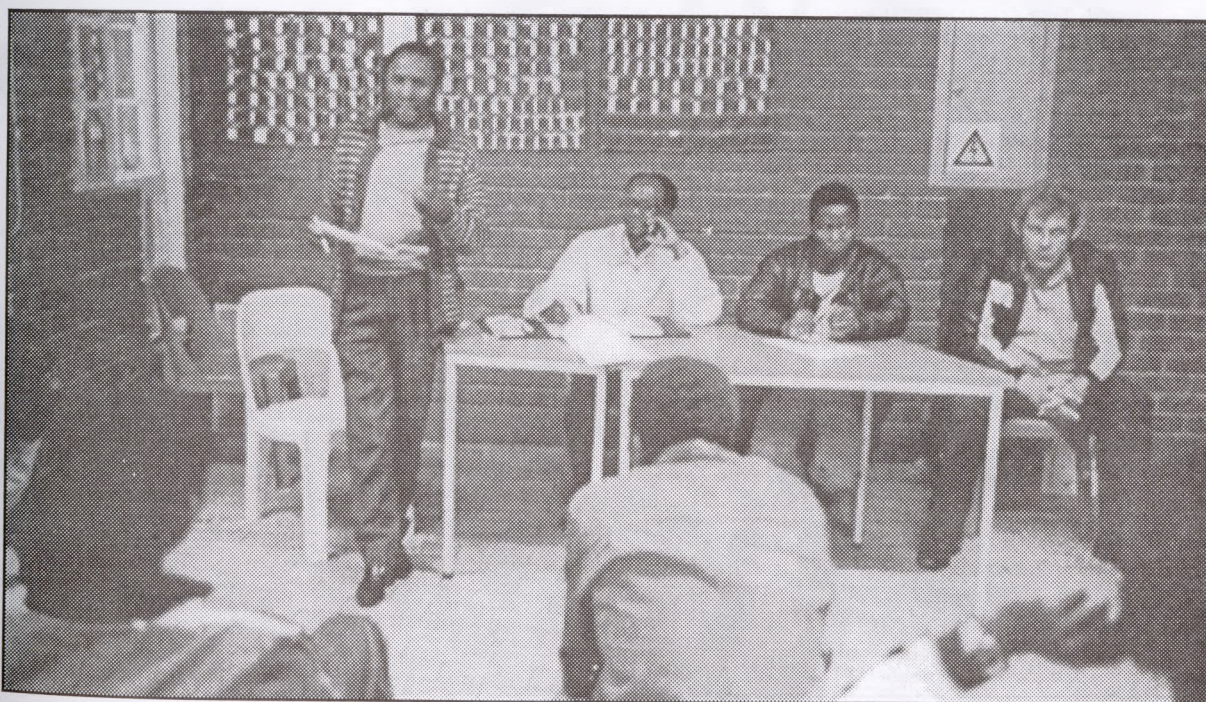
NUM stands for the unity of the trade union movement. It has always supported moves to build one trade union federation and NUM was a founder member of COSATU in 1985.

International worker unity

NUM believes in the unity and solidarity of workers both within and outside the country.

• trade union independence

The NUM believes that the trade union movement should be independent of the state, capital, and political parties. The NUM does however, recognise the need to form alliances with other progressive forces in our society in our fight for a united, just, democratic, and socialist society. At present NUM, through our affiliation to COSATU, is part of the tri-partite alliance of COSATU, SACP, and ANC.



29 A white miner at an NUM meeting – he was badly harassed by racist management for joining the NUM and so the union gave him protection. The union is open to workers of all races.

30 A mineworker at an NUM rally in Rustenburg – the union believes women must have equal opportunities with men.



31 Elijah Barayi (Cosatu), Laurence Phatlhe (Orange Vaal Workers Union) and Longway Kwelintini (Nactu) at the 1989 Workers Summit Meeting to discuss unity in the union movement – NUM believes in unity of the trade union movement in South Africa.



32 The NUM, through its affiliation to Cosatu, is in alliance with the SACP and ANC which this NUM rally makes clear! The NUM believes the union must be independent of government, business, and political parties but the union recognises the need for alliances from time to time.

NUM industrial scope/sectors

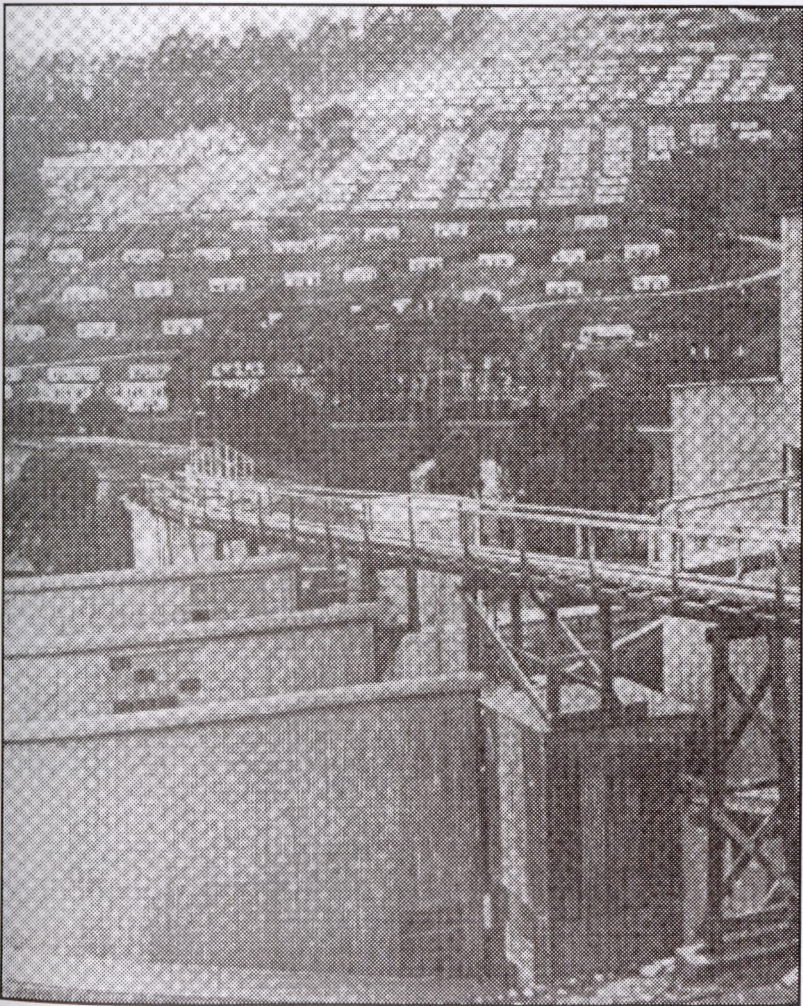
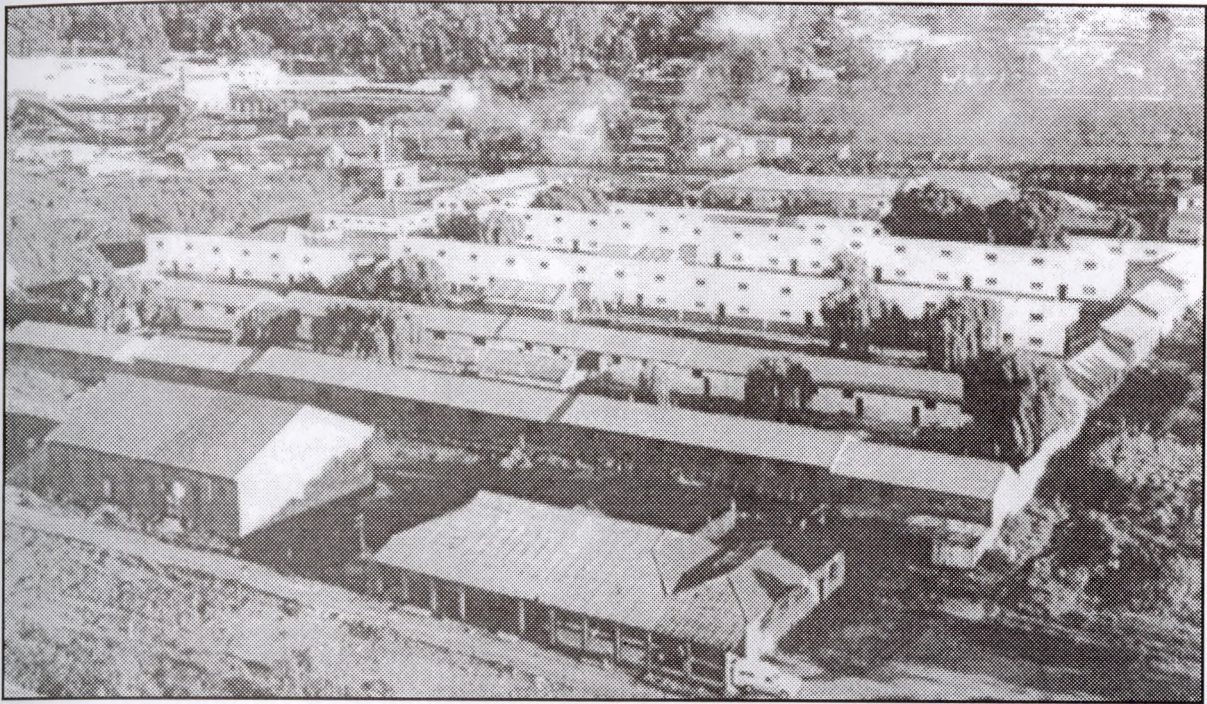
Mining and Energy in the following areas:

Gold
Limestone
Vermiculite
Salt
Manganese
Clays
Tin
Eskom/Energy
Zinc
Lead

Coal
Copper
Diamond
Silica
Giramite
Platinum
Chrome
Phosphate
Sulphur
Andalusite

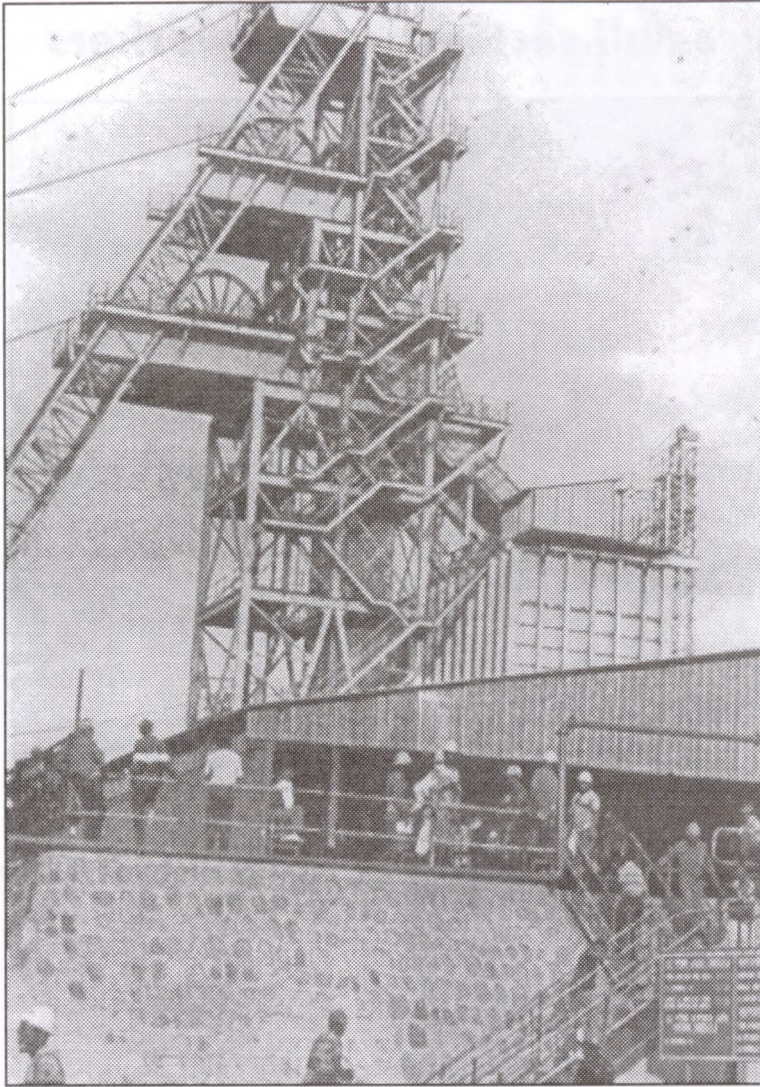
Gypsum
Aggregate/sand
Iron ore
Antimony
Uranium
Asbestos
Silver
Fluorspar
Nickle
Feldspar

33-38 NUM organises all sectors of mineworkers



▲ **33** Hlobane Colliery in Vryheid.

◀ **34** An asbestos mine in the northern Cape.



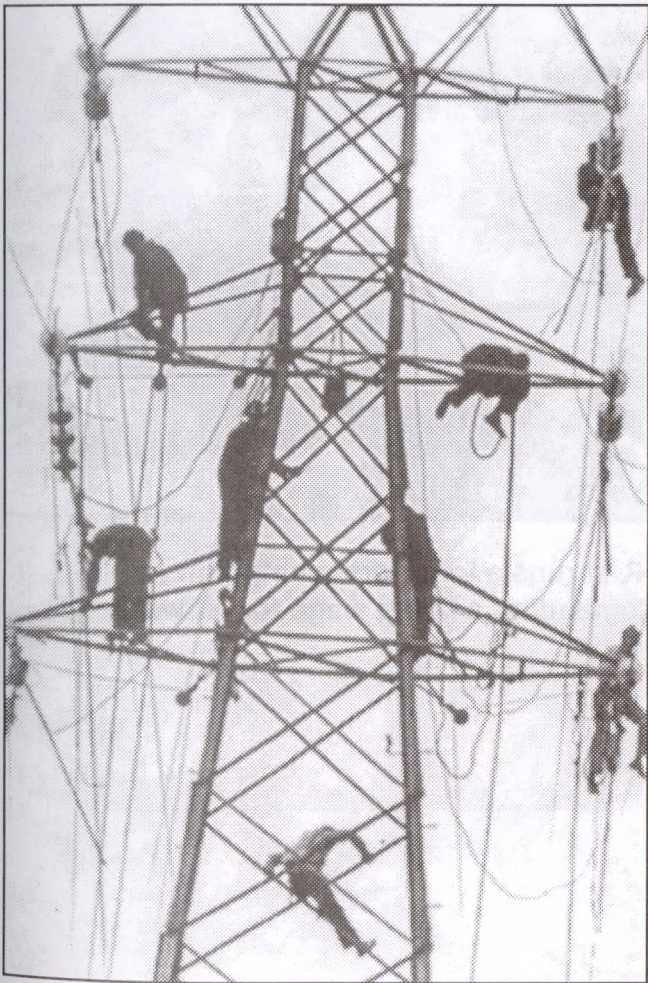
35 Shaft 9 at Rustenburg Platinum mine.



36 Reworking the gold mine dumps.



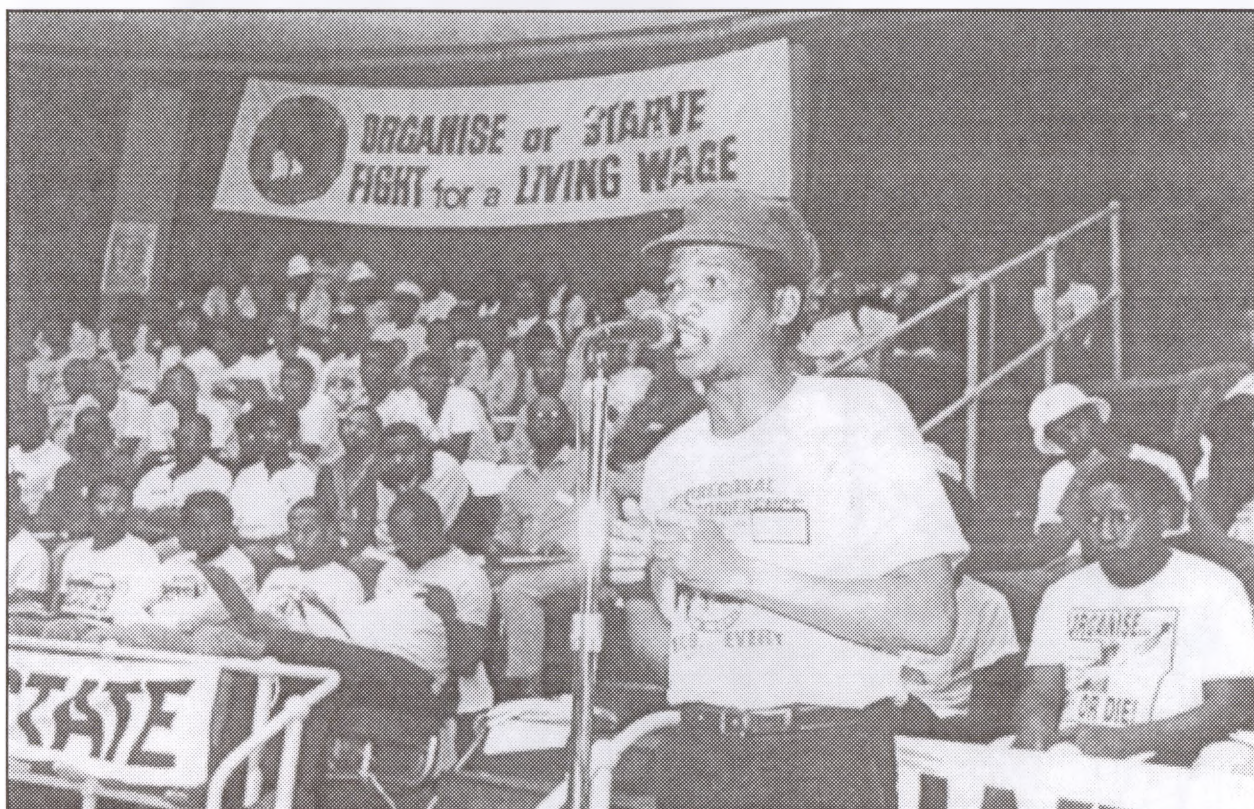
37 Underground mining at the Ventersport Gold Mine.



38 Eskom workers repair a pylon

What is a campaign?

- a campaign is an activity focusing on a particular issue
- the campaign issue is always an issue that is very important and urgent and needs special attention
- a campaign has a clear goal — it can be a long-term goal like 'a living wage for all' or a short-term goal like 'the reinstatement of dismissed workers'
- it draws mass membership into united action and may draw in other groupings outside the union
- it uses mass publicity techniques



39 NUM runs a long-term campaign demanding a living wage for all workers

Why are campaigns a useful organising tool?

Campaigns mobilise workers in support of a demand that is important to them, and gets lots of energy and activity going amongst members. The campaign also forces the bosses, or government, or political parties, and the general public to listen and act on the demands workers of the working class. Campaigns can also be a strong way to educate workers eg an AIDS Campaign.



40 NUM comrades run a short-term campaign for the re-instatement of their comrade workers

NUM policies and campaigns

It is not possible to go into all NUM's policies so the policies and campaigns described below are the most important ones to NUM at the moment.

What is NUM's health and safety strategy

"The stronger the union, the safer the mine"

NUM has always given health and safety a high priority because of the bad safety record of the bosses - 800 mineworkers are killed in mine accidents in South Africa every year. After a long struggle for improved working conditions and a healthy and safe workplace, the NUM has succeeded in getting the Mine Health and Safety Act (MHSA) passed. This gives workers four fundamental health and safety rights:

- The right to representation and participation
 - The right to health and safety information
 - The right to health and safety education and training
 - The right to refuse to do dangerous work
- (see Unit 9 - for further information)

This does not mean that the struggle is over though. NUM will focus on the following now and into the future: The following will be a focus for NUM now and into the future:

1. Implementing the Mines Health and Safety Act

This will involve:

- intensifying the mass education campaign at branch level to popularise the MHSA and particularly the four basic rights;
- ensuring that all branches negotiate quality health and safety agreements;
- campaigning for worker delegates to be entitled to proper time off so that they can participate in the tripartite structures;
- empowering health and safety representatives so they in turn can educate the general membership.

2. Health Care and the Environment

- Campaigning for the rights of disabled workers, for medical care for families of mineworkers and a rehabilitation policy that takes into account the needs to mineworkers.
- Paying attention to environmental issues, such as water pollution, slime dams, mine dumps, coal generated power, rehabilitation of land, and radiation from uranium.
- Addressing occupational health issues. Steps must be taken to improve facilities and access of ex-miners to regular benefit examinations, particular in rural areas.

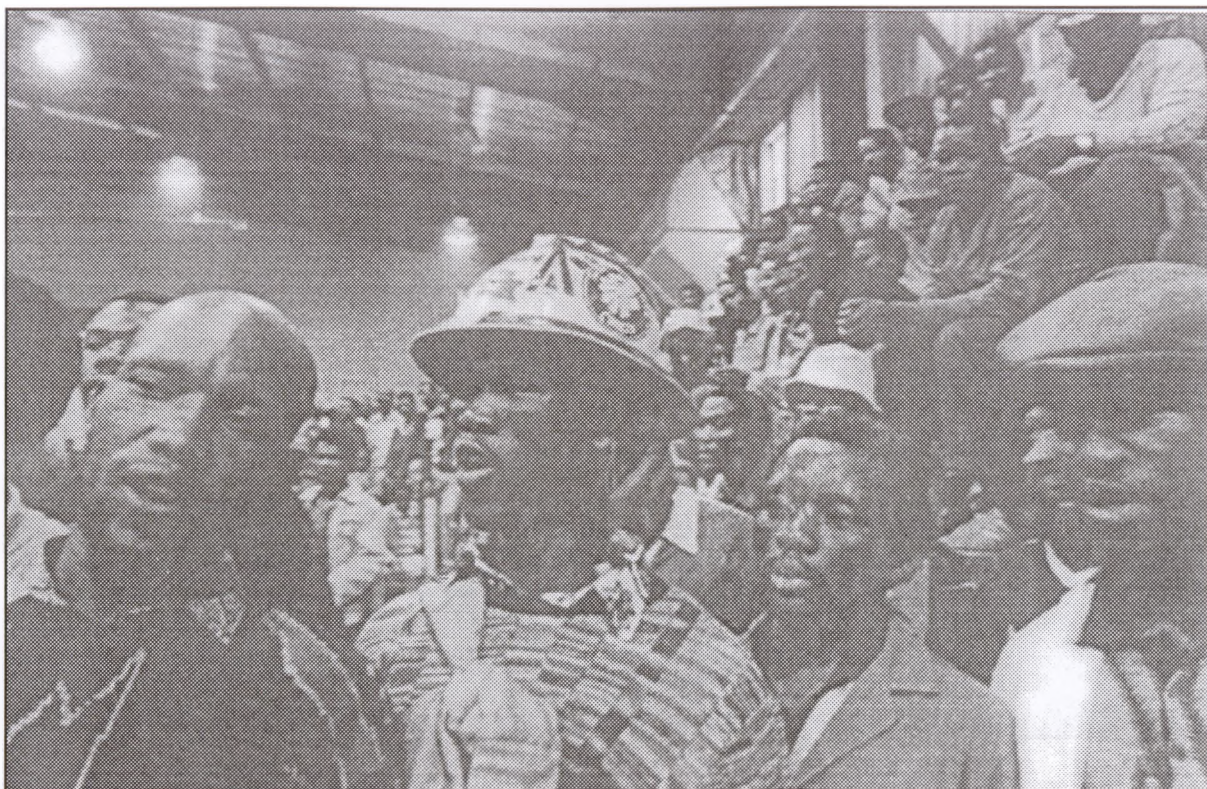
AIDS

- a campaign to raise awareness about AIDS and to prevent the spread of the disease has to be stepped up among the membership.



41 & 42

Buffelsfontein stewards win the fight for the recognition of safety stewards. NUM are campaigning for recognition of safety stewards in all their mines



43 Mineworkers meet to discuss strategies and tactics regarding mine closures and retrenchments

What is NUM's policy on mine closures and retrenchments?

Since 1987 about 200 000 gold workers have been retrenched because of the fall in the price of gold. For different reasons there have also been thousands of retrenchments in other mining and energy sectors: coal, chrome, iron, copper, Eskom etc.

The NUM is fighting for the government to pass a new law called the Social Plan. This new law will give worker's rights when the company plans to 'restructure' (this usually means large-scale retrenchments of workers) or to close down.

Currently, the Labour Relations Act (LRA, 1995), says that management must consult workers if they are to be retrenched and must pay them a minimum of 1 weeks wages for every completed year of service. This does not go far enough. Workers work hard for years and give the bosses good profits but when the bosses don't need the workers anymore, the bosses retrench and give workers very little.

The Social Plan says:

- If the company wants to make changes they must talk to workers and their union first because the changes will affect workers. If the bosses do not consult and negotiate an agreement with the union, then the bosses must be tried in court and fined.

- If the company has to retrench then the company must negotiate a social plan with the workers and union. This Social Plan will help retrenched workers in the following way:
- provide a minimum retrenchment package (minimum pay of 2 weeks for every year of service)
- fair notice and rights to all company information
- the company must pay for job retraining to help workers find new jobs. Training in the mining industry should be broad-based so that workers can change more easily to other industries. The company must also give worker's certificates showing what skills they have.
- there must be advice, help and counselling for each retrenched worker to plan their future.
- company and government support for job creation programmes.
- procedures for calling back workers if the company needs new workers in the future.

The NUM will negotiate Social Plan Funds with each company. This means that companies must contribute money on a monthly basis to this fund to finance a Social Plan if there are any retrenchments/closures in the future. The NUM will campaign to negotiate National Retrenchment Agreements in the Chamber of Mines and other negotiations.

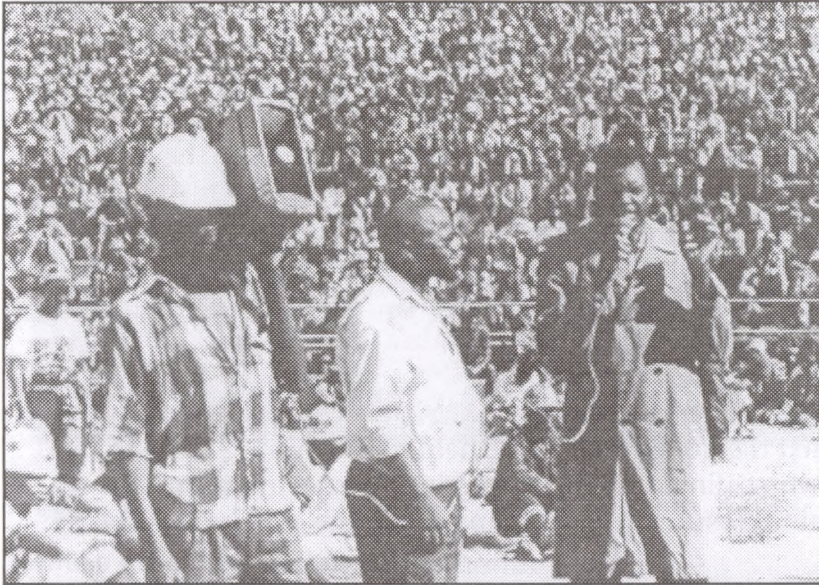
The NUM is also demanding that the government give help to the mining industry and communities when there is down-scaling or closures of mines. Many towns are dependent on the mines so a mine closure destroys many other jobs and homes. Many



44 Retrenched miners wait to go home

rural communities are dependent on the money that mineworkers bring home. The government needs to give targeted assistance in the following ways:

- help with re-training workers who lose jobs
- investigate how to make use of all the mining facilities to develop some kind of local industry
- help the rural areas dependent on mineworkers' incomes
- investigate how the closure will affect the whole South African economy.



45 Gwede Mantashe addresses retrenched mineworkers at Durban Roodepoort Deep just before the closure of the mine in 1994

What is the NUM's policy on retrenchment?

46



What is NUM's policy on worker education and training?

Education and training is a key focus for the union. NUM has thousands of members who cannot read and write so the union is demanding Adult Basic Education (ABET) up to Std 7 — 62 % of mineworkers are functionally illiterate with less than five years schooling. Without basic education many NUM members cannot develop more job skills to improve their position in the mining or energy industries, or equip them with other job skills if they are retrenched.

Last year the NUM launched a major campaign to put ABET (Adult Basic Education and Training) on the collective bargaining agenda. The campaign focused on four basic demands:

- * the right to education and training for all
- * paid education and training leave
- * an end to all discrimination in education
- * full union participation in education and training.

The NUM is demanding that the bosses give time to workers to get basic education and upgrade their skills. At the 1994 Chamber of Mines negotiations the union demanded that the bosses give workers 200 hours of paid time to take part in education and training provided that the worker give 200 hours of his/her own time. The union demanded that the Chamber give this right to 10 per cent of its workforce each year.



47 Workers at an NUM Adult Basic Education (ABE) workshop in 1994 — education and training is a key focus for the union

The NUM did not win all these demands but the union won an important agreement on Adult Basic Education and Training (ABET) with the Chamber of Mines.

The agreement covers over a quarter of a million workers. The Chamber of Mines agreed to a set of principles to implement ABET. These include:

- * ABET should be part of a human resource system which brings together education and training
- * ABET should allow workers to go on to further training
- * ABET should open up career opportunities for workers within the mining industry
- * Unions must be involved in planning, implementing and monitoring ABET programmes
- * Existing skills which workers already have must be recognised and paid for
- * all workers should have access to ABET.

There was no agreement on the key issue of paid education and training leave.

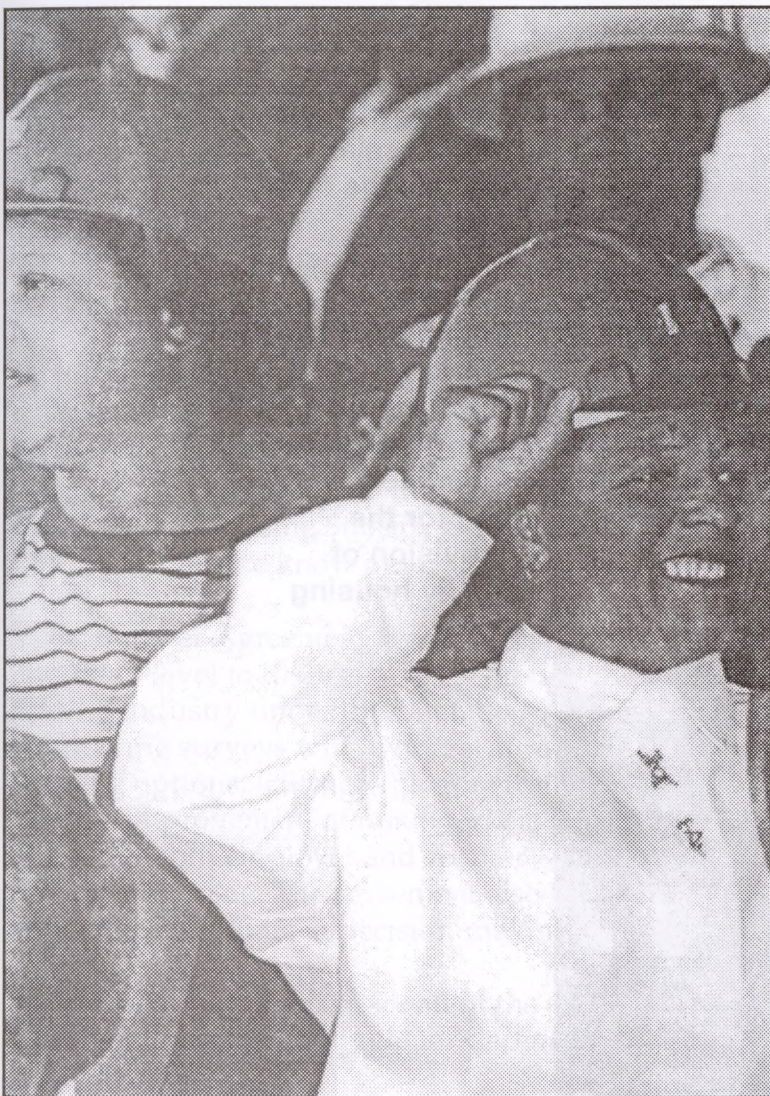
The agreement lays down that the NUM and the Chamber will set up a working group to develop guidelines on implementing the ABET agreement. The NUM is setting up structures at the various mines to get the process going.

For the programme to work, it is important that shaft stewards and workers are involved every step of the way. The union has designed its own training programme to make sure that this happens. At mines where negotiations have started, core groups of shaft stewards have been set up. The union is holding workshops to empower stewards to negotiate ABET agreements with management.

What is NUM's policy on gender?

Women make up 2.3% of the workforce in which NUM is organising. In line with political developments and current legislation, NUM recognises that a programme must be put in place to affirm women comrades in the union. This programme is to focus on getting women elected as stewards at shaft and branch level. Particular effort will also be made to ensure that women are included in all levels of the union. This programme should result in the setting up of a Women's Desk at National, Regional and Branch level.

The NUM is committed to integrating gender into the policies and activities of the union, rather than dealing with it as a separate issue. Gender is the responsibility of everyone, rather than the job of a few. All planning, monitoring and evaluation should include women. All project co-ordinators should be trained to be gender sensitive. Women should be encouraged to participate in all activities of the union.



48 Women comrades of NUM at rally near Platinum mines in Rustenburg. NUM recognises that a programme needs to be put in place to affirm woman members

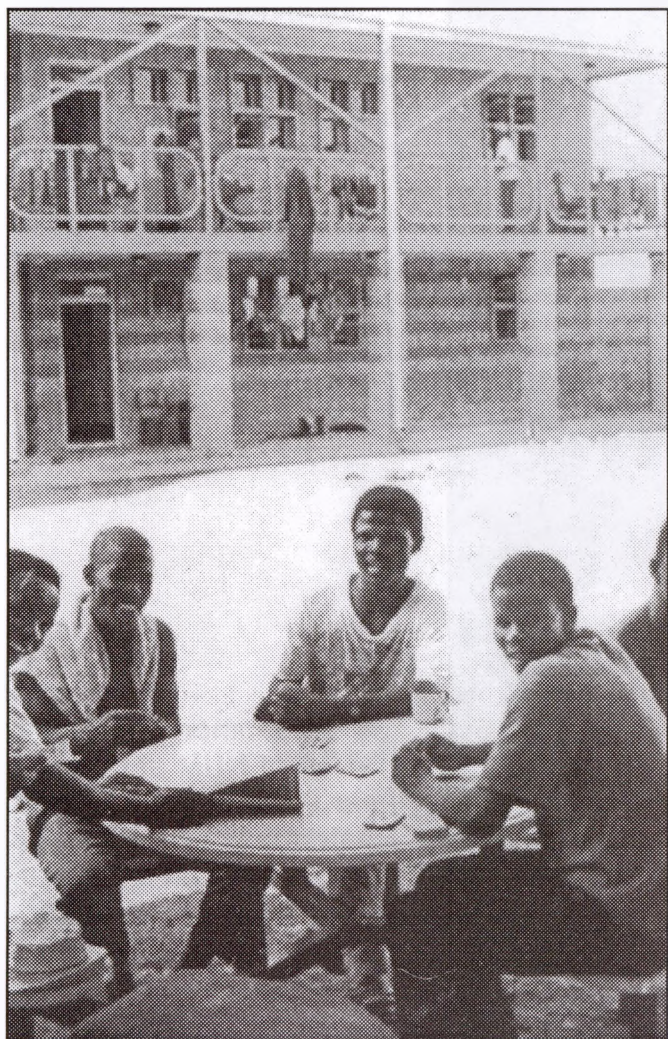
What is NUM's housing policy?

Since 1987 the NUM has fought for the dismantling of the single sex hostel accommodation system which formed part of the migrant labour system of control. The NUM sees the democratic running and upgrading of hostels as a priority campaign in line with its policy of "taking control of the hostels".

The NUM aims to make it possible for workers to choose from a number of low-cost accommodation options. Some of these options would be:

- upgraded hostel accommodation with decent conditions and privacy or converted into family housing;
- social housing (a system of housing which allows workers to collectively own; and control their accommodation, and which aims to make housing affordable to workers)
- individual rented or bought single and family accommodation.

The NUM housing policy states that workers must get a decent living wage in order to pay for decent housing. But until workers earn a decent living wage the union is calling for employers to provide a Housing Allowance to workers to cover rental or bond repayments on a house.



49 Workers relax outside the newly built and improved hostels at Rustenburg Platinum. NUM has negotiated for the upgrading and democratising of the mine's hostels and for the provision of family housing units



50 A family housing unit being built at Rustenburg Platinum

The housing policy states that workers must take part in all decisions around housing. Joint worker/management housing forums must decide on all issues around the running of hostels, company housing and housing policy.

The NUM policy also talks about the role of government in the provision of housing, especially as mineworkers are constantly retrenched in large numbers. The union calls for the formation and training of RDP volunteer brigades in every community to be involved in providing goods and services like housing to the community. Government housing policy must also make sure not to leave out rural communities where many NUM workers come from. All local government boundaries must include mine hostels as part of their responsibilities.

In 1994 the union negotiated an important agreement with the Chamber of Mines called: "Framework of Principles on Housing Forums and Hostels" (ask your educator for a copy of this agreement in Unit 5 if you want to see it). Joint worker/management housing forums must help mine and energy workers to get state financial aid through the National Housing Subsidy Scheme (see: The Shopsteward Vol 3.4 Aug/Sept 1994 p38 if you want to know more about the National Housing Subsidy Scheme).

The Chamber Agreement lays out the principle of setting up housing forums at mine or company level to discuss policies around the provision of housing at all levels of the mining industry under the Chamber. The functions of the forum could include conducting surveys with workers around their housing needs, looking into different housing options, liaising with government housing authorities, and discussing the general improvement of mineworkers living conditions. The housing forums will consist of both employer and worker representatives and other parties are involved in the housing issue. The agreement also recognises that it is desirable that hostel residents participate in decision-making in hostel affairs.

The NUM has guidelines for all of the above issues to help Branch, Housing and Hostel Committees in their struggle for decent housing for all.

What is NUM's political policy?

The NUM has always been very active in the struggle for democracy in our country. This is clear from the number of NUM officials or workers who have key positions in the politics of our country or in business, for example: Cyril Ramaphosa, (leading business person, but former ANC Secretary-General and NUM General Secretary); Marcel Golding, (in business but previously an MP and the former NUM Assistant General Secretary); Godfrey Oliphant, MP national assembly (former NUM NEC member and COSATU national office-bearer); Mannie Dipico, Premier Northern Cape region (former NUM educator).

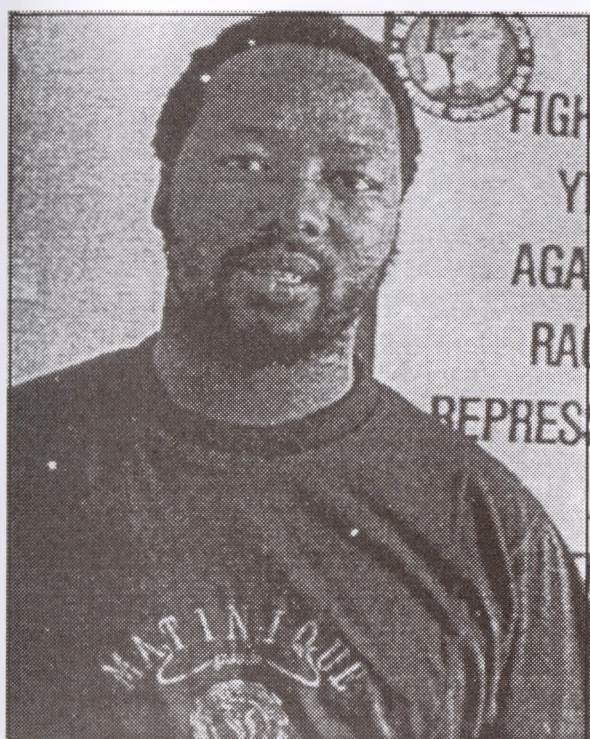
In the struggle against racism, and for democracy, the NUM has suffered many losses. Mineworkers and union leaders have been killed and many injured, and NUM offices have been burnt to the ground by racists. But this has never stopped the NUM from pushing for the rights of workers and the unemployed to a decent life.

The NUM supports a non-racial, non-sexist society based on democratic principles. NUM believes in working towards a socialist society where the control and needs of the working class are primary. The NUM believes that the union should co-operate with other progressive organisations and forces in the society to defend and advance working class interests.

The NUM is currently part of the COSATU tripartite alliance with the SACP (SA Communist Party) and the ANC. This alliance of progressive forces pledged to bring down the nationalist government and end apartheid. This has since happened.

NUM's has since made this their political position:

- The union should re-commit itself to be part of the tri-partite alliance to make sure that the government keeps the interests of workers at heart.
- NUM members in the different regions must play a leading role in making sure that the ANC and SACP remain organisations that are mass based and committed to the working class.



53 Mannie Dipico, former NUM educator

54 Cyril Ramaphosa, former NUM General Secretary



55&56 The bombing of the NUM offices in Klerksdorp by racists in 1994.



57 NUM believes in working towards socialism where the control and the needs of the working class are primary.

NUM office bearers

National Office Bearers

Honorary Life President:

Nelson Mandela

President:

James Motlatsi

Vice-President:

Senzeni Zokwana

General Secretary:

Gwede Mantashe

Assistant General Secretary:

Archie Palane

National Treasurer:

Derrick Elberechd

Chairperson of NESCO:

Joseph Nkosi

Chairperson of NASHCO:

Mathebula

Secretary of NESCO:

M Dyonase

Secretary of NASHCO:

T Potsane

Regional Office Bearers

Regional Chairperson

Regional Vice Chairperson

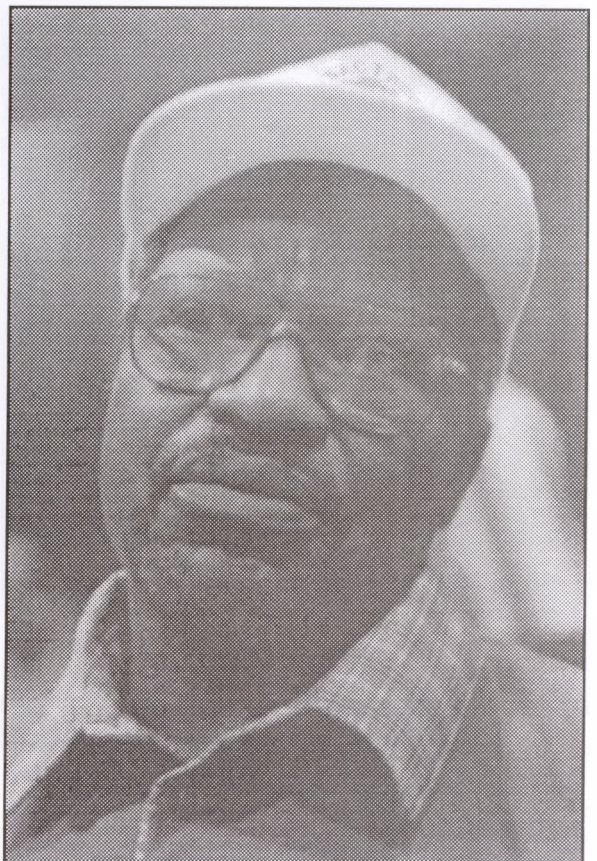
Secretary

Vice secretary

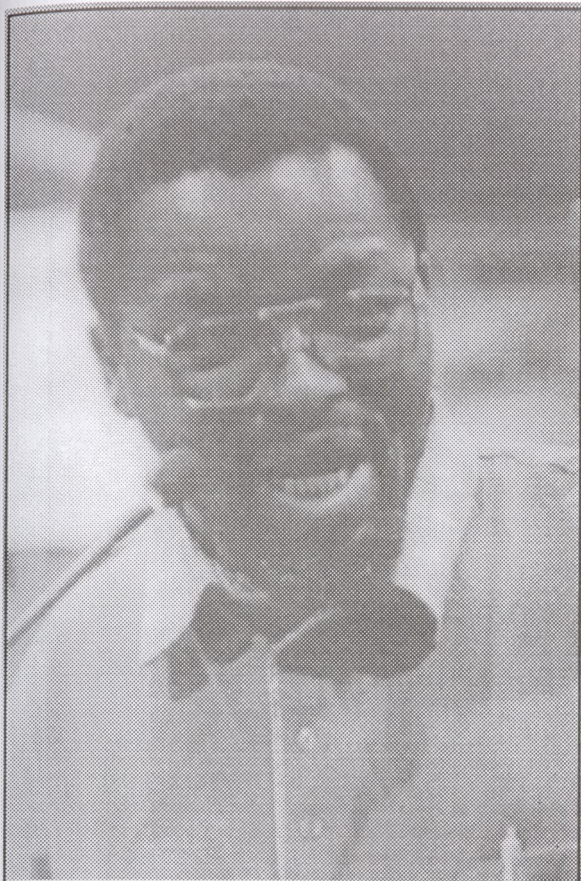
Treasurer

Chairperson Education + Secretary

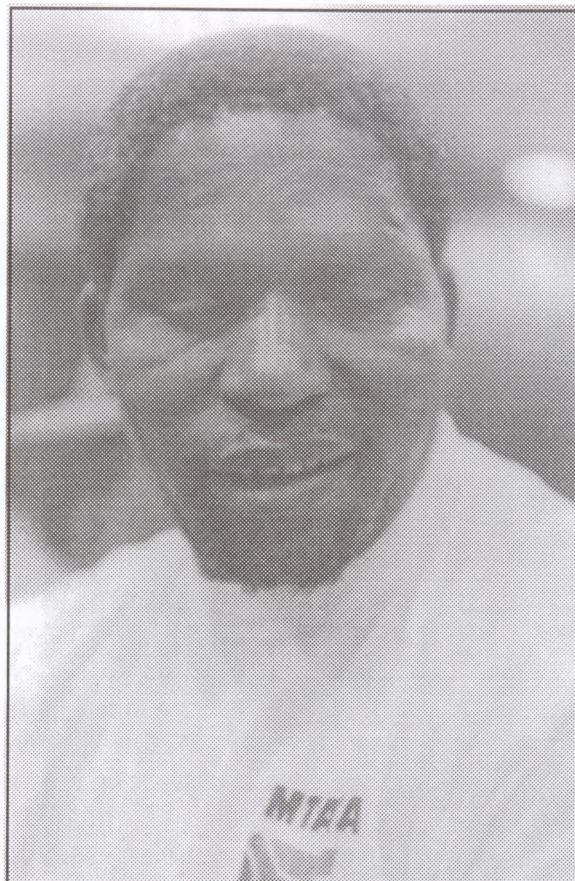
Chairperson Health and Safety + Secretary



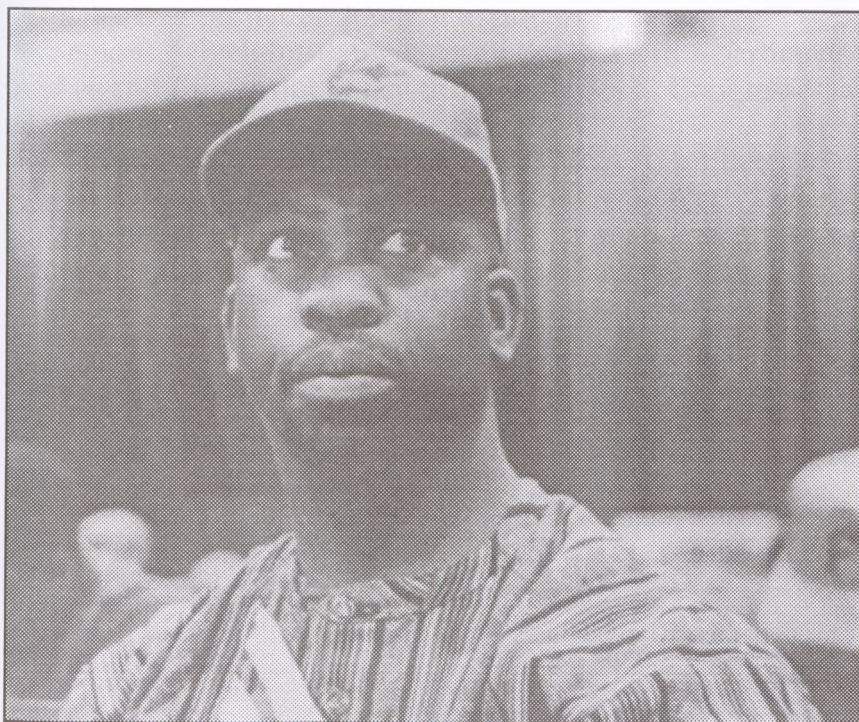
58 President NUM:
James Motlatsi



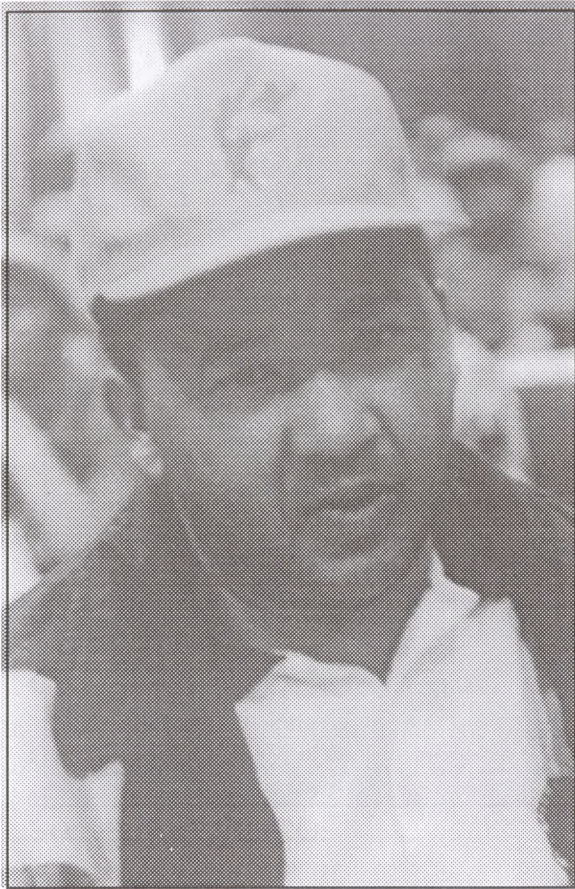
59 General secretary NUM:
Gwede Mantashe



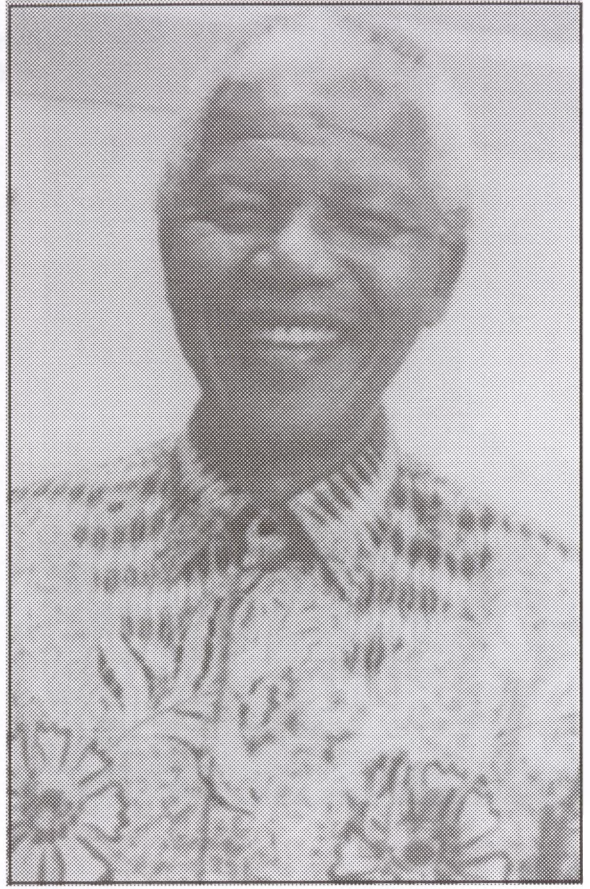
60 Vice President NUM:
Senzeni Zokwana



61 Assistant
General
secretary NUM:
Archie Palane



62 NUM Treasurer:
Derrick Elberechd



63 Nelson Mandela, is the
honorary life president of the
NUM.

Short input on COSATU (Congress of South African Trade Unions)

COSATU was launched in 1985 bringing together 460 000 workers in 33 South African trade unions. This followed 4 years of unity talks between anti-apartheid trade unions.

COSATU grew very quickly in spite of severe repression during the years of the State of Emergency. Many of its offices were destroyed, and its workers and leaders arrested and killed. But COSATU survived this and by 1992 it has 1,3 million workers in 14 industrial unions. COSATU, in fact, continued to grow in strength and by 1999 had 17 trade union affiliates, and a membership of over 1,7 million. The number of industrial unions is likely to change in the future as mergers happen and new sectors come in. Already, CWIU and PPWAWU have merged to form CEPPWAWU. There are still other mergers that will take place, like the public sector unions merger.

Broadly COSATU aims to:

- improve the conditions of its workers and of working people as a whole
- to organise unorganised workers into trade unions
- to ensure worker participation in the governing of the country, and to ensure that working class interests are uppermost, and to push for these interests within the broader alliance (COSATU/SACP/ANC)

COSATU has a democratic and participative structure. These structures are:

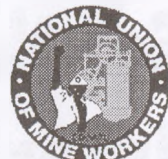
- Locals: these are the backbone of COSATU and bring together all shopstewards of affiliates in a particular town or area
- Regions: which bring together all the locals in a particular region. Each region makes and carries out policy through Regional Congresses, and Regional Executive Committees. (RECs)
- National: which brings together all COSATU affiliates to make and carry out COSATU policy through a National Congress (every 3 years), a Central Executive Committee (CEC meets 3 times a year), and an Executive Committee (meets at least 4 times a year and manages the affairs of the federation.)

COSATU and its affiliates



● **CAWU**
(Construction and Allied Workers Union)

organises construction and building materials workers. NUM and CAWU might merge in the future.



● **NUM:**
(National Union of Mineworkers) organises mine and energy workers.



● **SADTU:**
(South African Democratic Teachers Union) organises teachers in

primary and secondary schools, Technikons and Teacher training colleges.



● **CEPPWAWU**
(Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union)

organises workers in the chemical, petroleum, plastics, printing, pulp, paper, furniture and woodworking industries.



● **NUMSA**
(National Union of Metalworkers of South Africa)

organises metal, automobile and engineering workers.



● **SAWU:**
(South African Municipal Workers Union) organises municipal and

local authority workers.



● **CWU**
(Communication Workers Union) organises communications, telecommunications, postal,

autopage and broadcasting workers.



● **POPCRU:**
(Police and Prisons Civil Rights Union) organises the South African Police Services, Correctional Services and

Traffic Departments.



● **SAPSA:** (South African Public Servants Association) organises public servants.



● **FAWU** (Food and Allied Workers Union) organises workers in the food, brewing,

tobacco and beverage industries.



● **SACCAWU:**
(South African Commercial, Catering and Allied Workers

Union) organises workers in the shops, banks, hotels and restaurants.

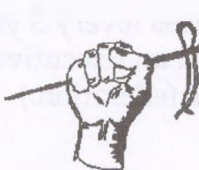


● **SASBO:** The Finance Union organises workers in the financial industry, banks and insurance companies.



● **NEHAWU:**
(National Education Health and Allied Workers Union) organises

workers at education and health institutions.



● **SACTWU:**
(South African Clothing, Textiles and Allied Workers

Union) organises textile, clothing and leather workers.



● **SATAWU:** (South African Transport and Allied Workers Union) organises workers in railways, harbours, other business units of

Transnet, Aviation and Airports.



● **SAAPAWU:** (South African Agriculture, Plantation and Allied Workers Union) organises farming, plantation and forestry workers, livestock, poultry, vine,

fruit, vegetables, fish, tea plantations and the nursery sector.



● **TGWU:** (Transport and General Workers Union) organises passenger transport, goods transport, cleaning and security, docks



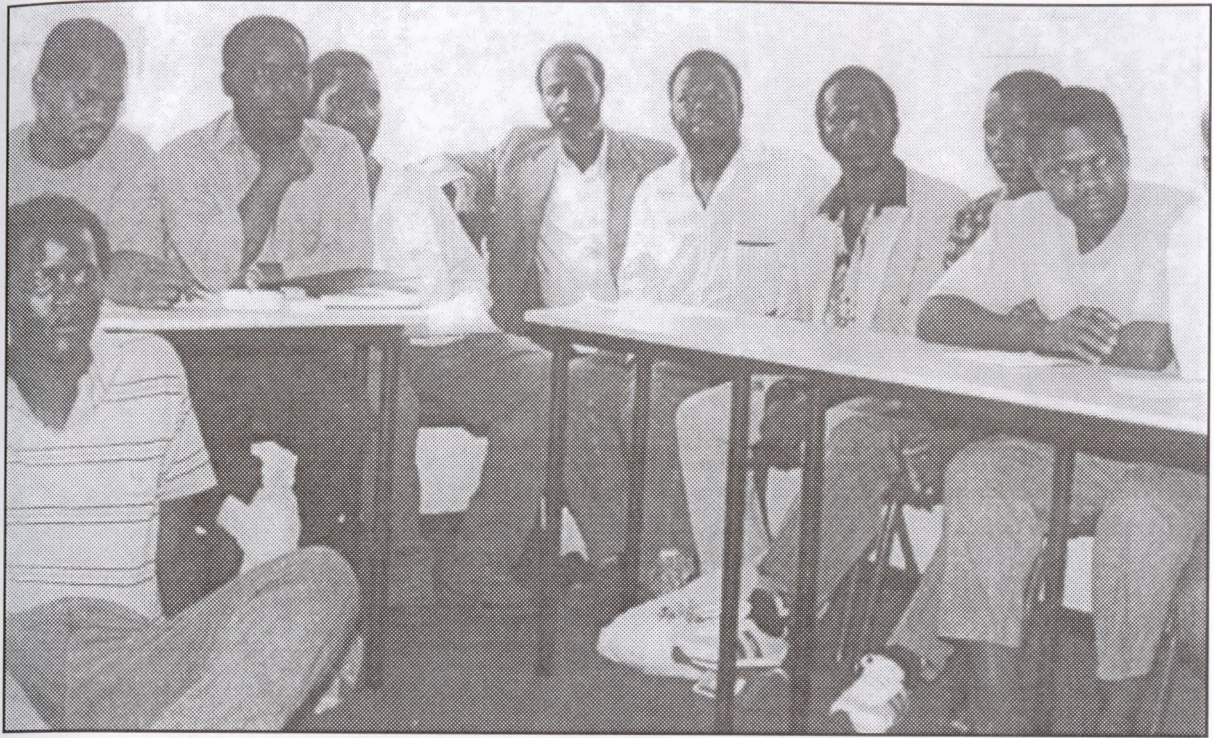
66 NUM workers celebrate the anniversary of Cosatu at a rally in Welkom in December 1990.



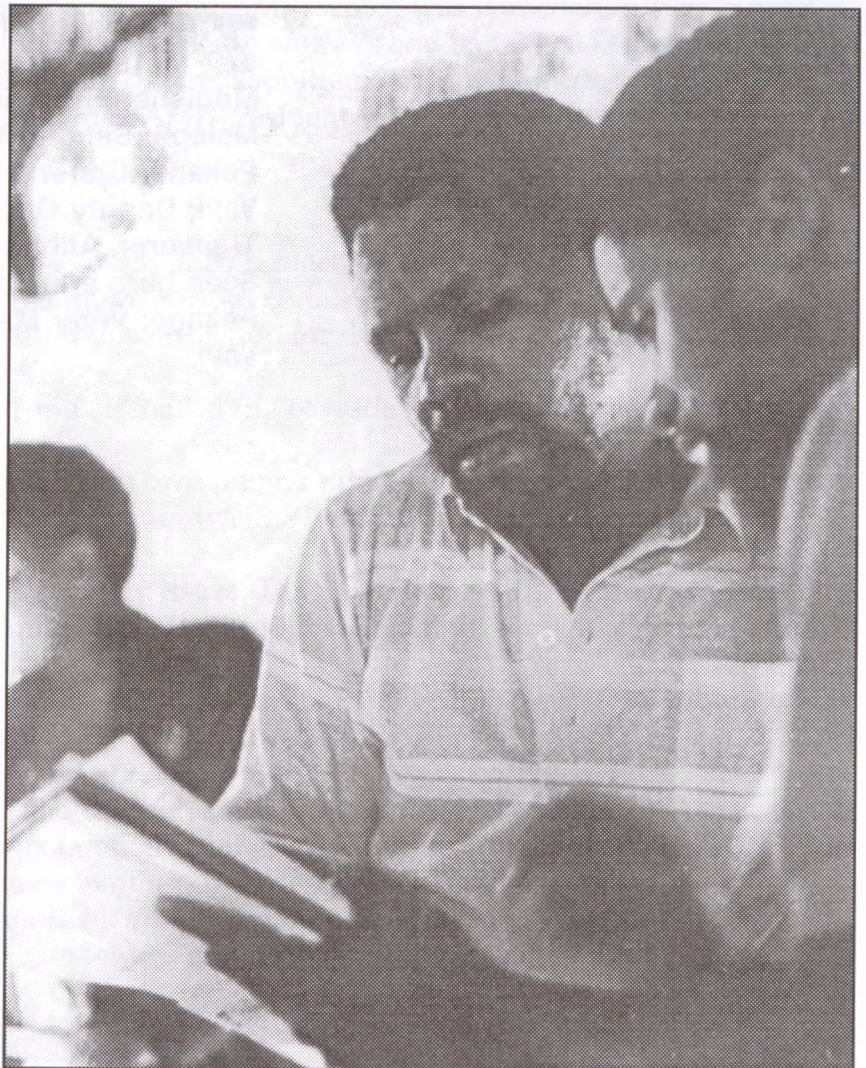
67 NUM delegates at the 4th Cosatu Congress in 1991.



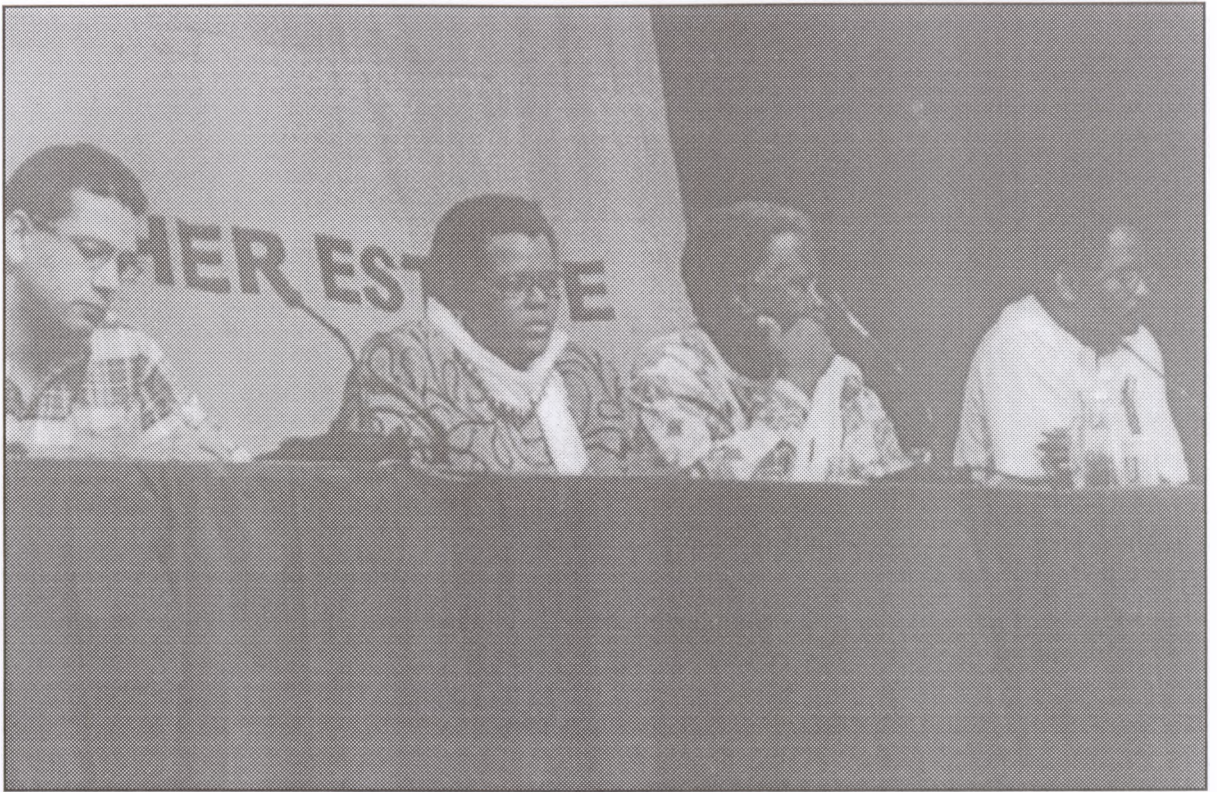
68 Workers discuss how to strengthen organisation in a Cosatu local in Durban.



69 A Cosatu local meeting in Empangeni in Northern Natal.



70 Workers discuss the agenda at a Cosatu East London local.



71 Cosatu office bearers elected in 1999. They are: President, Willy Modisha; First Vice President, Peter Malepe; Second Vice President, Joyce Pekane; General Secretary, Zwelinzima Vavi; Deputy GS, Tony Ehrenreich; Treasurer, Alinah Rantsolase. Seen here are: Tony Ehrenreich; Joyce Pekane; Peter Malepe; and Zwelinzima Vavi.

The International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM)

The National Union of Mineworkers (NUM) is affiliated to the International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM). Initially, NUM was affiliated to the Southern African Miners' Federation (SAMF) but in 1999 SAMF became part of ICEM Africa. The Southern African Regional ICEM offices are in Zimbabwe. The Regional Co-ordinator is Mr Constentino Ngandu.

NUM's history of International Affiliation

Launching SAMF

Together with Zimbabwe, Botswana and Zambia, the NUM was a founder member of the Southern African Miners Federation (SAMF) which was launched in 1985. SAMF was a federation of mine, quarry and energy workers and had 330 000 members at the time. The office bearers were from different southern African countries, while NUM President, James Motlatsi, was the SAMF President.

SAMF's aims were to:

- share information and solve common workplace problems through communicating with mineworkers in other southern African countries
- encourage, and assist with, solidarity action for the struggles of all mineworkers in southern Africa.
- assist with the formation and strengthening of trade union activities in all southern African countries
- mobilise around monopolies that own mining interest in many southern African countries and to demand that they improve the work conditions and wages of mineworkers.
- Mobilise around health and safety issues. The SAMF has set up a pilot health and safety project in Harare (Zimbabwe). The project was to fight for better conditions and better compensation for injured workers.
- Educate union leadership. For example: seminars on health and safety, collective bargaining, and union finances.

SAMF was very successful and through affiliation to this federation NUM learnt about the struggles of mineworkers in other Southern African countries. At times, NUM was also able to assist trade unions in other countries. For example, NUM sent people to work on the Education Handbook with the Namibian Mineworkers Union (MUN), and to run the first MUN shaftsteward and leadership training courses.

The Miners' International Federation (MIF)

NUM was also affiliated to the mine and energy workers' International Trade Secretariat it's the Miners' International Federation (MIF). The MIF recently merged with the International Chemical and Energy Foundation (ICEF), to form the International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM). NUM is now affiliated to ICEM and forms part of the ICEM Africa region.

What is ICEM?

ICEM is a industry-based world labour federation that is committed to international solidarity. ICEM organises over 20 million workers worldwide. These workers come from a variety of sectors, namely the energy, mining, chemicals; environmental services etc. By February 1996, already 404 industrial trade unions in 113 countries were part of ICEM.

ICEM's main focuses are:

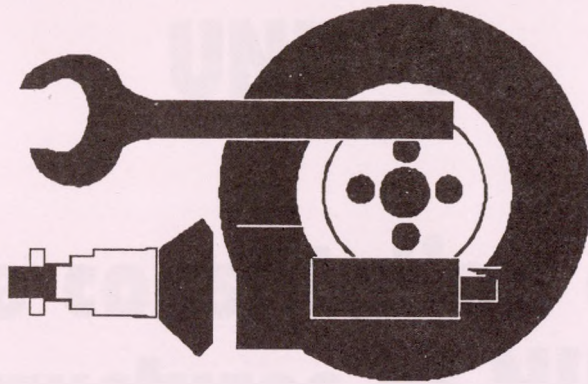
- to build solidarity and campaign internationally in support of member unions involved in industrial disputes
- to help build unions in countries where they are weak and non-existent
- to provide information and expertise on topics ranging from collective bargaining to health and safety.
- To do skills training and development work among the trade union leadership and rank and file members internationally.

ICEM often also represents workers' interests on international bodies and national authorities. For example, ICEM representatives will meet with organisations like the International Labour Organisation (ILO) and World Health Organisation (WHO) to make representations on behalf of workers.

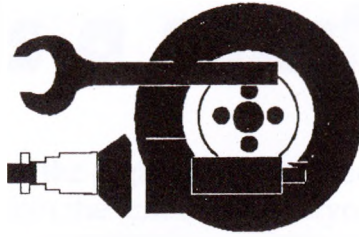
ICEM has been very successful in uniting workers - irrespective of race, nationality, gender or creed - across the world. In this increasingly globalising world, where multi-nationals companies operate in many countries, it is important that trade unions begin to organise to respond to the changes that are taking place. ICEM is the international body that will allow unions to do this.

ICEM has de-centralised decision-making and action to the world's different regions. ICEM Africa is the region that NUM is part of. The Executive Committee is also elected on a regional basis. Currently, the President is Hans Berger and the NUM President, James Motlatsi is the Vice-President. (Need to have a picture of both with captions attached - can be pulled out from the text)

UNIT 4



THE CONSTITUTION AND STRUCTURES OF NUM



UNIT 4

The constitution and structures of NUM

Aims

- To introduce a constitution and why it is important
- To know and understand what the NUM constitution consists of
- To know and understand the structures of the union and how stewards and general workers fit into these structures
- To look at the roles and duties of the steward

What is a constitution

A constitution is the rule book of the organisation. A union constitution makes sure that there is one set of rules within the union that everyone in the union is guided by. Because there is one set of rules a constitution prevents disputes and arguments about the way the union should be run. A union constitution also deals with issues when there is conflict in the union. Every member should have a copy of the constitution.

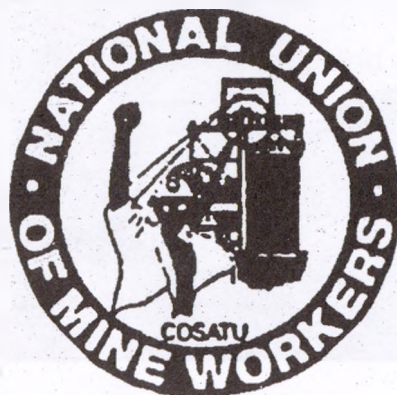
It is important that all stewards have a working knowledge of the constitution to save time, prevent arguments, and to make sure that members have control of their union and the union is run democratically. If stewards do not know exactly what the NUM constitution says about a certain matter, then the steward must at least know where in the NUM constitution to find this information. Stewards should always have a copy of the constitution with them at union meetings.

The constitution of NUM was agreed to and adopted NUM's members. Members can change the constitution from time to time if they want so that the constitution meets members' needs in the best possible way. The majority of members must agree to any changes in the constitution (usually at NUM's congress).

These are some of the things the NUM constitution sets out:

- the aims and objectives of the union and what the benefits are to union members
- who can be a member of NUM
- the rights and duties of members
- the structures of the union, from workplace up to national level
- who sits on each NUM structure
- the procedures and rules for meetings of the union
- how the finances of the union are controlled
- which structures will deal with the day to day affairs of the union
- matters concerning industrial disputes and how to conduct ballots
- how union leaders or office bearers at each level are elected and the powers of these office bearers.

NATIONAL UNION OF MINEWORKERS



1 CONSTITUTION

NUM structures

Structures in the Workplace

Union members elect stewards in each department or section of the workplace. The steward then calls a meeting of union members in each section, department or workplace.

The Stewards Committee consists of 4 or more stewards who are elected at a meeting of all the stewards: see the box: THE DEMOCRATIC STEWARDS COMMITTEE.

The workplace level of the union is extremely important – it is the very foundation of the union. Stewards should actively encourage members to attend meetings and make sure that members know what is going to be discussed. It is in the workplace that:

- members plan recruiting and keep a record of membership
- members discuss grievances and plan what action to take
- members tell stewards what they must communicate to the bosses and to other union structures like the Regional and National committees
- members get report-backs from stewards and discuss the report-backs



2 Members of the stewards committee at Rustenburg Platinum meet to discuss workplace issues. The stewards committee is one of the most important structures in the union.



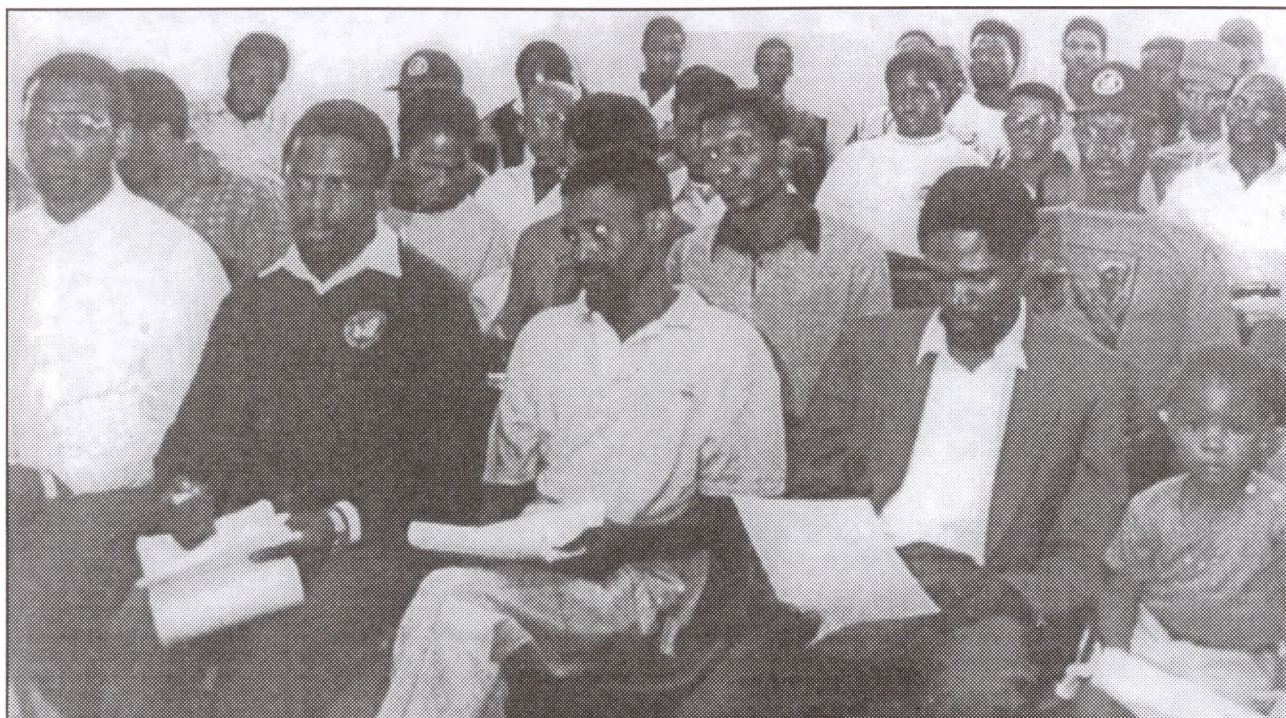
3 Stewards attending a stewards council meeting at Vaal Reefs in Klerksdorp in the NUM offices. Stewards councils often bring together stewards from a particular region, or different plants of the same mining house to discuss work problems and plan action.

- members get union information
- members elect stewards and branch and regional committees as well as national committees
- members mandate stewards and officials to negotiate for them
- members accept or reject possible agreements
- members act out their right to control the union using the union constitution as a guide.

There are also Stewards Councils which operate mainly on a regional level and at mining house level. All stewards in a particular region or mining house will come together regularly to discuss particular issues, and talk about problems and the way forward.

If a workplace in the mining or energy industry have 100 or more members then a branch is set up. Each Stewards Committee sends 2 stewards, the chair and secretary, to sit on the Branch Committee. Every two years a new branch committee is elected at a branch conference. This branch committee consists of: a chairperson, vice-chairperson secretary, vice-secretary, and treasurer.

The Branch Committee deals with any disputes at company level. The Branch Committee also represents the Stewards Committees to the Region, and reports back to the Stewards Committees on regional meetings. The branch also deals with members' grievances with the company.



4 Mineworkers attend a Kimberley Branch Committee Meeting. A Branch is set up if a workplace has 100 or more members.

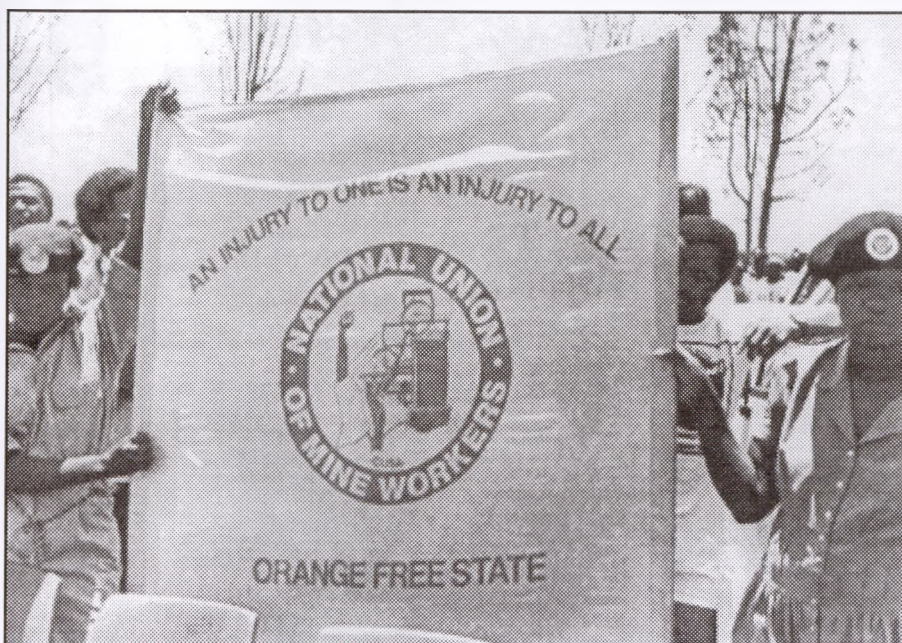


5 The NUM Kimberley Branch Committee in July 1994. The branch committee is elected at a branch conference every 2 years.

Regional Structures

When there are two or more branches in one area then the NUM can form a regional structure. The region deals with regional union matters and helps to link branches up together. The region links branch structures up with national structures and the national head office in Johannesburg, and makes sure there is good communication between them. The region advises and supervises the affairs of the branches in the region.

The region must organise regional congresses. The chair and secretary of each Branch Committee, the chair of the regional education committee, and the chair of the regional health and safety committee attend the regional congress. At the congress a Regional Committee is elected which consists of: regional chair, regional vice-chair, secretary, vice-secretary, treasurer and 2 non-elected representatives from the branches in the region (the chair of health and safety, and education sub-structures).



▲ **6** Kimberley Regional Office Bearers in October 1993. The region links branch structures up with national structures.

◀ **7** The NUM Orange Free State Region attend a COSATU rally in Welkom.



◀ **8** A worker makes a point at a 1991 Regional Congress in Rustenburg. At the Congress a Regional Committee is elected.

▼ **9** Workers arriving for the 1991 NUM Wits Regional Conference. When there are 2 or more branches in an area then the union can set up a regional structure.



National structures

The National Congress is the highest decision-making body in the union, but the congress meets every 3 years so the running of the union between congresses is done by the National Executive Committee (NEC). The NEC carries out the decisions made by the Congress.

The NEC consists of 5 national office bearers and 2 representatives from each region (the chair and secretary) as well as the chairs of national sub-committees, ie chair of national health and safety structures (NASHCO) and the chair of national education structures (NESCO).

The NEC meets once a month to discuss union activities and to look at full-time staff reports. The NEC employs new staff and deals with all union legal matters. The NEC also oversees the finances of the union, opens and operates bank accounts, invests money and allocates funds to the regions.



▲ **10** Delegates at the 1989 NUM national congress. The national congress is the highest decision-making structure in the union.



▲ **11** The 6th NUM national congress at Nasrec in 1991. The national congress meets every 3 years.



- ▲ **12** Nelson Mandela, the NUM Honourary President, speaks at the NUM Congress in 1994 in Pretoria. Each branch elects delegates to the Congress and the delegates attend as regional delegations.



- ◀ **13** Comrades Motlatsi, Barayi and Golding consult at a Central Committee (CC) meeting in 1993. The CC decides on important policy issues between national congresses.

The CC consists of the National Executive Committee and all regional committee members. The CC decides on policy issues of major importance between National Congresses because congresses are far apart.



- ▲ **14** National Executive Committee (NEC) members in 1991. The NEC meets once a month to discuss union activities and deal with staff reports.

The democratic Stewards Committee

1. What is a Stewards Committee?

A Stewards Committee is a committee formed from the elected shop stewards in the workplace. The Stewards Committee is the structure that directs and co-ordinates the work of all the stewards in the workplace. It is the committee that brings together problems, grievances and demands of workers in the plant.

2. Why is the Stewards Committee important?

The Stewards Committee unites workers in a plant

- The Stewards Committee is a permanent structure in the workplace which brings together the views of workers
- The Stewards Committee maintains, consolidates and advances unity

The Stewards Committee is the foundation on which worker control and democracy rests.

- Workers exercise their control of the union through their Stewards Committee
- The Stewards Committee represents workers in NUM and Cosatu forums
- The Stewards Committee brings together the views of workers in the workplace. Stewards take these views to union forums
- The Stewards Committee reports back to workers the decisions, debates and activities of NUM

The Stewards Committee is the bedrock of NUM's fighting capacity.

- The Stewards Committee forms the line of defence between the workers and employers



◀ **15^A** Shaftstewards Committee meeting at Rustenburg Platinum. The Stewards Committee consists of elected stewards from the workplace and is the foundation of worker control and democracy in the union.



16 The Stewards Committee leads the struggle in the workplace to extend workers' rights and workers' control of production in the workplace

- The Stewards Committee is the planning committee of the workers in their struggle against the divisive tactics and exploitation of the employers
- The Stewards Committee leads the struggle in the workplace to extend worker rights and worker control of production

The strength of the union depends on the strength of its Stewards Committees. Weak Stewards Committees mean a weak union. Strong and active Stewards Committees mean a strong union.

3. Why is it important for the Stewards Committee to be accountable to the membership?

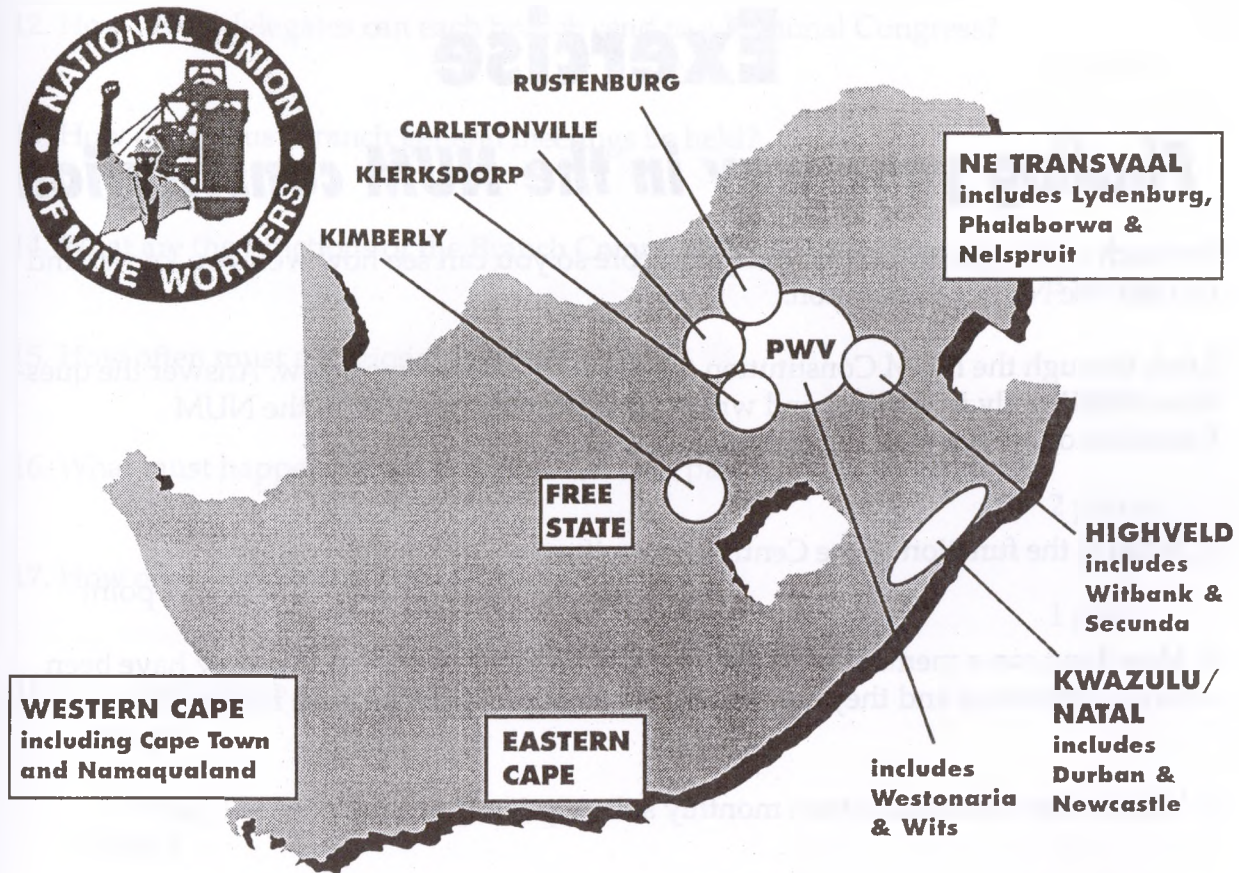
The Stewards Committee is elected by workers. It does not represent itself. All actions and demands put forward by the Stewards Committee must be mandated by the workers. In other words the workers must express their views on all matters that the shop stewards take up on their behalf – in the workplace and in the union.

If the Stewards Committee does not take mandates from workers or report back to workers then the committee becomes a structure separate and independent of workers. There will be no real worker control and democracy in NUM and in the workplace. When the Stewards Committee is not accountable stewards can become corrupt and co-opted by management.

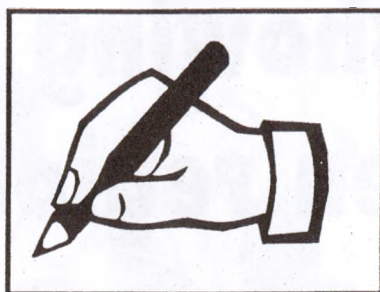
4. How can we make sure that a Stewards Committee is democratic

- holding regular steward meetings – at least once a week
- regular attendance and participation of all stewards
- taking proper mandates from all workers
- proper reporting back to all workers
- making sure there is open debate in the committee and with the membership
- good teamwork
- good preparation for all meetings
- good links with the union office
- good flow of information within the Stewards Committee and to the membership

Map showing NUM's ten regions



NUM has ten regions: Carletonville, Highveld; Klerksdorp; Kimberley; Natal; NE Transvaal; Free State; PWV; Rustenburg; Western Cape. The map above gives an idea of where these regions are in South Africa.



Exercise

Finding your way in the NUM constitution

For each of the questions you will get a score so you can see how well you know, and can use the NUM Constitution.

Look through the NUM Constitution to answer the questions below. Answer the questions very briefly in writing, and write down the page number in the NUM Constitution where you found the answer.

1. What is the function of the Central Committee?
1 point
2. How long can a member of NUM remain a member of the union if they have been unfairly dismissed and they are waiting for legal proceedings to be finalised?
1 point
3. What is the maximum union monthly subscription that a member will pay?
1 point
4. How long before a National Congress must the General Secretary receive resolutions from the regions, and how long before a National Congress must the regions receive the agenda and resolutions from the General Secretary?
2 points
5. How can the Constitution be amended?
2 points
6. How are resolutions adopted by the National Congress?
2 points
7. How often must the National Congress take place?
1 point
8. How often are meetings of the Central Committee held?
1 point

9. What are the functions of the Shaft/Plant Committee?
4 points
10. How many members of the NEC must be present in order to form a quorum?
2 points
11. When can the union amalgamate with another union in the mining industry?
2 points
12. How many delegates can each branch send to a Regional Congress?
1 point
13. How often must Branch general meetings be held?
1 point
14. What are the functions of the Branch Committee?
6 points
15. How often must a Regional Committee meet?
1 point
16. What must happen before members can take part in industrial action?
2 points
17. How often should the Branch Committee meet?
1 point

TOTAL: 30 POINTS



Answer sheet

Finding your way through the NUM Constitution

NOTE:

If the correct page number is not next to the answer, half points only!

1. The function of the Central Committee is to decide on policy issues of major importance between the National Congress

Under Central Committee 10.1

(1 point)

2. An unfairly dismissed member with a pending legal case can remain a member of the union until the case is finalised.

Under Membership 2.(5)(d)(i)(2)

(1 point)

3. The maximum monthly subscription is 1% of a member's basic monthly pay.

Under Membership subscription 3.(2)(b)

(1 point)

4. The General Secretary must receive resolutions from regions 21 days in advance of the Congress, and regions must receive the agenda and resolutions no less than 10 days in advance of the Congress.

Under National Congress 11.(3)(d) and (e)

(2 points)

5. The Constitution can be amended by a resolution of the National Congress (1 point) with two thirds of the delegates in favour (2 points).

Under amendments 23.1

(2 points)

6. Resolutions are adopted by National Congress by a majority of voting delegates. Voting shall happen by a show of hands unless the Congress decides otherwise.

Under National Congress 11.(7)(a)(b)

(2 points)

7. The National Congress must take place every 3 years (triennially)

Under National Congress 11.(4)

(1 point)

8. Central Committee meetings must be held every year (annually)

Under Central Committee 10.(3)(c)

(1 point)

9. The functions of the shaft/Plant Committee are:

- to conduct the affairs of the union around members at the shaft/plant (1 point)
- to receive and attend to complaints of members concerning their employment (1 point) and where necessary report these complaints to the branch committee (1 point)
- to report any employment practices which are against the law or are improper to the Branch Committee (1 point)

Under Workplace Structures 4.(5)

(4 points)

10. A majority of the NEC members shall form a quorum

Under National Executive Committee 9.(4)(b)

(1 point)

11. The union can amalgamate with another union in the mining industry if at least 2/3rds (1 point) of the National Congress vote in favour of the merger (1 point)

Under Amalgamation 20

(2 points)

12. Each branch can send up to 50 delegates with voting rights to a Regional Congress.

Under Regional Conference 7.(2)(a)

(1 point)

13. Branch General Meetings must be held at least once a month.

Under Branch Structures 5.(8)(a)

(1 point)

14. The functions of the Branch Committee are:

- to manage the affairs of the union at the mine or other workplace
- to ensure proper communication between Shaft Committee, Branch Committees, and Regional Committees
- to deal with labour disputes at the mine or other workplace
- to deal with members' grievances to protect their job security and employment prospects (1 point) and generally promote the interests of members (1 point) (2 points in total)
- to act lawfully in the interest of the union and its members within the boundaries of Regional Committee aims and objectives

Under Branch Structures 5.(7)

(6 points)

15. The Regional Committee must meet at least once a month.

Under Regional Committees 8.(3)(a)

(1 point)

16. No member may take part in industrial action unless the majority (1 point) of members affected by the dispute vote in favour of industrial action by ballot (1 point)

Under Industrial Action 18.(1)

(2 points)

17. The Branch Committee should meet at least every 2 weeks

Under Branch Structures 5.(6)(a)

(1 point)

30 points

The role and duties of the Steward

17 The steward holds regular meetings to inform workers on union matters. The steward gives report-backs to members and receives mandates from members.



The steward as an organiser

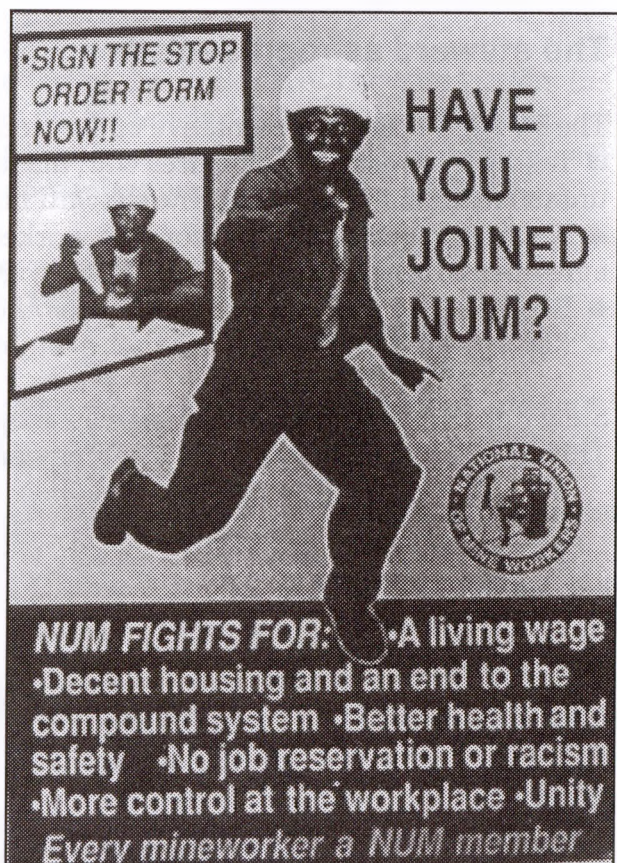
The steward is an organiser in the workplace.

The main duty of a steward is to build up and maintain a strong membership at the workplace.

The steward needs to:

- Recruit new members
- Make sure all workers belong to the union
- Make sure all workers are paying subs
- Hold regular meetings to keep workers informed, give report-backs and get mandates and workers views on things
- Create a spirit of unity

18 The steward must explain what the union is about and recruit new members.





▲ **19** The steward must take up workers' complaints with the bosses and negotiate with the bosses on all issues that concern workers.

The steward as representative

The steward is the representative of the workers in the workplace. This means:

- Taking up workers' grievances with management, for example, unfair dismissals and unfair treatment of workers. The steward must listen carefully to workers' complaints.
- Negotiating all issues that concern workers, for example, wages, recognition agreements, procedures, health and safety and other conditions of work.
- Representing the views of workers to other union and COSATU structures.
- Representing workers' views in the community and political forums/organisations.

Stewards do not speak for themselves – they speak for the needs of union members. This means that stewards must meet regularly with membership.



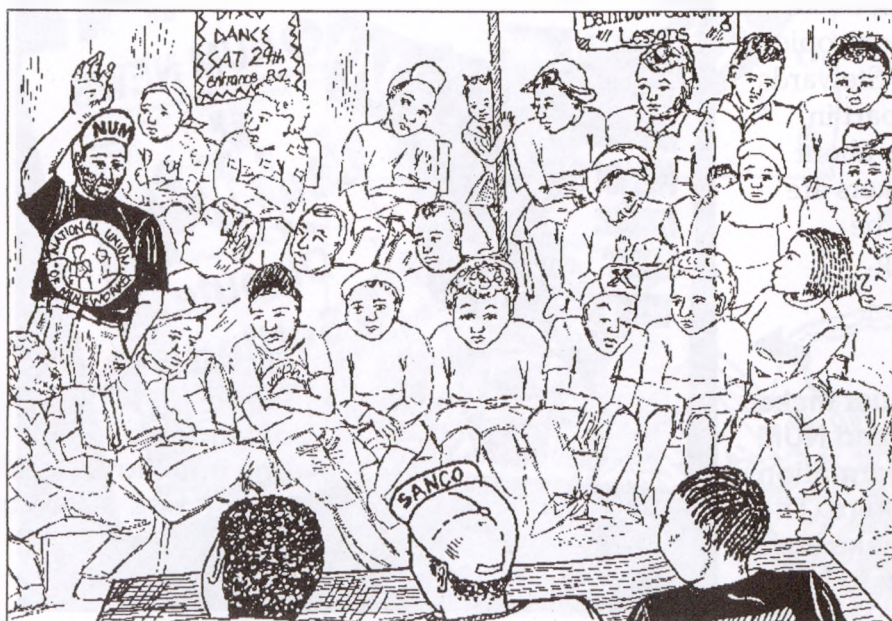
20 The steward must make sure that the bosses stick to any agreements they make with the union like the recognition agreement.

The steward as watchdog

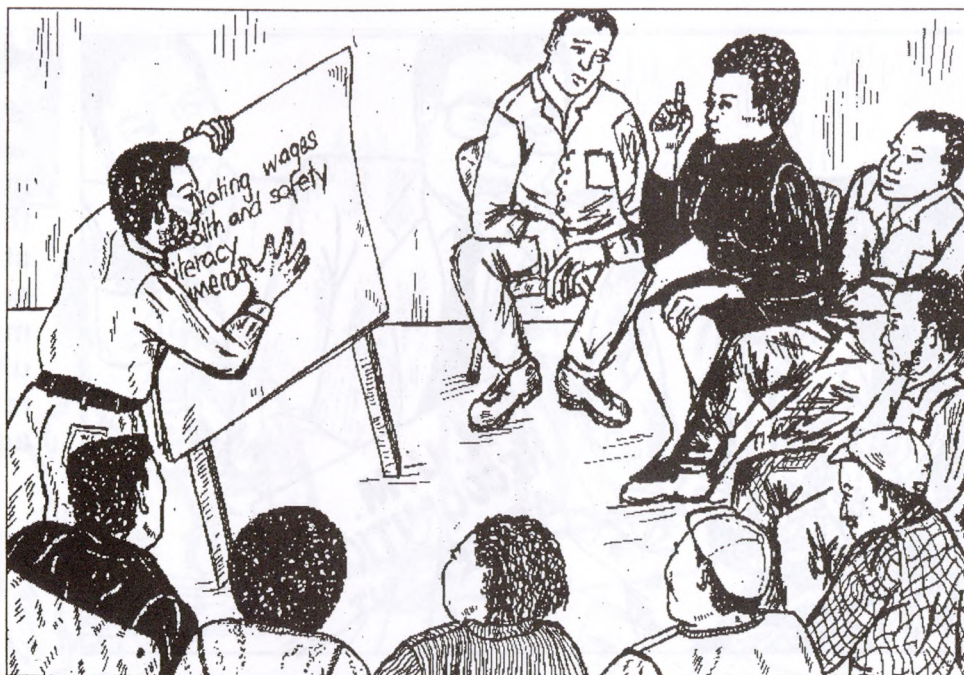
The steward acts as a watchdog. Stewards must make sure that employers stick to agreements that have been made with the union. Employers will always avoid putting agreements properly into practice unless stewards keep them on their toes. Stewards must also look out for changes in the workplace which may affect workers badly, for example, changes in shifts, or new grading systems, or in job description etc.

The steward as leader

Shopstewards are the union and worker leaders in the workplace. They are leaders in negotiations with management and they are the leaders in all the struggles against management. Stewards are also leaders in the union and COSATU. Many stewards are also leaders in their communities and other organisations



21 Stewards are workers' leaders in the workplace and must represent workers in COSATU and other political and community forums.



- ▲ **22** The stewards must educate themselves and workers about what is happening in other NUM workplaces, in the union, in COSATU and in the South African economy.

The steward as educator

Shopstewards must educate workers about the workers' movement. Workers must know what is happening in other NUM workplaces, in the union, in COSATU. If the union has a newspaper, for example: NUM NEWS, the steward must make sure to read it and pass on copies to general membership. Stewards must understand, take part in, and inform membership about political debates. If workers are well-informed they will be active, united and strong.

- **23** The steward must make sure to read NUM NEWS and pass on the information in the paper to workers. The steward should also make sure workers get copies to read.



Qualities of a good steward

● Listening to other people

Stewards are there to listen to workers' problems and opinions. Stewards should give members guidance and direction, but not be too proud and think they are better than workers.

● Acting on what workers say and mandate

The steward must take up issues raised by workers and follow them through.

● Honesty

Stewards must not make false promises even if they are in a difficult situation. Stewards must be honest about what they can and can't do.

● Acting decisively

Stewards must decide what to do and how to do it.

● Encouraging unity and discouraging divisions

Stewards must be impartial, and act without bias. Stewards need to develop the ability to sort out differences of opinion between workers and build unity.

● Working together as a collective

Stewards cannot do everything alone. Stewards must work with other stewards in the workplace and in the branch.

● Personal behaviour

Stewards must not behave in a way that may damage the union and the workers' struggle.

24 Stewards must listen carefully to workers' problems and opinions, and not do all the talking themselves



Qualities of a good steward

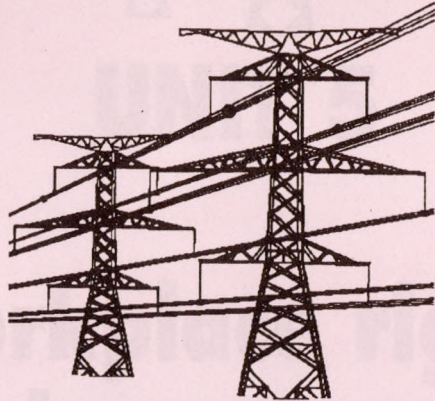
William Matlala, a member of the NUM Stewards' Course, has written a book about the qualities of a good steward. The book is called 'Qualities of a good steward' and it lists 10 qualities that a good steward should have. The qualities are: 1. A good steward should be a good listener. 2. A good steward should be a good communicator. 3. A good steward should be a good negotiator. 4. A good steward should be a good leader. 5. A good steward should be a good team player. 6. A good steward should be a good problem solver. 7. A good steward should be a good decision maker. 8. A good steward should be a good conflict resolver. 9. A good steward should be a good mediator. 10. A good steward should be a good arbitrator.



Unit 4: Photo credits

William Matlala: photos 1, 2, 7, 8, 12, 15, 18, 23;
NUM: photos 3–6, 9, 11, 13, 14; Cedric Nunn: photo 10.

UNIT 5



WORKPLACE RIGHTS AND AGREEMENTS



UNIT 5

Workplace rights and agreements

Aims

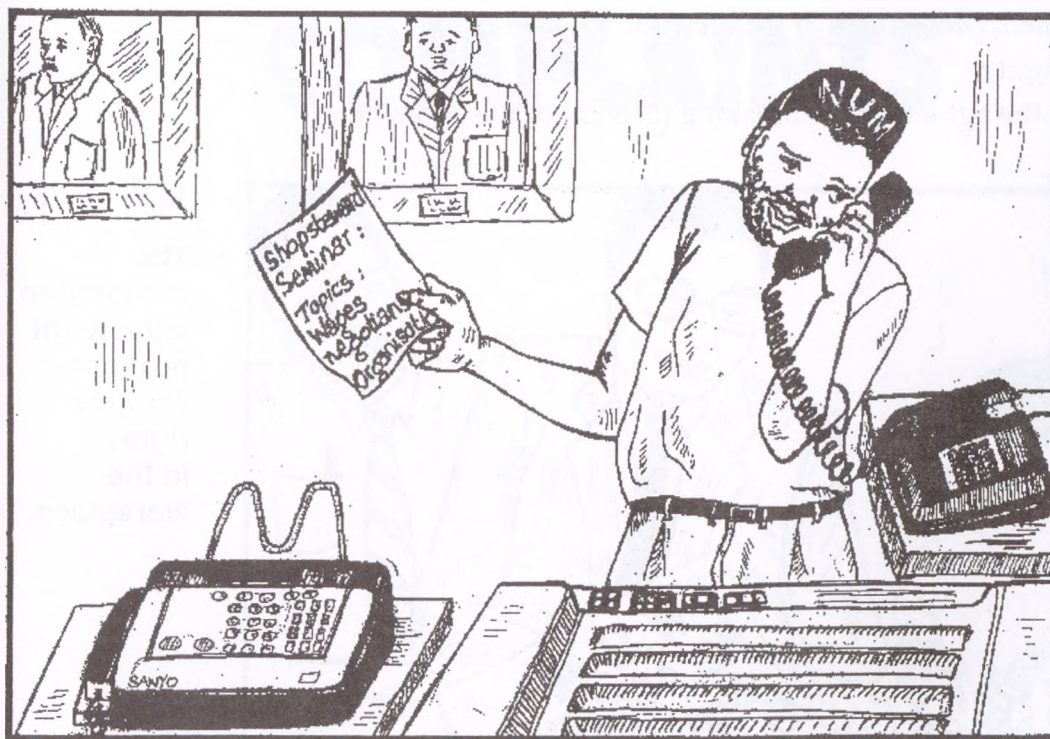
- To discuss worker and union rights in the workplace
- To discuss the importance of recognition agreements and the importance of stewards monitoring agreements
- To explore what makes a good or bad recognition agreement
- To look at and familiarise stewards with other kinds of agreements and discuss good and bad points about the agreements

NOTE: STEWARDS TO BRING COPIES OF AGREEMENTS TO TRAINING SESSION

For this session stewards must bring copies of their company agreements eg recognition, health and safety, hostel administration, housing, retrenchment, full-time stewards, code of conduct, ABET (Adult Basic Education and Training), traditional healers, affirmative action, restructuring, grading etc.

Examples of trade union rights

- the right of workers to join trade unions
- the right to form trade unions without government interference or control
- the right to represent workers in collective bargaining
- the right to have union membership fees deducted from wages
- the right to make negotiated agreements between the union and bosses that can be enforced by the law
- the right for workers to take part in union activities without victimisation
- the right of shopstewards to perform union duties
- the right for the union to represent workers over their grievances
- the right of access for union officials to members in their workplace
- the right to elect shopstewards at the workplace
- the right to take strike action
- the right to information on matters affecting members at work.



▲ The recognition agreement should include the steward's right to company facilities like phones, faxes and meeting places.

Typical clauses in a recognition agreement

- Recognition of the NUM as the only collective bargaining representatives of its members of the workforce
- Access for union officials to NUM members at the workplace
- Negotiation procedures
- Use of the company notice board
- Steward rights:
 - to represent members
 - to perform steward's duties without loss of pay
 - to attend union meetings and training seminars
 - to communication (eg phone/fax), meeting and other office facilities
 - to meetings with management
- Holding steward elections on company premises
- Dispute resolution procedures
- Strike rights
- Disciplinary procedures
- Grievance procedures
- Retrenchment procedures or job security arrangements
- Parental rights
- Ending of the agreement or breaking (breach) of the agreement.



◀ The recognition agreement protects workers' rights in the workplace.

UNIT 6



DEALING WITH WORKERS' COMPLAINTS



UNIT 6

Dealing with workers' complaints

Aims

- To discuss what is meant by a 'grievance'
- To work out how best to deal with worker grievances
- To discuss grievance procedures and what should go into a union-negotiated grievance procedure
- To discuss grievance cases that stewards have handled in the past and look at problems and successes

NOTE: The trainer should tell stewards before they start the course to bring copies of their company grievance and disciplinary codes/agreements to the course.

Steps to solve a grievance

There are steps you as stewards can take to solve a grievance, even if you do not have a grievance procedure where you work.

When you attempt to solve a grievance, your goal is either to get management to uphold a right which already exists, or to agree to new rights for workers. Sometimes a grievance may involve both because several issues are covered under one grievance.

STEP ONE: Study the problem

Find out who is affected by the grievance. Speak to all the workers who are unhappy to find out the cause of their dissatisfaction. Find out the facts where necessary: dates, times, people involved, the place and the reason.



- ▲ **The steward must find out all the facts in a grievance case by interviewing the worker carefully**

See if it is possible to split up the complaint into different issues. Often several issues are involved in one complaint. It is easier to discuss solutions if you have broken up the complaint into different parts. Sometimes when you do this you find that it is not really a grievance and the problem can be solved with a bit of advice. Sometimes the problem is with another worker and the grievance should not go to management.

Example: Workers don't want to work shifts on Saturday.

It may be because of the pay for shift work or maybe it is the lack of transport late on Saturdays or maybe it is both. This shows that sometimes the demand does not reveal the underlying reason for the unhappiness. You must get to the bottom of the problem, if you want to solve it.

Check if management has broken an agreement, and if there are any laws that management has broken. Find certain documents if you think they will help.

STEP TWO: Work out possible solutions

Don't look at just one solution. Discuss different solutions with members which can solve each of the issues you have identified.

Example: The transport problem for shift workers on Saturday could be solved by the employer arranging transport or changing the shift times on Saturday to a time when transport is available.

Try and work out the goal you are trying to achieve. This will make it easier to find solutions. If you are fighting to uphold an existing right, your battle is easier because management has a duty to uphold that right.

STEP THREE: Rate your choices

Decide which is the best solution and the less good solution for the problem – rank the possible solutions on each issue from best to worst.

STEP FOUR: State the grievance clearly and prepare carefully

Write down:

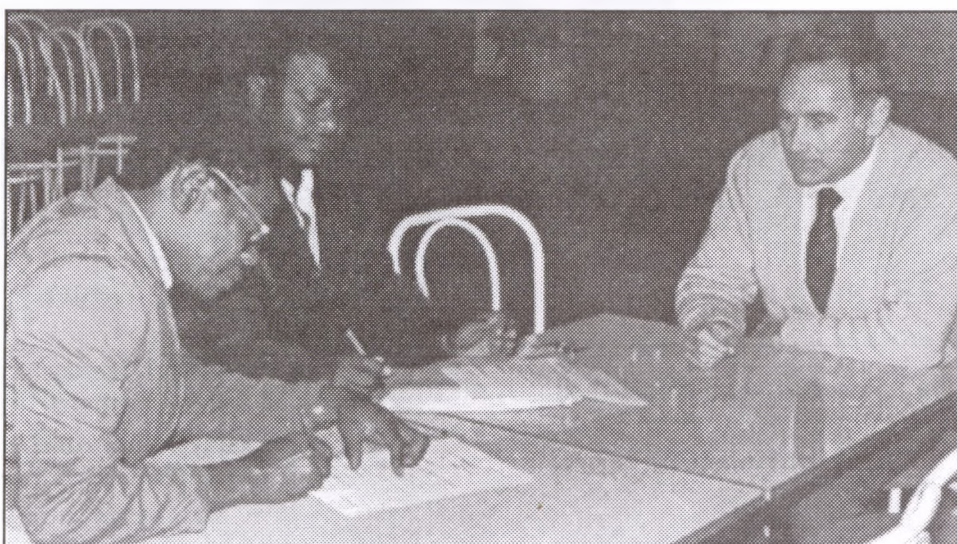
- who has the grievance
- what is the complaint
- what is your BEST proposed solution.

Do not present the grievance as an ultimatum or demand. Rather, present it as a problem with a solution.

STEP FIVE: Present the grievance to management

If the union has signed a grievance procedure with the employer, then you should

►
If the grievance involves only one member then the steward must make sure the member is present at any meetings with management



follow that agreement from here onwards.

If there is no agreed procedure, request a meeting between management and shopstewards. Representatives from the affected department should be present.

If you think the issue can be solved at a lower level, such as the department manager, then first request a meeting at this level with fewer shopstewards attending.

If the grievance involves one member only, that member should be present at the meeting.

STEP SIX: Getting a first response

1. Ask the manager to respond to the grievance by a particular day. Make it clear you will refer the matter higher up if no satisfactory solution comes out of the meeting. But you must give the manager a reasonable time to try to solve the issue. This is usually anything between three days and two weeks, depending on how urgent, important and complicated the problem is. If you rush management for a response, this can count against you if you finally go to industrial action.

2. If the manager agrees to a meeting, try to negotiate a solution. If management provides a good reason why your first proposed solution cannot work, then discuss your other solutions with management. Make sure management explains properly any rejection of your proposals.

STEP SEVEN: Taking the matter further

If there is no satisfactory response from the first management level, repeat Steps 5 and 6 at the next highest level of management. Go to step 8 if you are still unsuccessful.

At this stage, lunch-time demonstrations by workers help to make management aware



▲ **Lunch-time demonstrations are a good way to show the bosses that workers are worried about the outcome of the grievance**

that workers are worried about the result of the grievance.

STEP EIGHT: Declaring a dispute

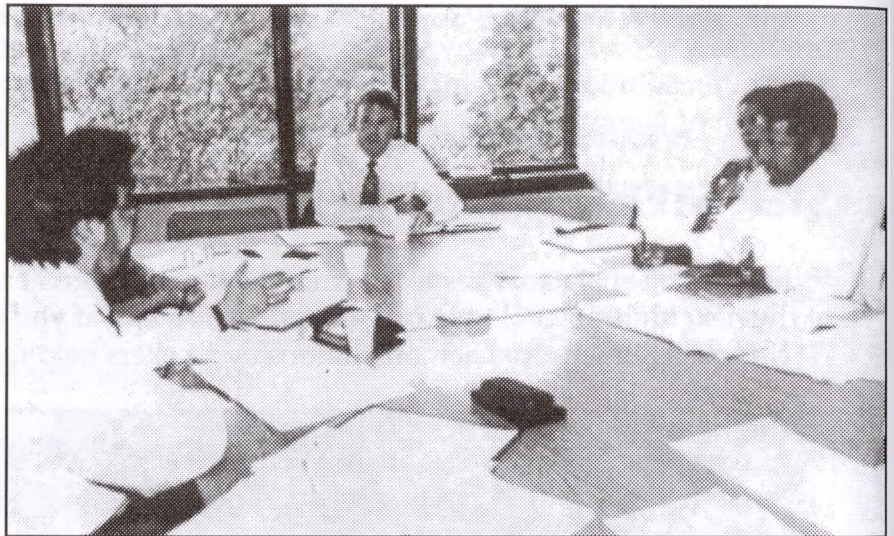
If there is an agreed dispute procedure, you should follow it. If not, ask the union organiser to help you to declare a dispute and hold a dispute meeting with the management.

STEP NINE: Tactics to resolve the dispute

Discuss how you will handle the issue, and what your choice of tactics is, with members **BEFORE** you go into the dispute meeting.

Below are some possibilities:

- postponing this issue to the annual negotiations
- mediation (a third person who is not involved in the dispute acts as a go-between to help you negotiate a solution)
- arbitration (a neutral third person decides on a solution for you after listening to you and management)
- arbitration-mediation (a mixture of the above)
- industrial court
- industrial action (make sure workers understand the risks)

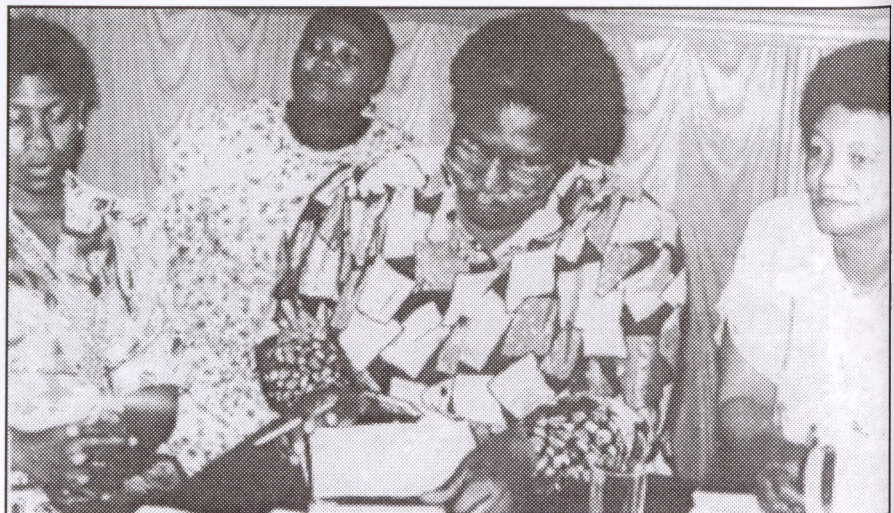


STEP TEN: Get it in writing

Any agreement between the union and the employer must be in writing and signed. But **BEFORE** you sign any agreement, be sure you understand the wording of the document and agree with the wording.

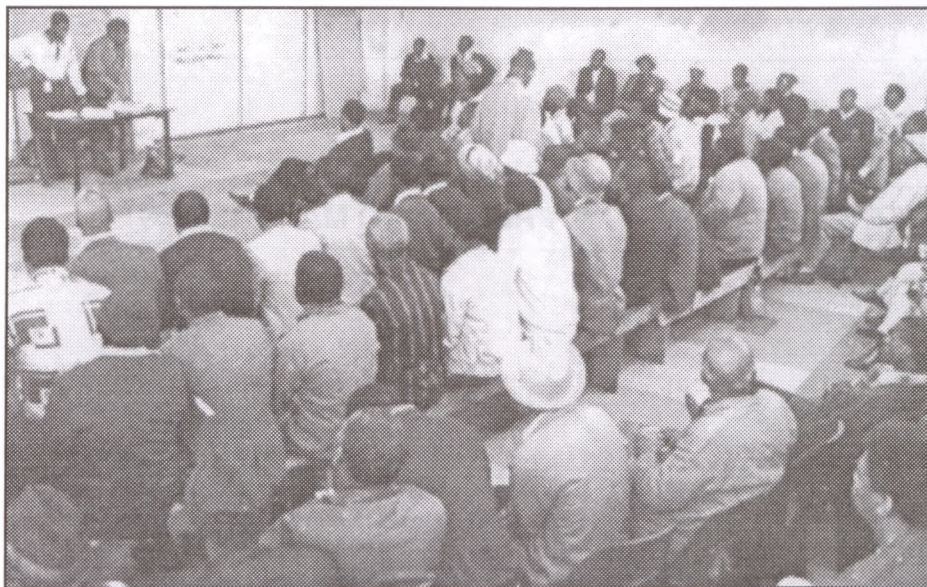
►
An agreement between the bosses and union must be in writing and signed. Make sure you understand and agree with the wording before you sign the agreement

▲ **Arbitration or mediation can be a useful way of resolving a dispute. Discuss how you want to handle the dispute before you go into a dispute meeting with the bosses**



Important tips when dealing with management around complaints

1. Only take up grievances that members feel strongly about and do not take up complaints that have no chance of success. Sometimes a complaint is part of a longer campaign and you will have to wait before you take up the issue with management.
2. Don't set unreasonable deadlines for management to address the problem in.
3. Use a problem-solving approach, and manner – not a threatening approach.
4. Don't be put off by long delays by management.
5. Be open to other solutions, as long as these solutions deal with the real reason for the grievance. Do not get married to the first solution you proposed. Focus on the problem.
6. Show management you have the support of members. Petitions and demonstrations by workers at the right time can be very useful. **REMEMBER TO REPORT BACK TO MEMBERS AT EVERY STAGE.** This will keep members active and interested and if workers need to take action they will know what is going on.
7. Make a real attempt to negotiate a solution. Don't treat the grievance procedure just as something to go through before workers take action.
8. Make sure that management deals with stewards and not directly with workers, in trying to solve the problem.



Stewards must remember to report back to members at every stage of handling the grievance

Checklist on grievance handling

Stewards should use this quick checklist to remind them of the steps to take in handling grievances.

GET THE FACTS

When
Who
Where
What
Why

STUDY THE PROBLEM

Is it a grievance?
Individual or collective?
Can you succeed?

INVESTIGATE

Witnesses
Agreements
Law
Union policy
Inspection
Documents

CONSULT

Shopstewards
Organiser (if necessary)

WORK OUT POSSIBLE SOLUTIONS, PLAN, PRESENT TO MANAGEMENT

Formulate grievance clearly
Demands
Pressure/Arguments
Giving evidence

MEMBERS

Inform at every stage

Exercise: fill out the grievance form

Read the example below. Then fill in the grievance form on the next page, stating clearly the facts and possible solution(s) so that management know exactly what the workers want.

Workers at Shaft D are unhappy because the supervisor has just told them that their shift times have just changed. Their supervisor is Daan Pretorius, and there was no consultation with workers before the shift times were changed. The workers come to their steward to complain. They want the whole issue of changing shift times to be discussed with them before the new times come into force.

GRIEVANCE FORM

Name(s) of aggrieved member(s)
Department/Section/Shaft
Union steward
Supervisor

COMPLAINT:

.....
.....
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.....
.....
.....
.....

PROPOSED SOLUTION:

.....
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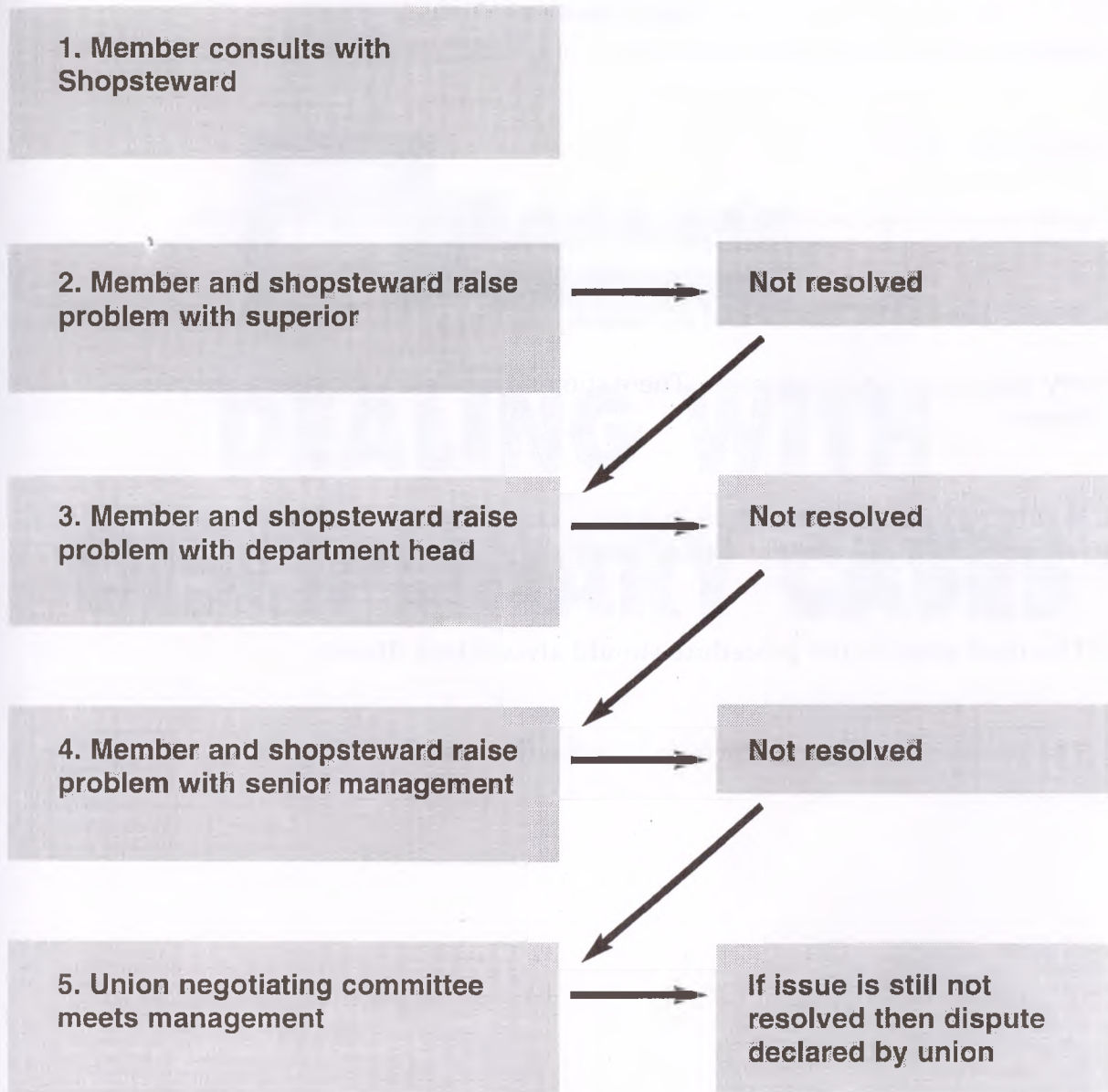
SIGNED BY MEMBER
(OR REPRESENTATIVE OF AGGRIEVED):

SIGNED BY UNION STEWARD:

RECEIVED BY:

DATE:

Diagram of a Grievance Procedure



Points to look for in a Grievance procedure

1. There should be a small number of steps

The bosses try to put in many steps which is a tactic to delay resolving the problem.

2. Short time limits

The bosses will take as much time as they want if there are no time limits.

3. Stewards must be involved at all stages.

Every grievance is a union issue. There should be no such thing as a 'private' grievance.

4. Involving Branch Committees and union organisers at the later stages of the grievance adds power to the unions case.

5. The final stage in the procedure should always be a dispute.

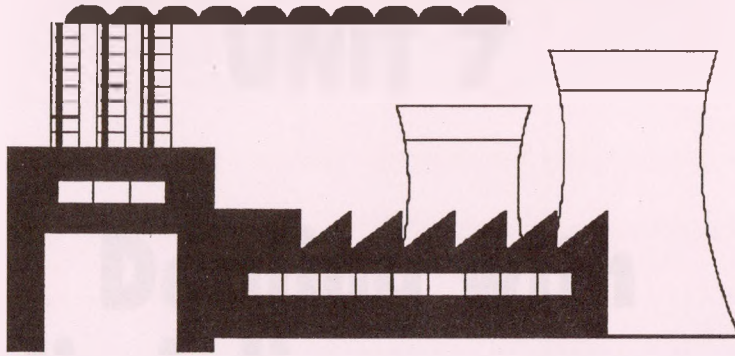
6. The bosses must never have a right to the final say.

Always summarise the main points of the session, and summarise discussions during the sessions

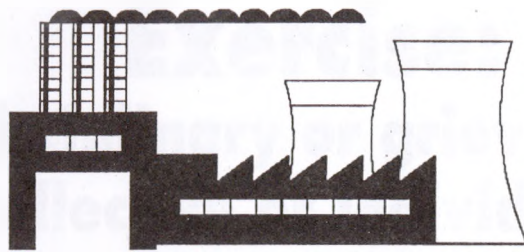
Unit 6: Photo credits

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UNIT 7



DEALING WITH DISCIPLINARY CASES



UNIT 7

Dealing with disciplinary cases

Aims

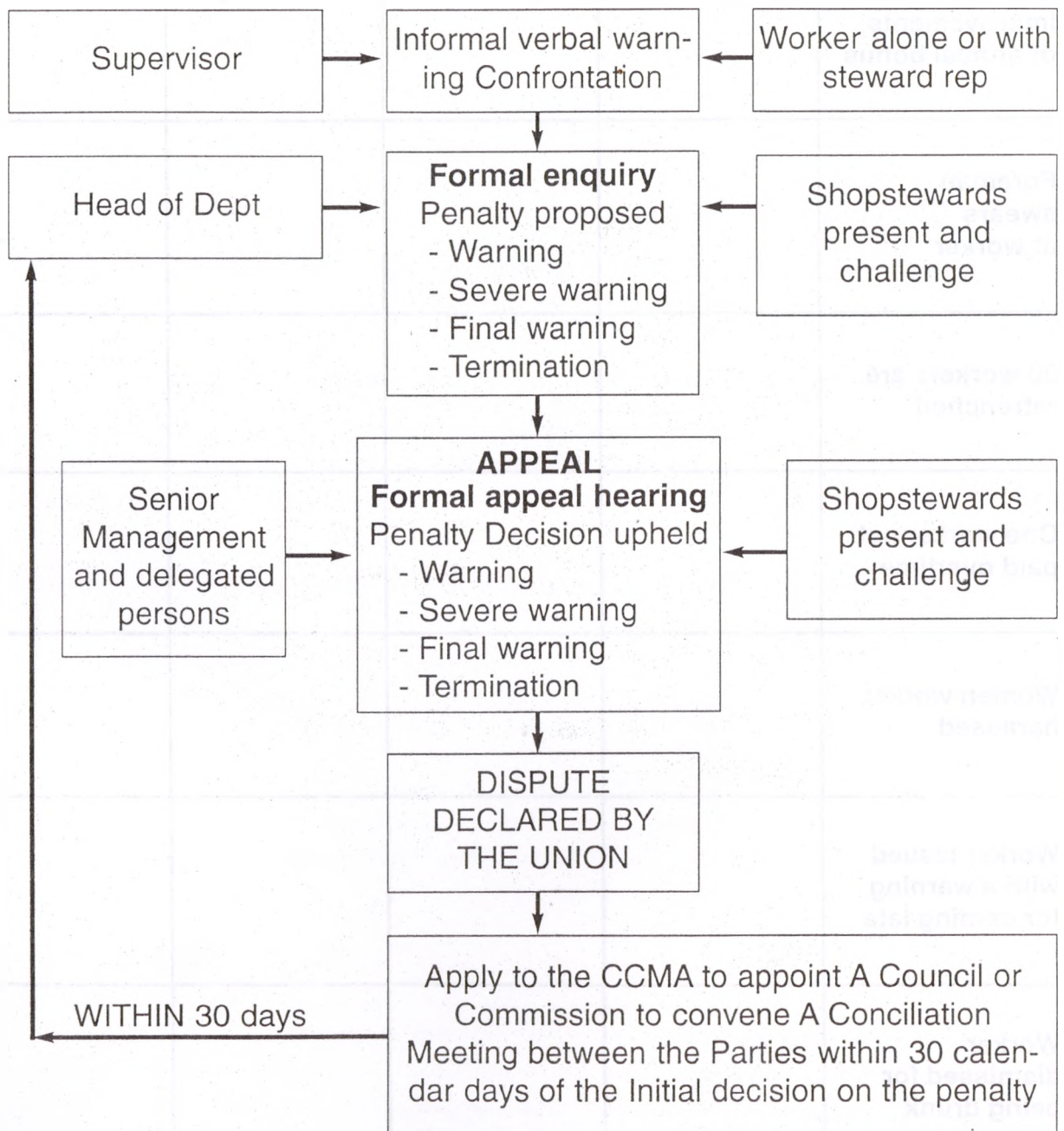
- To look at the differences between disciplinary and grievance issues
- To discuss disciplinary procedures and what a fair procedure should include
- To learn how to deal with disciplinary hearings by looking at:
 - the employer's obligations
 - how to prepare the 'accused' worker's defence
- To discuss disciplinary cases that stewards have handled in the past and look at problems and successes

Exercise:

Disciplinary or grievance, collective or individual?

	Collective issue	Individual grievance	Individual discipline	Individual Collective
Improvements of annual bonus				
Foreman swears at worker				
50 workers are retrenched				
One worker not paid overtime				
Women worker harassed				
Worker issued with a warning for coming late				
Worker dismissed for being drunk				
Steward transferred				

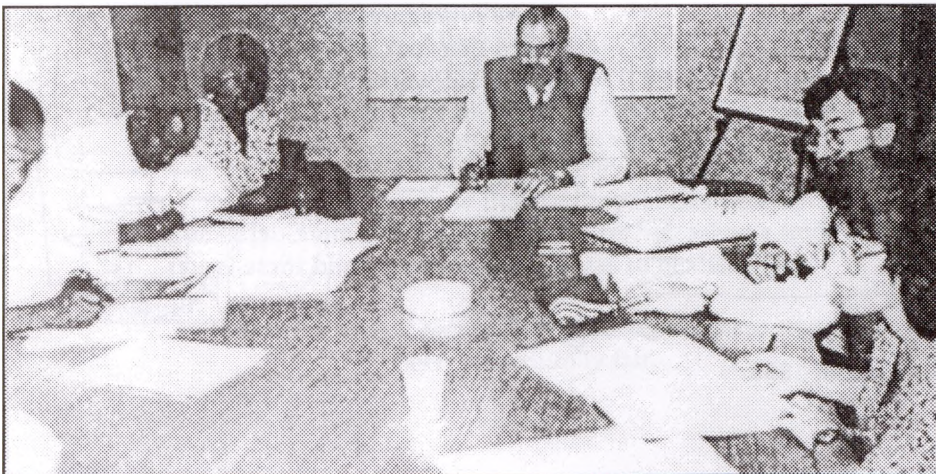
Diagram of general steps followed in a dispute resolution procedure



NB. This procedure is followed in instances where there is no collective agreement on a dispute resolution procedure. If there is an agreement on the Dispute Resolution procedure, then follow that agreement.

Points to look for in a disciplinary procedure

1. Disciplinary action should aim to correct, not to punish.
2. Workers must have a hearing at all stages of the disciplinary procedure.
3. Workers have the right to representation at all stages.
4. No-one should be dismissed for a first offence, except in the case of gross misconduct.
5. Management must not give formal warnings before a full investigation.
6. There should be a time limit on warnings, and that warning must be struck (taken out) from the company records when the time limit is over.
7. The worker must have the right to appeal at every stage of the procedure.
8. The worker must know the charges against him/her well before any enquiry.
9. The worker and union representative must have access to all the documents that are important in the case.
10. The worker and union representative must have the right to call any witnesses and to examine them at the enquiry.
11. The company cannot force the worker to sign a warning.
12. The steward must not sign the warning.
13. The final stage of a disciplinary procedure should be the union declaring a dispute.



◀ **1** Workers must have a hearing and the right to representation at all stages of the disciplinary procedure

Discipline and the law

1 Sometimes, Management and the Union have not reached agreement on how to handle disciplinary matters. When this happens, the law can be used as a guide.

2 In the **Labour Relations Act (LRA)** there is a section called "**The Code of Good Practise**". The Code says that workers and management should treat each other with respect. Workers should be treated fairly by management, and in return management can expect good conduct and work performance.*

3 This Code also lists the times when management is fair or has had good reasons for dismissing or disciplining someone. The Code talks about procedural and substantive fairness. These words need explaining.

Procedural fairness is all about whether management followed the correct procedures when disciplining workers. This is like: Did the worker have enough time to prepare the case? Were they allowed to call witnesses?

- ◆ Procedural rules are there to allow workers to have a fair chance to answer charges against them and to defend themselves.

- ◆ Substantive fairness is something different. Here procedures are not argued for. Instead you look at the substance of the case. Did workers know of the rules? Is the rule reasonable?

Let's look in a little more detail so we can better understand these issues.

* See Schedule 8 of LRA 66 of 1995

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Substantive Fairness

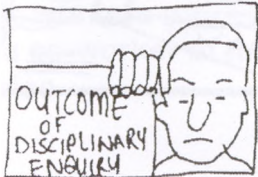


Management is said to have been substantively fair when:

- ◆ All workers know about the rules of the workplace or what is in the Disciplinary Code. These rules must be valid and reasonable.
- ◆ Workers are able to understand what is written in the Code. The language and how it is written should be understood.
- ◆ They enforce rules that are in the Code, or that are so well known that they do not have to be written down.

Discipline is progressive. Discipline is meant to correct how a worker has behaved, and not to punish them. In other words, if a worker has not broken a rule before and commits a minor offence, he should be advised of what he has done wrong and the matter should be discussed with him. He should not have to attend a disciplinary enquiry. Management should only dismiss workers after repeated offences and for serious misconduct, like assault, theft etc.

Procedural Fairness



Did management follow these procedures when disciplining?

- ◆ Tell the worker of the charge against him/her. This should be done in a language that the worker understands.
- ◆ Give enough time for the worker to prepare a response to the charge.
- ◆ Set up a disciplinary enquiry.
- ◆ Allow the worker to call a union representative to represent him/her.
- ◆ Allow the worker to call witnesses, to cross-examine the accusers and their witnesses.
- ◆ Tell the worker what the outcome of the disciplinary enquiry is, preferably in writing.
- ◆ Explain why they are going to dismiss a worker, and about how they can appeal this decision.
- ◆ Consult the union first when a trade union representative or office bearer was to be disciplined.

If management followed all these steps, then he is said to have been procedurally fair.

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The disciplinary enquiry

PRINCIPLES OF A FAIR ENQUIRY

For an enquiry to be fair, these basic principles must be applied even if you do not have an agreed disciplinary procedure where you work.

- An employer must hold a proper enquiry before dismissing a worker for misconduct, even if it is obvious that a worker was guilty of misconduct.
- The purpose of an enquiry is to give the accused worker a chance to defend him/herself against the charges of misconduct.
- The employer must hold an enquiry to establish two things. Firstly, if the worker is guilty as charged. Secondly, if the worker is found guilty, the employer must consider if dismissal is the correct penalty or not.



- ▲ **2** The purpose of an enquiry is to give accused workers a chance to defend themselves against the charges of misconduct

The disciplinary enquiry

STEPS EMPLOYERS MUST FOLLOW

To give the worker a reasonable chance to conduct his/her defence, the employer must follow certain steps:

- Give the worker enough notice of:
 - the time, date and place of the enquiry
 - the offence the worker is charged with. This must be in detail so the worker knows which incident is under investigation.
 - the possible 'punishment' if management find the worker guilty. For example, dismissal, or a written warning.

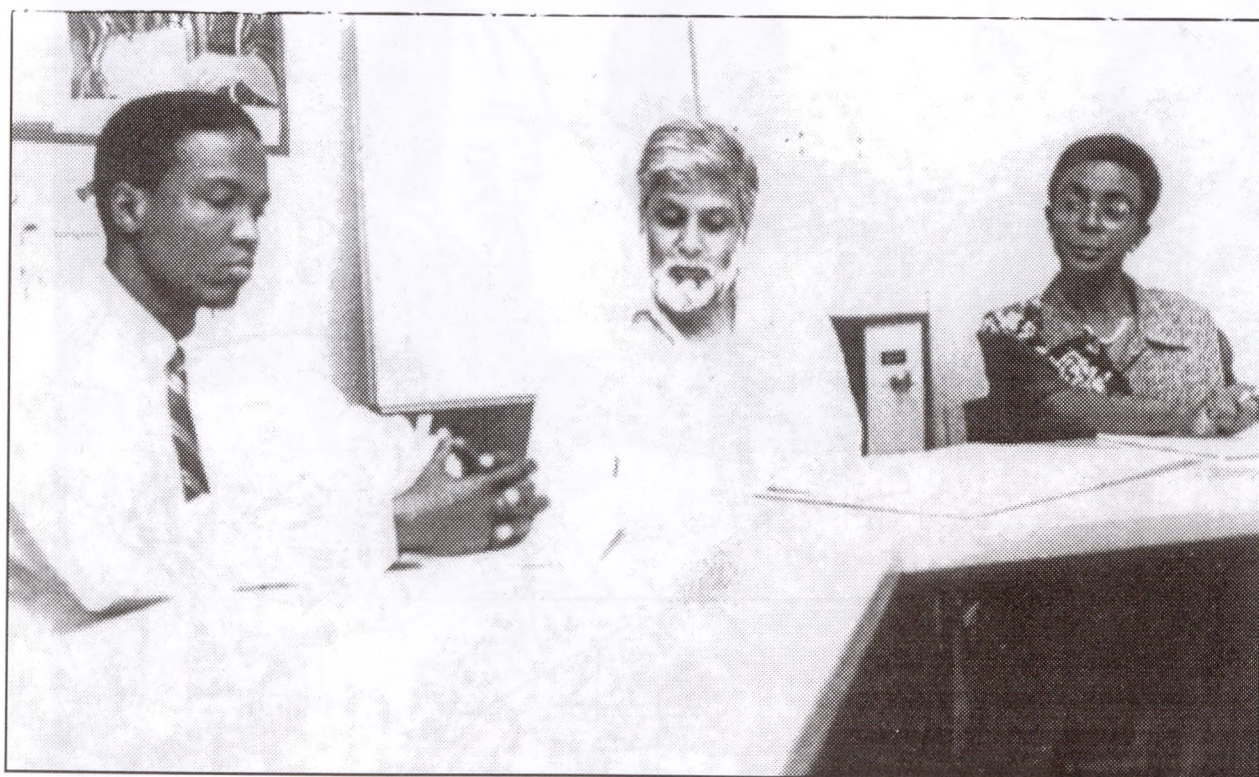


- ▲ **3** Employers must allow workers representation by a co-worker of their own choice

- Give the worker enough time to prepare a defence.

For a simple matter, a few hours notice is enough, but if the case is complicated and involves many witnesses and documents, the steward should ask for a postponement for a day or two.

- Allow the worker representation by a co-worker of his/her choice. A worker can ask the steward to assist even if there is no agreed procedure.
- Provide translation if the worker cannot understand the language of the enquiry.
- Make available to the worker and his/her representative any documents that the company wishes to use in the enquiry, and any documents requested by the worker, for example, the worker's disciplinary or performance record. If the employer does not provide the documents before the enquiry, the bosses must give the worker and his/her representative enough time to study the documents at the enquiry.
- Allow the worker or steward the chance to cross-question company witnesses and to call his/her own witnesses.
- Provide a chairperson who was not involved in the incident under investigation. In small companies, where management staff is small, this is not always possible.
- The chairperson must conduct the enquiry without bias in favour of the company. The chair must not make a decision before hearing all the evidence.
- If the chair finds the worker guilty, then the chairperson must give the worker or his/her representative the chance to recommend a proper penalty, for example, suspension without pay with a final warning, rather than dismissal.



- ▲ **4** The bosses should provide a chairperson at the enquiry who is not involved in the situation

Preparing the worker's defence

Step 1: Read the notice of the enquiry

Step 2: Interview the member

- Get the full story of what happened. Ask the worker about the events before the notice of enquiry was issued. It is important that the member tells the truth, so the steward will not be surprised at the enquiry by totally different facts from management. First allow the member to give his/her story without interruption. Then ask the worker to repeat the story. But this time the steward takes notes and ask questions:

- Does the worker's story makes sense?
- Are all the issues in the enquiry notice covered?
- Did anyone witness the event?
- Are any documents needed? For example: clock cards, invoices, disciplinary record.

- Ask the member for any details of previous warnings and details of his/her domestic situation.



▲ **5** The steward must interview the worker carefully, get all the facts, and make sure the worker is telling the full truth

Step 3: Analyse the case

The steward must work out how strong or weak the worker's case is on both the substantive issues and the procedural issues. Many procedural issues can come up at the enquiry itself.

Can the steward provide evidence, such as witnesses or documents, to prove one or more of the following points:

● Points of procedural fairness

Did the employer follow all the principles and steps for a fair enquiry (maybe laid out in a disciplinary procedure)

● Points of substantive fairness

The steward prepares the worker's defence on each of the following substantive points and writes each one on a separate page:

1. Your member did not do what he/she is accused of.
2. Your member did not know about the rule he/she is accused of breaking.
3. The rule he/she is accused of breaking is unreasonable. For example, washing your hands before starting work in a coal mine is a silly rule, but it is reasonable in a food packing company.
4. If the steward cannot prove points 1 to 3, maybe the steward can show that other people broke the rule with the knowledge of the employer and without a disciplinary enquiry being held.
5. Maybe the steward can show that the rule is not so important that workers should be dismissed for breaking it.
6. Maybe the member did break the rule, but perhaps the member had a good reason for breaking it.
7. Maybe the member did break the rule and he/she has no good reason for doing so, but perhaps there are other facts or information the steward can bring to show why the member should not be dismissed? For example, a good working history, good disciplinary record, good work record, bad domestic situation.

Note: It is important to prepare for all these points in case you lose on some of them.



6 The dismissed worker has a very sick, bed-ridden son at home. The steward should bring facts about the worker's bad home situation to the enquiry to show why the member should not be dismissed

Step 4: Prepare your questions

The steward must think about the questions to ask the member and other witnesses on each of the above points. Before the enquiry the steward must take the member through the questions that he/she will have to answer at the enquiry. Do not try to get a witness to "remember" answers to questions. It is very easy for management to catch a worker out if they are trying to "remember" a story that is not true.

The steward must decide who to call as witnesses. If possible, put questions to the witnesses before the enquiry starts so the witnesses know what the steward will ask them.

Also think about the questions that management will ask the worker and the witnesses. Take the accused worker through the questions management might ask. The steward should write down the important questions for each witness so he/she does not forget them.

Step 5: The steward should make a summary of the points of substantive fairness and procedural fairness to raise at the enquiry



7 The steward must prepare questions before the enquiry and then take the accused worker through the questions that the steward will ask him or her

Questions on the disciplinary enquiry

1. What would you do at the enquiry if the 'accused' worker fails to attend the enquiry either because he/she could not attend, or did not want to attend?

Failure to attend the enquiry

A worker may fail to attend an enquiry either because she could not or did not want to attend. Ask management to postpone the enquiry to give the worker another chance to attend. Tell the worker of the new date.

If the worker fails to attend again, he/she must show that he/she really could not attend because of events beyond his/her control. Otherwise, management will be entitled to hold the enquiry without the worker.

It is better to raise objections at the enquiry itself than to boycott the enquiry. Ask management to record that the worker is attending "under protest" and state the reasons for the objection.

2. What would you do if management suddenly produces a surprise document (a document you have never seen) at the enquiry?

Surprise documents

If management pulls out surprise documents during the enquiry, ask for a break. Examine the document(s) with the accused worker before the enquiry discusses the documents.

If the chair refuses the request to break and study the documents, ask the chairperson to record your objection in the minutes or in the written decision of the enquiry. Do the same for any other objections you have to the way an enquiry is conducted.

3. What should you ask for at the beginning of an enquiry?

Record of the enquiry

A disciplinary enquiry is not as formal as in a court. But the chairperson must make sure both sides of the story are heard.

Management must follow the disciplinary procedure. If there is no agreed procedure, then the following stages are commonly followed:

Opening

The chairperson should introduce all the people present. The worker must know what the charges against him/her are.

Ask if the company will make an official record of the enquiry that you can photocopy.

If the company will not, ask if another steward or member can take notes for you.

Management does not have to make a record of the enquiry unless an agreement says so.

4. What is the usual order of events, or procedure at the 'Hearing evidence' stage of the enquiry?

Hearing evidence

The evidence at this stage concerns whether the worker committed the misconduct and if so, if he/she had any good reason for doing so.

The chairperson must give the company a chance to prove 'the allegations' (the misconduct that the company says the worker did). The worker must have the same chance to prove the allegations are false or that he/she had a good reason.

Management will usually call their own witnesses for questioning first. After they have questioned a witness, the steward or worker must have a chance to question the witness again.

After management has called its witnesses, then the accused worker can call witnesses. Management may cross-examine and you may re-examine them.

The accused worker does not have to give evidence, but it is generally not a good idea to stay silent. This is especially true if the allegations presented by management demand some explanation from the worker about what he/she did. For example: A worker is accused of theft of company property, and all the evidence shows that this is probably true. If the worker says, "I thought it was waste material and did not think I had to have an authorisation slip," this puts the worker's case in a better light than if the worker remains silent.



- ▲ **8** If the bosses pull out surprise documents at the enquiry, the steward should ask for a break to examine the new documents with the worker



◀
9 At the start of the disciplinary enquiry the steward should ask if the company will make an official record of the enquiry that the steward can photocopy

5. What is the next stage of the enquiry after everyone has given evidence and called witnesses?

Hearing argument

The management spokesperson and the steward will normally get a chance to summarise the important points. The steward must argue why the evidence proves the allegations against the worker are not true. You should focus on the important facts that show:

- (a) if the worker is guilty or not, or
- (b) if the worker has shown a good reason for what he/she did. Emphasise all the points of substantive and procedural unfairness that you think have come out clearly in the evidence. Always try to get a short break to prepare what you are going to say.

6. Does the chair of an in-company enquiry have to have 'absolute proof' that the worker is guilty?

Deciding guilt

The chairperson must decide if the worker is guilty as charged.

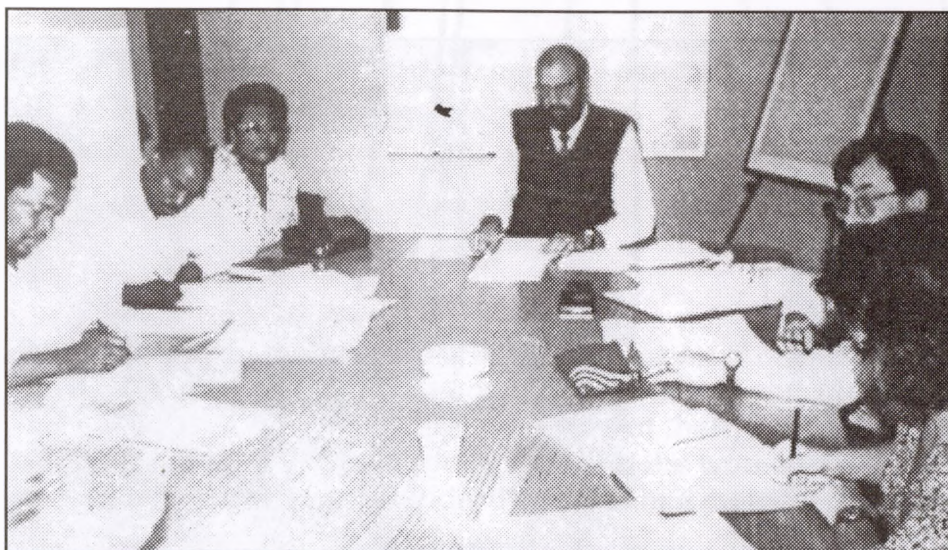
The chairperson does not need 'absolute proof' that the worker was guilty. The worker can be found guilty:

- (a) if management's story is proved to be true or
- (b) when the evidence presented suggests that management's story is probably more true than the worker's story.

So, it can happen that a worker may be found innocent of a criminal charge of theft in a criminal court of law, but the chairperson of the enquiry at work may find the worker guilty on the same charge. This is because the standard of proof in the criminal court of law is higher than in the disciplinary enquiry.



◀ **10** The bosses will usually call their own witnesses for questioning first. After management have questioned the witness, the steward or worker must have a chance to also question the witness



◀ **11** A disciplinary enquiry is not as formal as a court of law but the chairperson must make sure that he/she hears both sides of the story

7. What does 'hearing evidence in mitigation' mean? And what sort of points should a steward raise in mitigation for a worker?

Hearing evidence 'in mitigation'

If the chairperson finds the worker guilty, the chair must decide if a punishment is necessary, and if a penalty (punishment) is necessary, what is the correct penalty? Usually the penalty cannot be worse than stated in a company disciplinary code. The worker may not admit guilt, but the steward must still have a chance to make suggestions on what the worker thinks is a fair penalty.

At this stage, it is important to raise:

- questions of management consistency, by comparing this case with outcomes of other similar cases
- the worker's disciplinary history
- the worker's working relationship with superiors and other workers
- any domestic circumstances

If you have a weak case, it is better to suggest a penalty to your member, even if it might seem quite hard. The alternative is for the worker to wait months, without pay, for a court to decide on the issue. Consider suspension without pay for a certain period of time as an alternative to dismissal.

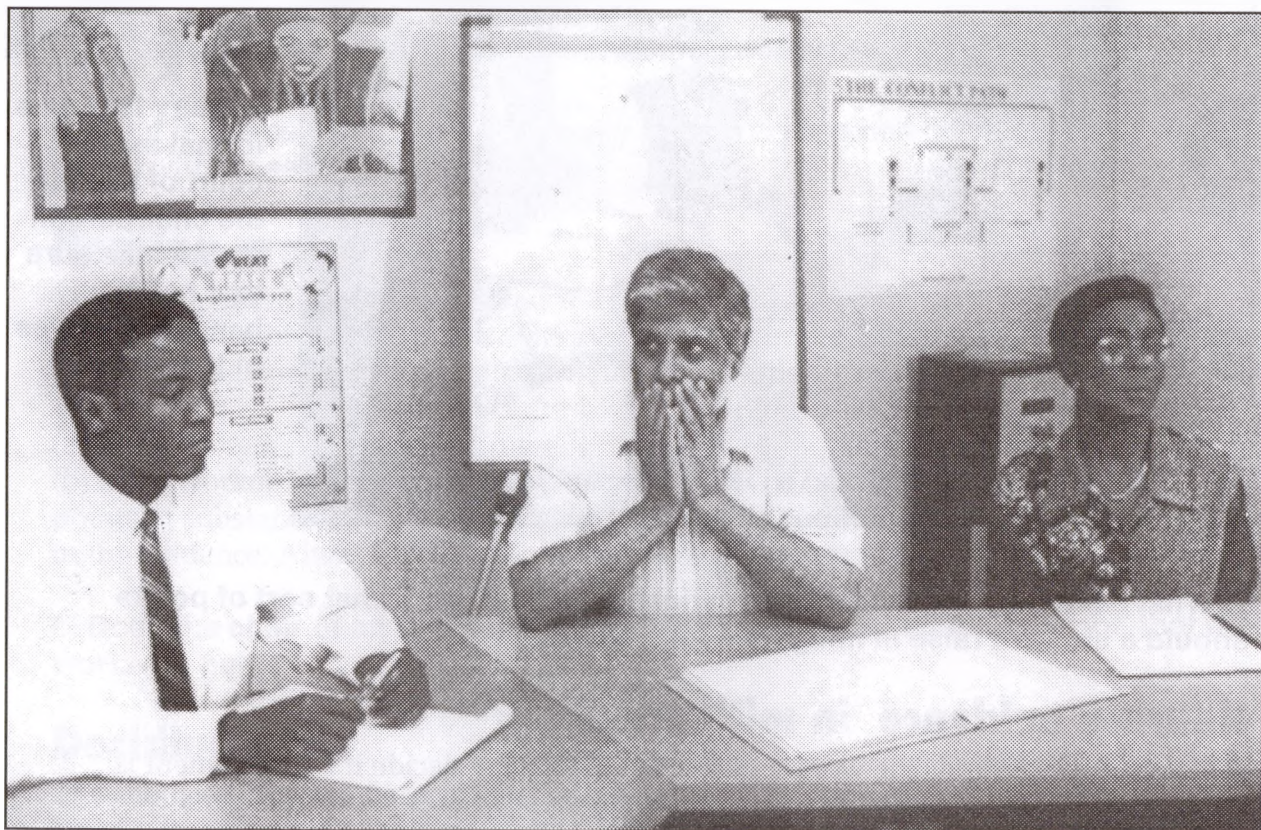
8. The chair of the enquiry decides on the penalty. If you want to lodge an appeal what must you be careful of?

Deciding the penalty

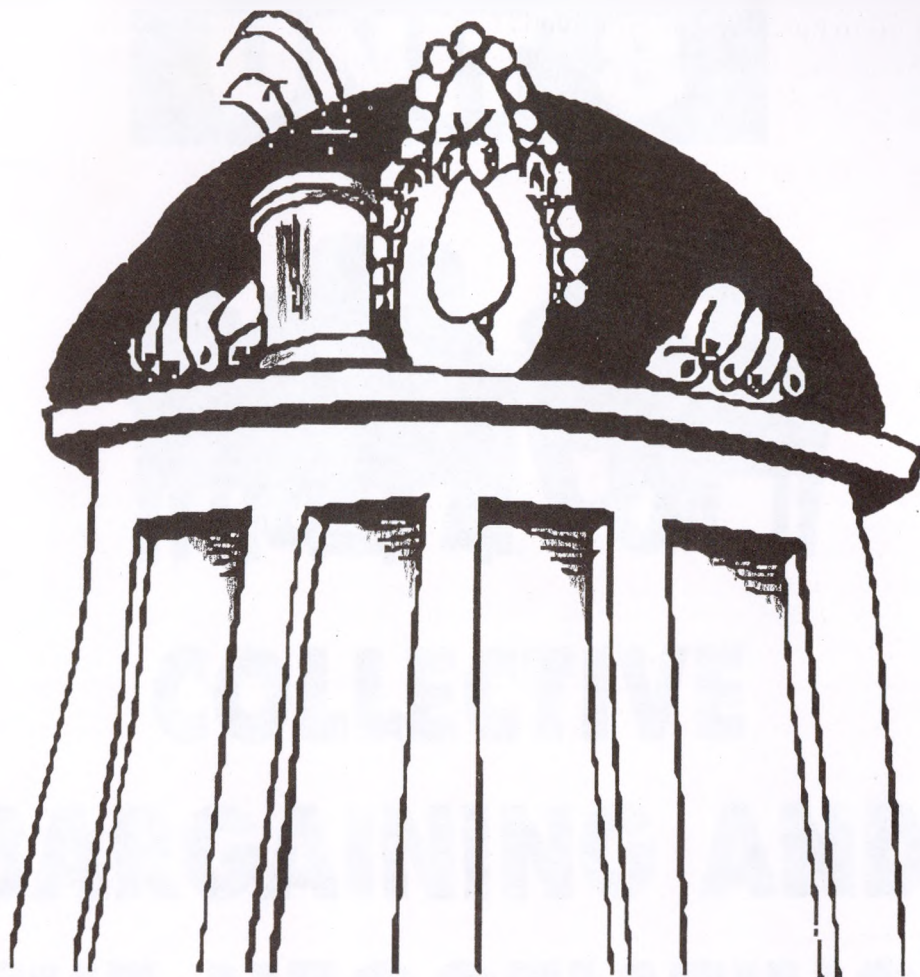
The chairperson decides on whether there is a penalty and what it is. The chair must give the decision and reasons for the decision within a reasonable time. If the worker is very unhappy with the decision you may 'lodge' an appeal.

Appeals

Make sure you lodge an appeal soon after you have seen the result of the enquiry. Do not miss the time limits set out in your procedure.



▲ **12** The chairperson decides on whether there is a penalty for the worker and what the penalty is. If the worker is very unhappy with the decision the worker can lodge an appeal

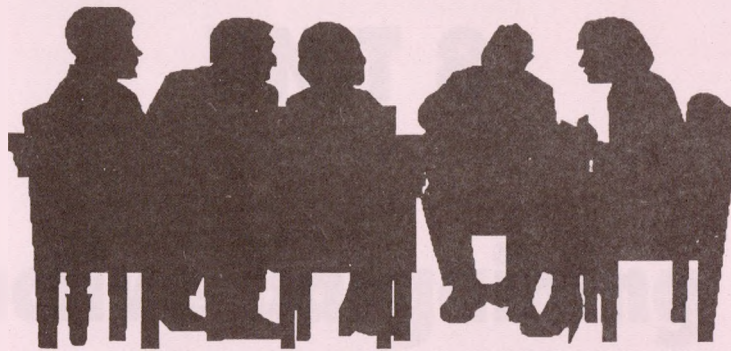


- ▲ **13** It may happen that a criminal court of law finds the worker not guilty (eg of theft) but the chairperson of the company enquiry may find the worker guilty. This is because the standard of proof in a court of law is higher than in a disciplinary enquiry

Unit 7: Photo credits

William Matlala: photos 1, 3, 4, 7–11, 13; Rafs Mayet: photo 6

UNIT 8



COLLECTIVE BARGAINING AND THE NEGOTIATING PROCESS



UNIT 8

Collective bargaining and the negotiating process

Aims

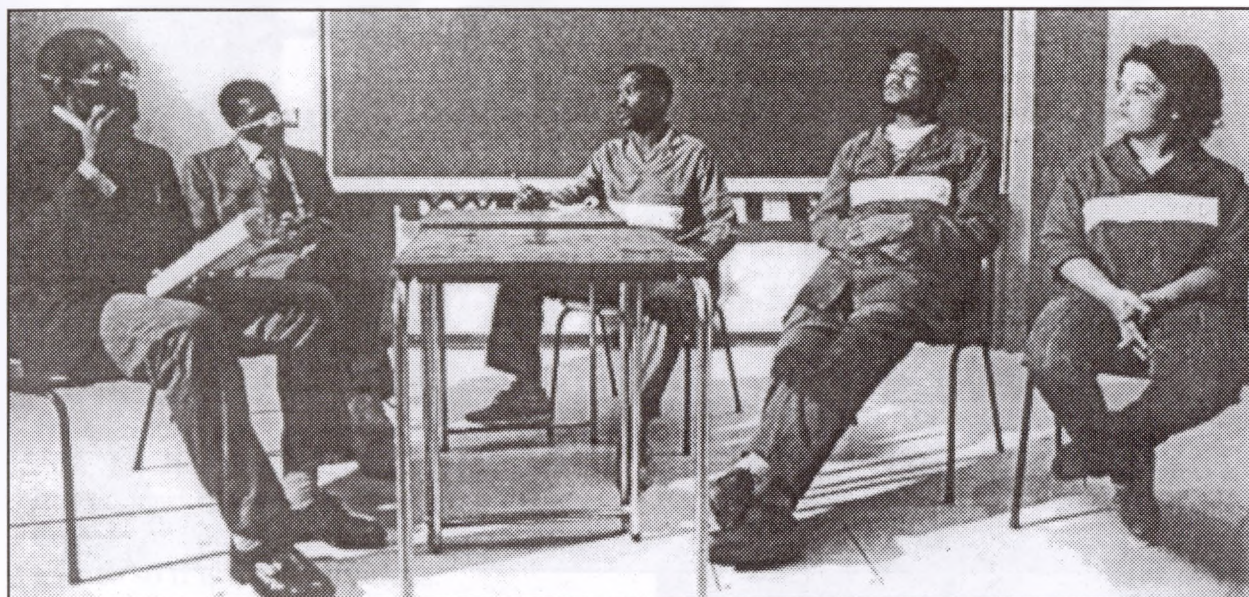
- To understand why negotiations with management are necessary and important
- To explore how to keep up the interest, militancy and involvement of workers during negotiations
- To understand the importance of collective bargaining
- To learn about the different NUM bargaining forums
- To learn about NUM's overall wage policies
- To look at the steward's role in wage negotiations
- To analyse and discuss the importance of particular negotiating skills and to look at what is useful and what are problems and mistakes in negotiations
- To look at different ways of handling disputes and deadlocks

Where does NUM bargain?

Collective bargaining takes place on a number of different levels.

1. PLANT OR MINE LEVEL BARGAINING

The workers and bosses at one plant, workplace or mine get together to discuss issues of common interest. Stewards can negotiate wages and working conditions for that plant. For example: Randcoal, Rietspruit, Bosveld Goldmine, Silicon Smelters, Delmas Silica, Phalaborwa Copper Mining Co (PMC), Loxton Mine (copper), Armourville (manganese), Rustenburg Platinum.



- ▲ **1** This photo shows a COSATU workers' play with workers in typical plant level negotiations. Plant bargaining is when stewards from one plant, workplace or mine, get together with the bosses to negotiate on workplace issues.

2. COMPANY BARGAINING OR NATIONAL BARGAINING

One company may own more than one plant, mine, or workplace. A national company bargaining forum can be established to negotiate on issues that affect all the plants. For example: Eskom, Iscor, De Beers.

3. INDUSTRY BARGAINING

Industry bargaining takes place when all workers in an industry come together to bargain with different employers in the same industry. For example: The largest bargaining unit in the union is in coal and gold where the union negotiates with the Chamber of Mines which covers workers in the coal and gold mining industries. The Chamber negotiations cover approximately 200 000 workers – the majority of workers in NUM (NUM has about 250 000 members). About 80 000 NUM members are in Anglo American mines (Anglo is a member of the Chamber of Mines).

The yearly Chamber of Mines negotiations are the most important in the mining industry because these negotiations set the trend for the whole mining industry. The conditions that NUM negotiates affects organised and unorganised workers in these coal and gold mines.



▲ 2 Stewards during negotiations with the Chamber of Mines in 1994

There are some coal and gold companies who do not want to bargain at the centralised level of the Chamber of Mines. These companies, for example Randcoal, negotiate at mine level; the Genmin group is part of the Chamber but some Samancor companies (part of Genmin) refuse to negotiate at Chamber level, and only negotiate at mine level. The NUM at these mines still uses the basic Chamber demands as a basis for negotiation.

Outside of the Chamber of Mines negotiations there are another 66 bargaining units – some of these are national bargaining units.

Workers in the mining sector are the worst paid, workers in the energy sector at Eskom are better paid, for example the lowest minimum wage for an Eskom worker is R 1 345 pm, and the lowest minimum in mining is R200 pm (in sulphur mineral mining). The lowest minimum wage in Eskom is almost the same as the highest wage for mineworkers in NUM!

NUM's wage policy and Bargaining strategy

What is a wage policy?

A wage policy is a union set of guidelines formulated from worker demands around their wages and working conditions. From this wage policy a union bargaining plan, or strategy is drawn up.

As part of its current wage policy, NUM aims to win a living wage for all mining and energy workers. NUM believes that underground workers should be the best paid workers in the economy because of the dangerous and stressful work that they do.

What is NUM's wage policy?

The principles underlying NUM's wage policy and bargaining strategy are:

- A national minimum wage for all mining and energy workers. In 1996, the demand was for R1 325 for surface workers, and R1 500 for underground workers.
- To negotiate for two year contracts
- To close the gap between lower paid and higher paid workers. This will mean a greater % increase for those at the lower grades, as well as skills training and work re-organisation
- Same job - same pay. There should be no difference in pay between mining houses and the minerals mined.
- There must be reasonable steps between grades so it is a fair structure.
- Underground workers should be paid more than surface workers.
- All negotiations must deal with Rand increases and not percentage increases.
- There should be paid education and training leave.
- There should be nationally recognised qualifications for all grades so that workers are more easily able to change jobs between companies and regions.
- Education and training should be geared to helping workers further their careers within the companies and mines.
- Affirmative action agreements must be enforced.
- A new grading system - free of gender and race bias - needs to be developed.
- All wage increases must be real (above inflation) to keep up with the standard of living for energy and mine workers.



3 The NUM wage policy states that in the mining industry, underground workers must earn more than surface workers in the same grade

NUM's Bargaining Strategy

In all energy, mining and quarrying companies, the wage demands every two years are for a decent living wage. The union is fighting for real wage increases (above inflation) so as to catch up after years of racial inequalities and low increases.

NUM's wage demands are based on three fundamental issues, namely real wages, productivity and profits.

Wages

Wage structures between companies and across sectors need to be unified. There are huge differences in the wages that are being paid. Those industries that are capital-intensive (like the collieries) and the monopolies can pay as much as they want. However, at the other end of the scale, base metals pay very little, while quarry and construction workers are paid very poorly.

Initially, the economic boom gave NUM the opportunity to raise wages for the lowest paid workers. The key to achieving this was by focusing on training, the job grading structure and job enrichment. Central bargaining is urgently needed.

Nowadays, it is unlikely that there are to be huge increases in wages. What instead counts, is ensuring that wage increases are higher than the inflation rate.

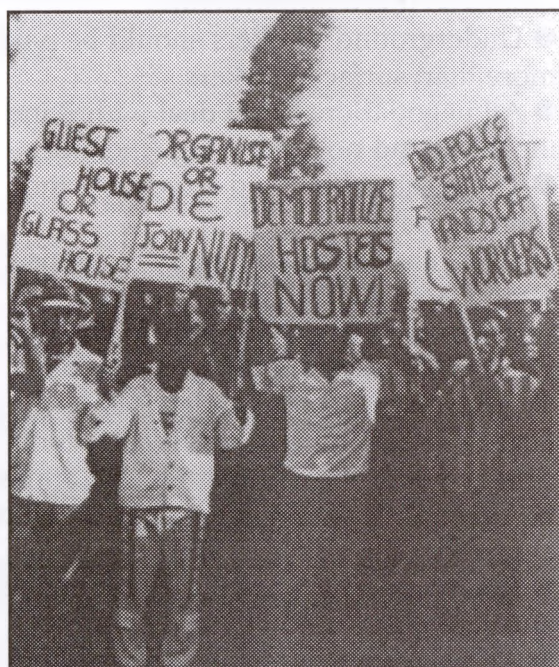
Productivity

South Africa's labour productivity has been rising fast in recent years - about 17% over the past ten years. Most of these gains have gone towards profits though. In the future, wage negotiations should ensure that the gains from productivity are used to ensure that more workers are employed. Productivity or increases in production are not linked to wage increases.

Profits

The energy, platinum-group metals, diamonds and chromium sectors have seen massive increases in profits through higher sales. However, this has not resulted in increasing levels of employment or higher real wages.

There are some other sectors who have performed badly however - like the gold sector which was affected by the drop in the retail price. Other companies have simply failed to adjust to deregulation, workplace restructuring or foreign competition.



4 Mineworkers demand a living wage

Profit Sharing Schemes

The Profit Sharing Scheme was negotiated to make sure that certain gold mines that were doing better would pay more than the amount negotiated at national Chamber of Mines level. The union negotiated the right to see all financial information on these mines. Workers and the union must be part of setting targets so the bosses don't set unrealistic targets. Consult your bargaining department or regional organisers if the company presents you with facts and figures you don't understand. You need to also demand that the company reveals their income and expenditure.



▲ **5** NUM and Anglo American sign a profit sharing agreement at the Anglo offices in 1992

Bargaining for increased social wage and worker rights

NUM does not only negotiate wages. The social wages (other benefits like housing, education and training, employers' increased contribution to workers' provident funds etc) are also negotiated. Increased workers' rights are also negotiated for example, more participation on provident fund boards, full-time stewards to strengthen union organisation and to service workers, restructuring of the workplace with more worker participation for example, the formation of the Eskom Electricity Forum to restructure Eskom which involves worker, community and employer participation.



- ▲ Above is a Rustenburg Platinum Hostel Committee that negotiates better hostel conditions with the bosses. NUM negotiates wages and social wages. Social wages are benefits like better hostels and housing, education and training, and better contributions by employers to the provident fund.

Guidelines for negotiations arising from video

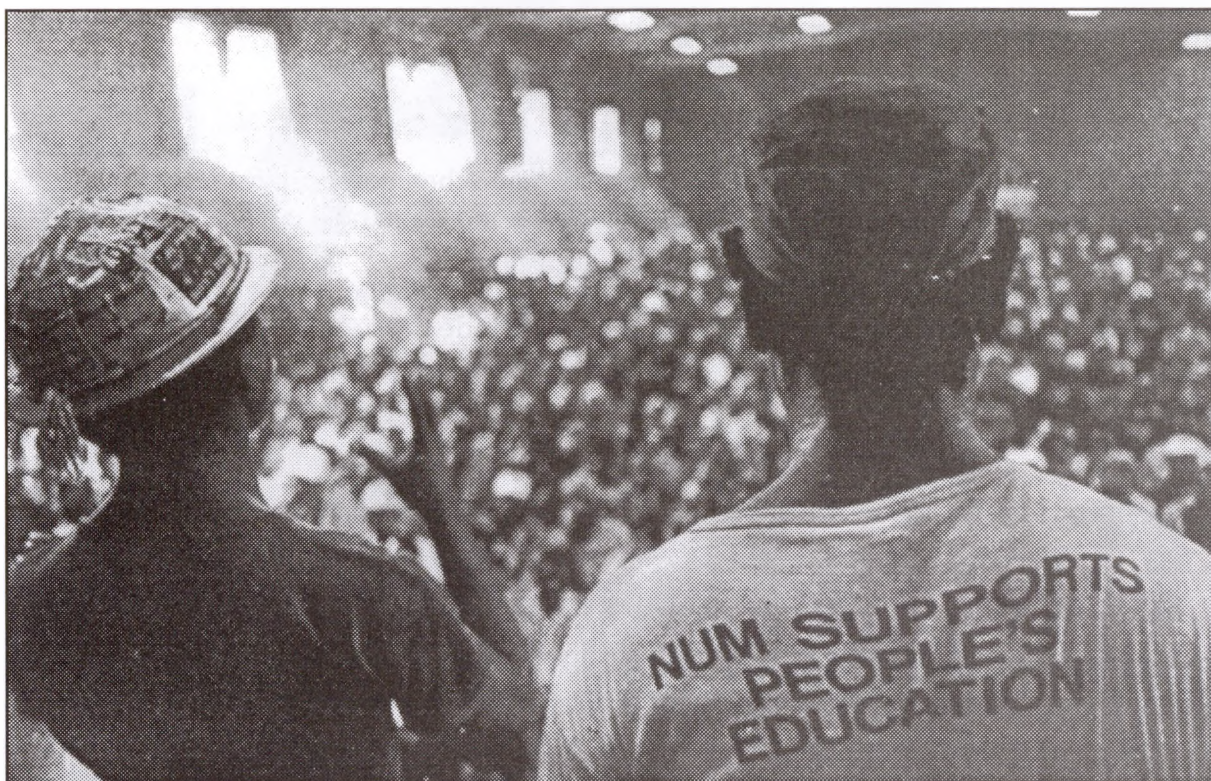
1. Getting mandates and formulating demands

- Stewards must do research before formulating demands for example, type of company, previous agreements, current conditions etc.
- Stewards must plan properly for all meetings.
- Stewards and workers must have an idea of strategy when getting mandates for example, what would be long term/short term goals and demands.
- Before the general meeting with the membership to get a mandate, stewards must have a planning/strategising meeting – this could include the organiser.



- ▲ **7** Stewards must get together to discuss and plan before holding a general meeting with workers on drawing up wage demands

- Stewards must hold the general meeting in an orderly manner, with firm chairing.
- The role of the stewards and organiser is not to take down everything workers demand. The steward's role is to give information (educate), give advice, and make sure everyone understands.
- The general meeting must reach consensus or a clear majority decision in order to get a proper mandate. Listen to all workers – not just to workers who talk the loudest.



- ▲ 8 Workers at a general meeting must come to a majority decision on any negotiating demands before stewards can take the demands forward to management

2. Preparing for negotiations

(not necessarily wage negotiations)

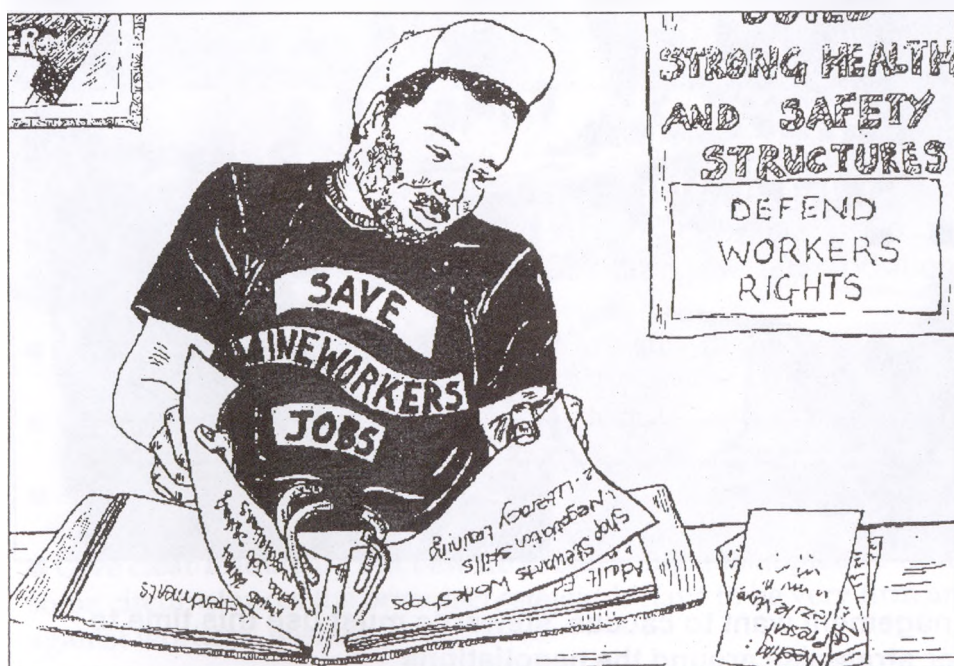
- Stewards and organisers must collect full information from workers – organisers need to probe and get the correct story from workers.
- Shopstewards must give information to the organiser on an on-going basis for example, notices, change of ownership (stewards should ask organisers what they need if they are not sure, for example, the rate of inflation).
- Before deciding on how to approach the negotiation, stewards and organisers must do background research for example, checking agreements, legal position. If you need help with your research remember NUM has a Collective Bargaining Department at

head office and you can ask them for help.

- Don't make promises to workers
- Stewards must give new organisers all information when they take over a factory / mine / shop from another organiser. They must make sure that they have full information on that establishment. Note the importance of keeping proper records / files.
- Once the organiser has established facts, planning should be carried out with the stewards committee prior to meeting with management.

►

9 Martin Nichol
formerly head of
the NUM Collective
Bargaining
Department at
head office. The
Department can
help stewards with
research
information and
advice around
negotiating
demands



◀

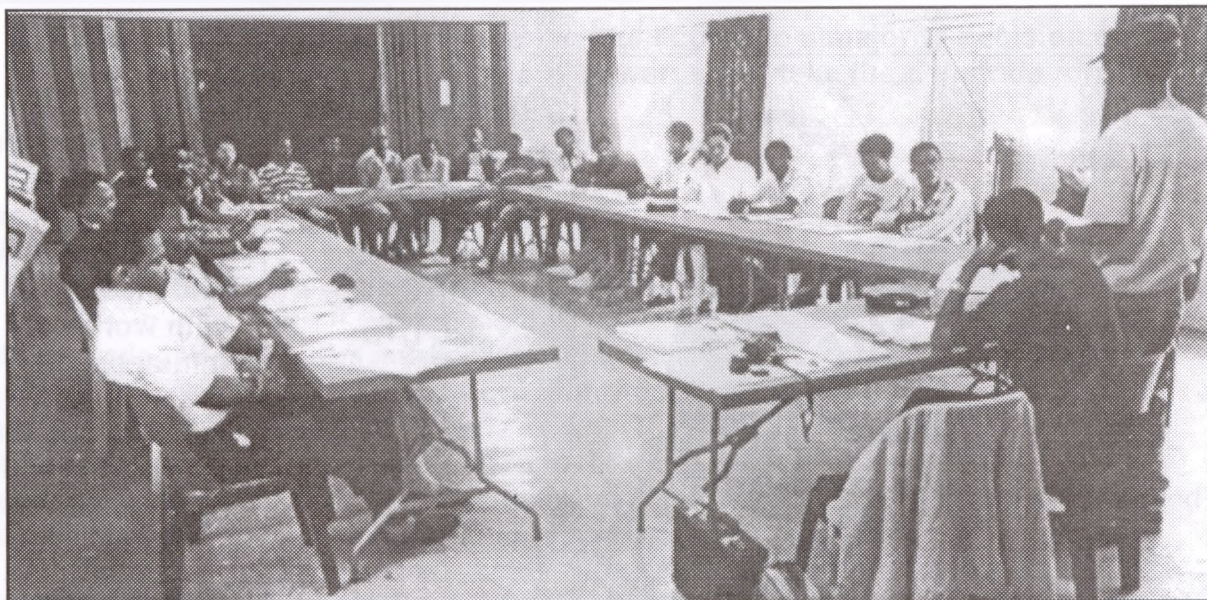
10 Stewards
must
keep records and
files of interviews
and meetings
with workers,
minutes, and
every set of
negotiations they
take part in with
management

3. Know your opponent

- It is very important to know who you are dealing with in negotiations and where the real power lies. Stewards must make sure that research on the company is done. Research must be carried out on the type of company, ownership, company decision making.
- Negotiating tactics must be planned using the research information on the company.
- Do not relax and believe everything the bosses say – they are playing tactics in the same way that the union does.



- ▲ **11** Stewards must plan negotiating tactics and use the research on the company in negotiations – the bosses will see you have done your homework.



- ▲ **12** If management want to caucus, stewards must use this time to further strategise around the negotiations

4. Using caucus time

- Don't waste caucus time. If management asks for the caucus, stewards can use the time for planning and strategising ahead.

5. Making decisions

- The negotiating team needs to make an assessment of the situation before reporting back to workers.
- The team needs to come to a consensus position amongst themselves.
- The negotiating team must present management's offer and various possibilities to workers as well as the position of the negotiation team.
- Workers debate and make the final decision.



◀ **13** In a report back to workers, stewards should present the position of the negotiating team, allow workers to debate, and give clear leadership and direction

6. Reporting back

- Stewards must report back in a confident manner.
- Explain clearly the circumstances surrounding the offer/position.
- Do not give the "bosses" explanation to justify the acceptance of an offer
- Present the position of the negotiating team
- Allow debate
- Give clear leadership but beware of becoming a manipulator (note however that in some circumstances the organiser/stewards have to be very firm and take a stand against workers' wishes)

7. General points on meeting with management

- Establish your enemy – who are you sitting with around the table (there may be a consultant)
- Union side to take full notes during the meeting – do not rely on management minutes
- Shopstewards to participate in the negotiations
- Caucus to be used for negotiating team to consult – organiser should not take his/her own decision in the meeting
- No caucusing in front of management – call a proper caucus.



▲ **14** Stewards must always take full notes at negotiating meetings – never rely on management minutes

Questions on the negotiating process

1. What must stewards make sure of before signing an agreement on wages and working conditions?

- make sure you have discussed the date of implementation and that you have negotiated backpay for any time that the negotiations went over schedule
- discuss the final agreement in a stewards' caucus before you sign anything – make sure all the clauses reflect what workers mandated and what you as stewards understood in the negotiations.

2. What is the difference between a 'dispute of right' and a 'dispute of interest'?

We have spoken about individual and collective disputes but there are other ways of talking about disputes which are useful because it can help in how you argue the case with management.

'Disputes of Interest' are disputes about the needs and concerns of workers like higher wages and better working conditions.

'Disputes of Rights' are disputes that you can measure in terms of justice and fairness like the law, or standards of fairness like the right to a hearing before dismissal.

3. What should the negotiating team do after management presents their proposals?

The team should immediately call for a caucus.

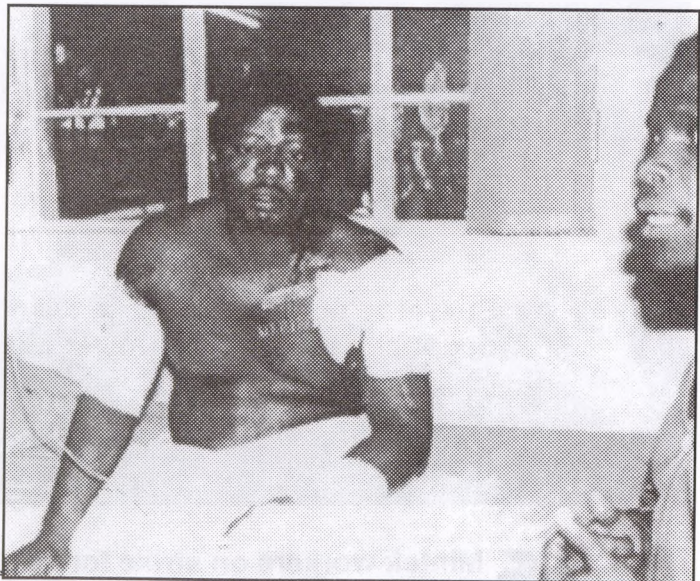
4. What 'things' should you take into negotiations?

- Notebook to carefully record discussion and all decisions.
- Calculator in order to analyse management's figures and offers
- Flipchart/paper, koki, prestik to use in the caucus if there is no access to a blackboard.

5. A manager on the management negotiating team asks you, a shopsteward in the union negotiating team, to come and talk to him in his office during negotiations. How do you respond?

Don't meet with anyone from management without having another steward/organiser present. This will ensure:

- that at least 2 people know exactly what was discussed and can compare notes



15 Stewards may feel that there is too much violence in a strike but stewards must never call off any action without a mandate from workers

- that no steward is 'bought off' by management
- that workers do not get suspicious of what the steward is talking about and stop trusting the steward as their representative.

6. What do you do if management is taking official minutes?

Take your own minutes so you can check them against management's minutes later.

7. Stewards in the negotiating team decide there is too much violence in a strike and so they come to an agreement with the bosses. Is there a problem with this?

Yes. Stewards must never make decisions on behalf of workers. Stewards must always go back and consult with workers before agreeing, taking action etc. Even if stewards feel there is too much violence it is not up to them to call off a strike, stewards can advise workers, and give their opinion but they cannot decide for workers.

8. What sort of person should go to wage negotiations if not all stewards can go?

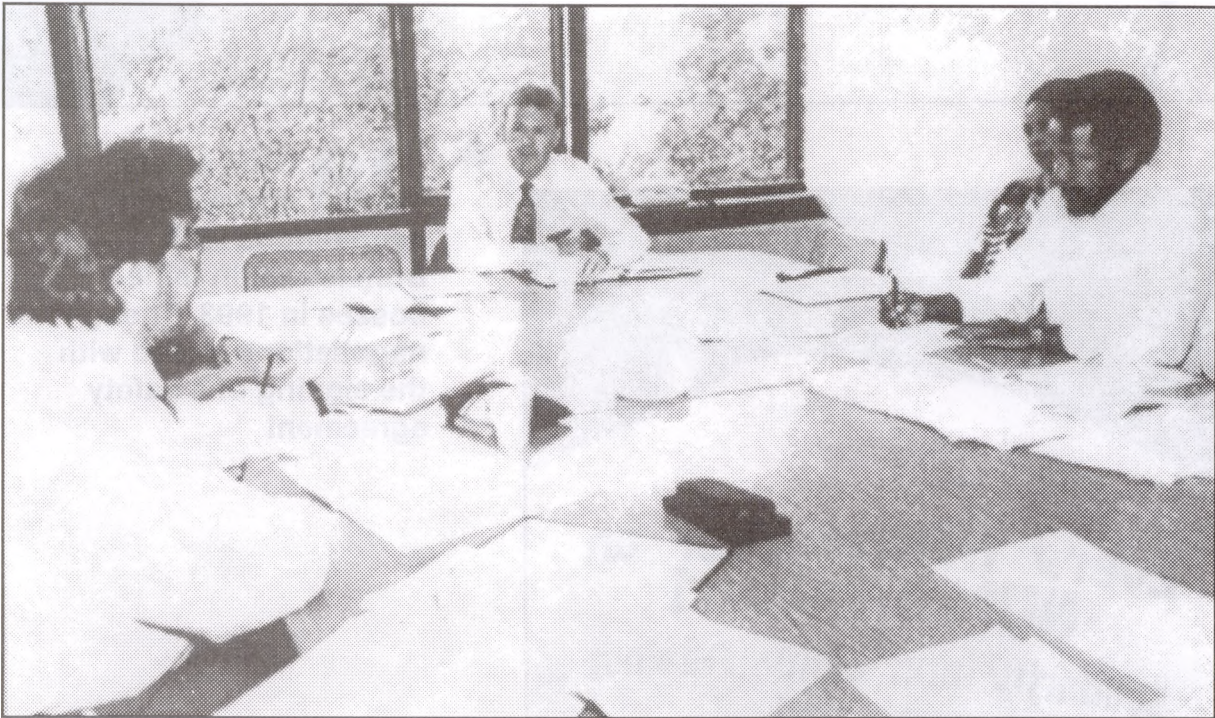
- Stewards who have the strong support of membership
- Stewards who can present the union's demands clearly to management and can argue the union's position using reason and facts
- Stewards who do not get too emotional and angry and complain instead of putting a clear demand.



▲ **16** Mintek workers on strike for 10 days in 1989 – workers won a 14% pay increase. Workers' collective power is useful to push the bosses into agreeing to workers' demands

9. What different ways are there of handling disputes/deadlocks?

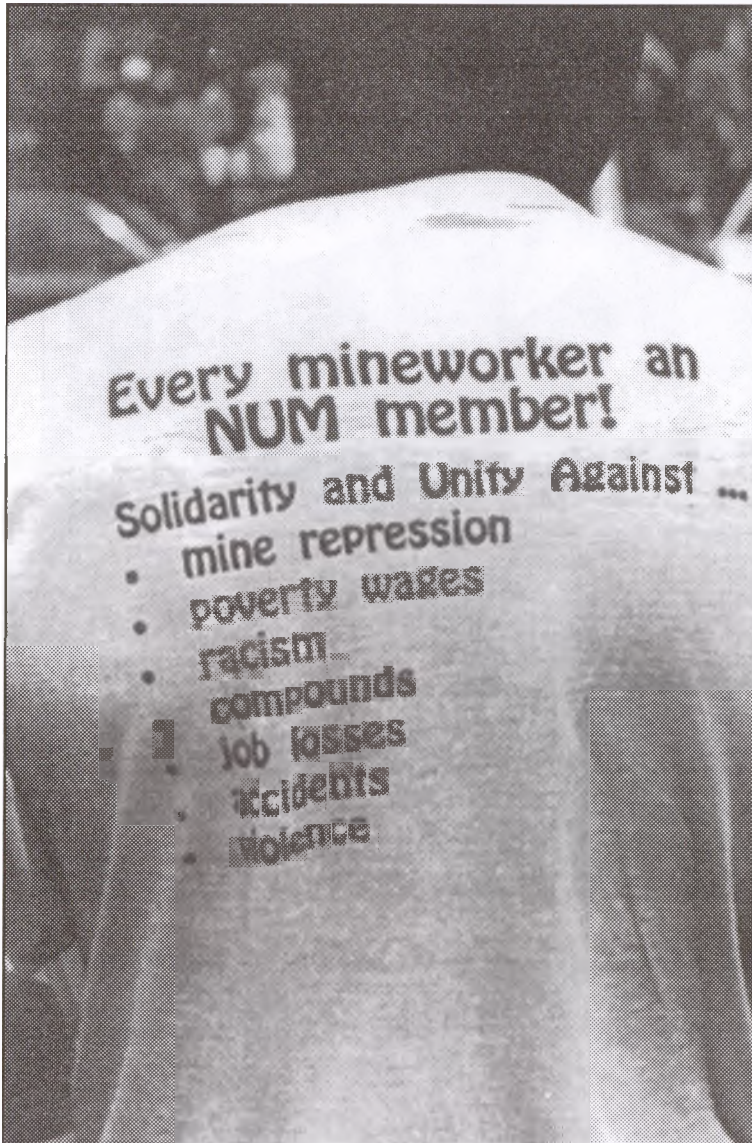
- **Power:** using workers' collective power to push the bosses into agreeing for example, strike, overtime ban. Use of power can be informal or formal ie following the steps of the Labour Relations Act or the recognition agreement.
- **Negotiation:** continuation of discussions between the union and bosses to try and resolve the dispute.
- **Arbitration:** this is a process where both sides ask an acceptable outside third party to hear their cases and make a recommendation or an 'award' which parties in advance agree will be binding. This is a private process often through IMSSA (Independent Mediation Services of South Africa).
- **Conciliation:** this is a kind of mediation where both sides agree to negotiation to try and come to some kind of agreement. This is usually a Conciliation Board Hearing where the Department of Labour will supply a chair but does not actively try to solve the dispute.



▲ **17** Mediation and arbitration can be useful ways of resolving a dispute with management



▲ **18** NUM safety stewards in negotiations with Buffelsfontein mine bosses in 1993. These negotiations ended with the signing of a safety agreement



19

Unit 8: Photo credits

Giselle Wulfsohn: photo 1; Eric Miller: photos 4, 8; NUM: photos 2, 3, 15, 18, 19;
William Matlala: photo 6, 9, 11–14, 17; Cedric Nunn: 16.

An Introduction

SAFETY OUR DAILY SONG

**A Brief History of Health and
Safety on the Mines.**

An Introduction

Mining is a very risky business. Everyday mineworkers live with the knowledge that they might be involved in an accident underground - almost 800 mineworkers are killed or injured in mining accidents each year.

Since the National Union of Mineworkers began organising, health and safety has been high on the agenda. The NUM has always fought for workers' rights to work in safe and healthy conditions. Workplace issues have not only centred on wages and job security, but on the health and well-being of workers.

The NUM has managed to win many health and safety rights through the struggles it has fought around these issues. Governments have also been forced to make laws that take these health and safety conditions into account - like, occupational, injuries, diseases, the Mines Health and Safety Act and the Compensation for Occupational Injuries and Diseases Act (COIDA). But this has not been before a number of mining disasters have happened which have put pressure on bosses to make changes.



Remembering the disasters

There have been many mining disasters in South Africa over the years. Let's take a look at a few that have been the most significant:

● Hlobane Colliery, 1983

68 workers died in an underground explosion. This was the beginning of the union's focus on the safety of its members. Thirty thousand workers stopped work for half an hour in solidarity with those that had died.

NUM took the mine to court for negligence - arguing that the accident happened because the mine was not safe. The court found the mine guilty. This was the first health and safety victory for the union.

● West Driefontein Gold Mine, 1983

17 workers were fired for refusing to work under dangerous conditions. NUM took the mine to the industrial court and had the workers re-instated.



● Kinross, 1987

177 workers died in a fire caused by a substance called polyurethane - which was banned overseas as far back as 1968. The union was not allowed to visit the accident site. The bodies of miners were stacked outside the mortuary in the boiling sun because there was no place for them inside. While the workers mourned the loss of their comrades at a mass meeting, the apartheid government responded by sending in the riot police.

The union called on workers to observe October 1st as a day on which to mourn those workers who had lost their lives in the Kinross disaster. More than 325 000 workers stayed away from work on that day. More than 275 000 others attended prayer meetings at work.



An Inquiry into the accident was set down for June 1988 - almost 21 months since the accident had taken place. The union was not allowed to cross-examine witnesses at the inquiry into the accident and it again took mine management to court. The Supreme Court ruled that the union was an interested party and should be allowed to ask questions.

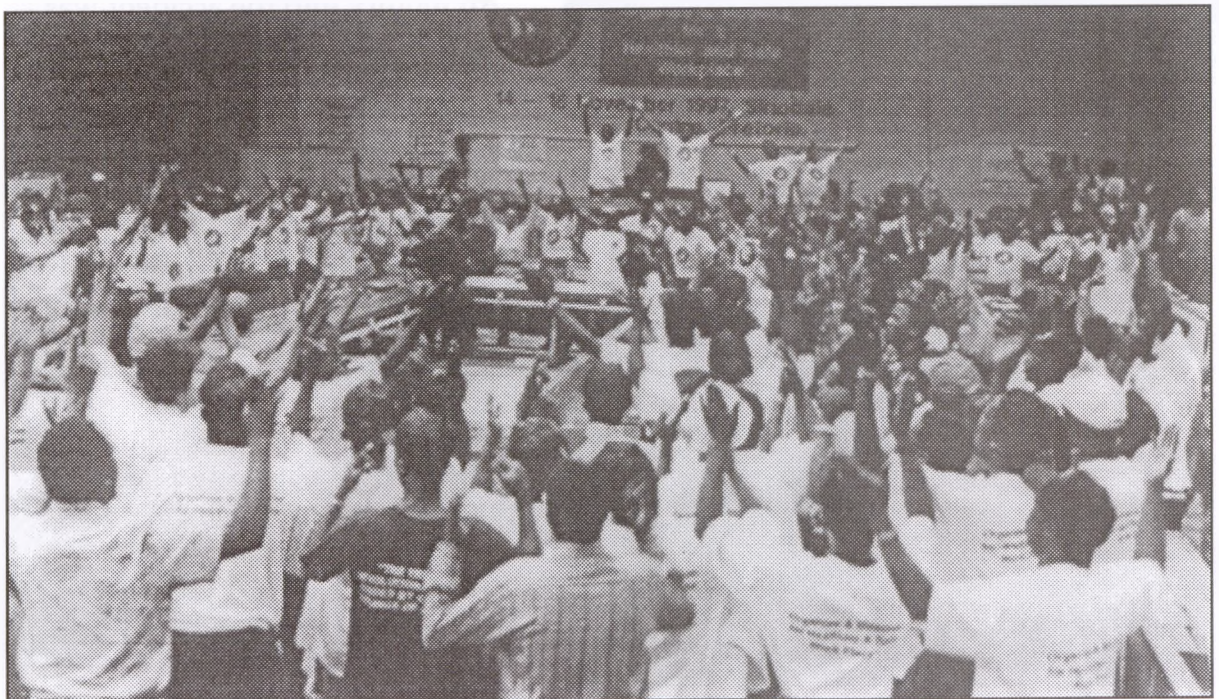
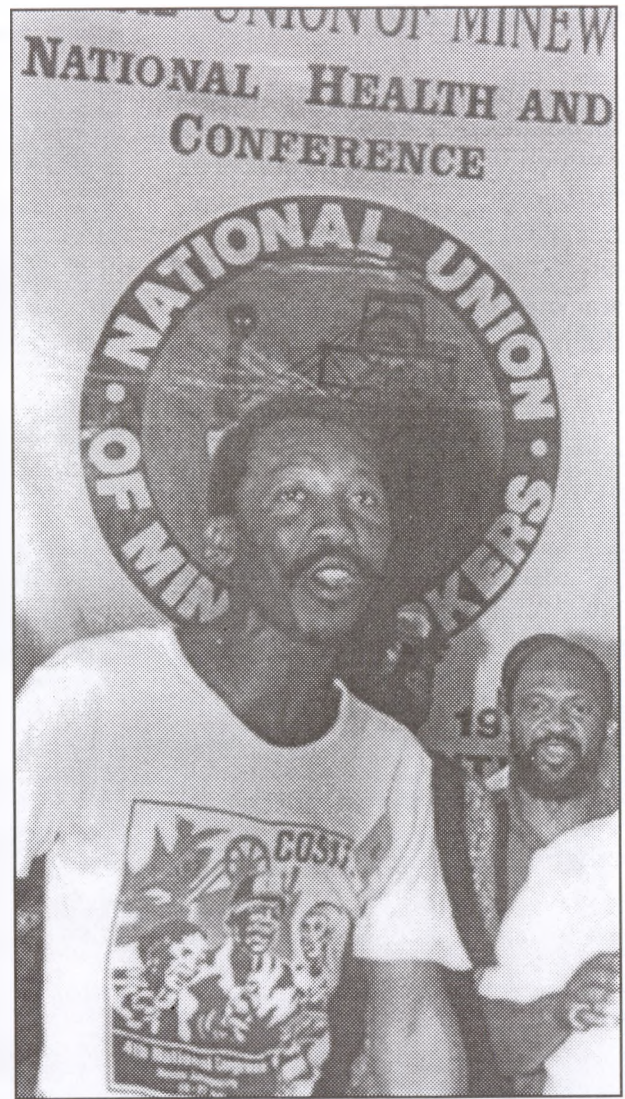
The mine was found not guilty of the accident. Instead, a plate-layer was fined R100 for causing the accident with a cylinder of acetylene. The life of each dead worker had been less than R1.

Fighting for Health and Safety

NUM has fought many battles to improve health and safety at the mines. This has been despite resistance from management who believe that health and safety is their prerogative and not an issue for the union. After each mine disaster, the union intensified the struggle for health and safety, called for independent commissions to be set up and for the implementation of the ILO convention on Mine Health and Safety.

After a long battle, the state president gave in to the demands for an independent commission of inquiry. During August and September 1994, Justice R Leon and three independent assessors heard evidence about the conditions in the mining industry. The union presented information to the commission and called experts to give evidence.

In March 1995, the Leon Commission's report was released. The report said that mine bosses were not doing enough to



improve the health and safety of mineworkers. The report also found that there were too many accidents on the mines. But nothing really changed because the bosses got into arguments with the union about how the union could implement the report at mine level.

In May 1995, another disaster struck. A locomotive engine plunged down a shaft in Vaal Reefs gold mine, crushing 104 workers. The accident shocked everyone into action. The government decided that the Leon Commission's recommendations must be implemented immediately.

The Mines Health and Safety Act

A new Mine Health and Safety Act was passed in 1997, after negotiations between NUM, government and bosses took place. This is an important Act in that for the first time all three parties were involved in drafting legislation around health and safety on the mines. The main objectives of the Act are to ensure that mines are made safe, that a culture of health and safety is developed, and that worker participation is ensured. This was achieved through the entrenchment of workers' **four rights - the right to representation, participation, information, education and training and the right to refuse to do dangerous work.** The Act also allows mineworkers to elect health and safety representatives. This Act is to be studied in detail throughout this Module.

The Way Forward

The NUM continues to campaign around Health and Safety issues. Currently, NUM is continuing and intensifying their mass education campaign at branch level to introduce the four rights in the Mine Health and Safety Act to members. But - at the same time - the union is engaging the bosses in the occupational health and safety issues - in particular, the rights of disabled workers, medical care for families of mineworkers, and a rehabilitation programme for miners.

NUM has also committed itself to paying attention to environmental issues - such as water pollution, slime dams, mine dumps, radiation from uranium etc.





'The stronger the union, the safer the mine.'

John Gomomo, COSATU, 1995

"We work, not to be injured and killed at work, but to develop the economy and to build the social infrastructure for our country, to feed and educate our families and to support the unemployed....We need a safe working environment to do this. To do this we must struggle."

An Introduction

- The importance of health and safety in the workplace
- The role of management and employees in health and safety
- The importance of a health and safety policy
- The importance of a health and safety committee
- The importance of a health and safety representative
- The importance of a health and safety officer
- The importance of a health and safety manager
- The importance of a health and safety coordinator
- The importance of a health and safety supervisor
- The importance of a health and safety assistant
- The importance of a health and safety clerk
- The importance of a health and safety secretary
- The importance of a health and safety receptionist
- The importance of a health and safety cleaner
- The importance of a health and safety gardener
- The importance of a health and safety painter
- The importance of a health and safety electrician
- The importance of a health and safety plumber
- The importance of a health and safety carpenter
- The importance of a health and safety joiner
- The importance of a health and safety fitter
- The importance of a health and safety welder
- The importance of a health and safety machinist
- The importance of a health and safety toolmaker
- The importance of a health and safety draughtsman
- The importance of a health and safety draftsman
- The importance of a health and safety estimator
- The importance of a health and safety scheduler
- The importance of a health and safety controller
- The importance of a health and safety administrator
- The importance of a health and safety clerk
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- The importance of a health and safety scheduler
- The importance of a health and safety controller
- The importance of a health and safety administrator

Health and safety agreements

An Introduction

The Mines Health and Safety Act gives workers' four rights that are the foundation and starting point of good health and safety. These are:

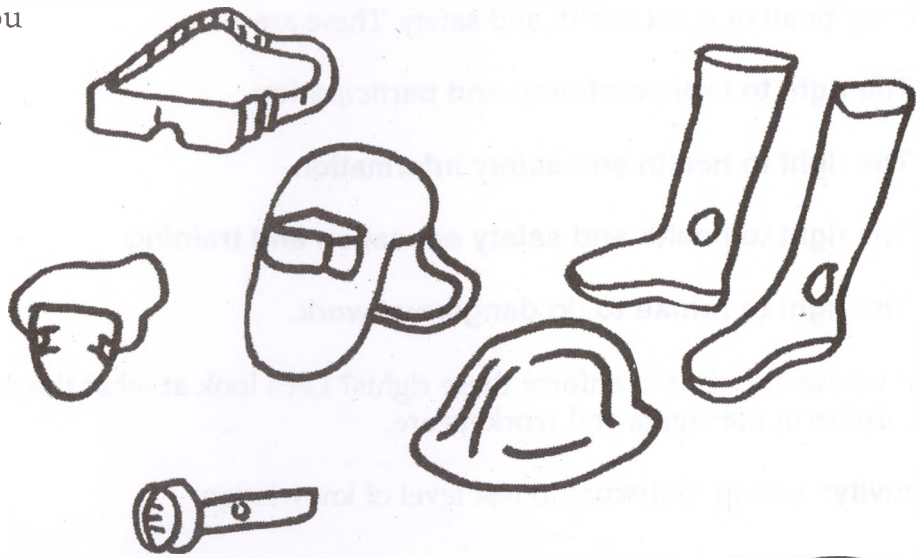
- The right to representation and participation
- The right to health and safety information
- The right to health and safety education and training
- The right to refuse to do dangerous work.

But whose duty is it to enforce these rights? Let's look at what the Act says about what the duties of managers and workers are.

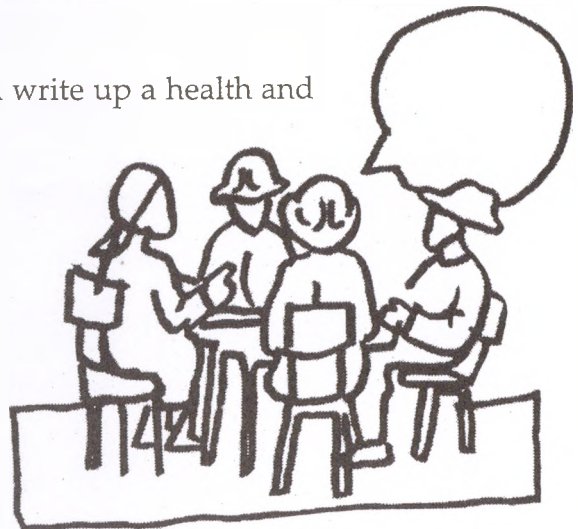
Activity: Group to discuss to test level of knowledge

Management's duties are to:

- make sure that your work is healthy and safe;
- make sure that you have health and safety equipment that works and that you use it;



- talk to the health and safety committee and write up a health and safety policy
- prepare and use a code of practice



- provide training on how to work safely and without risk to your health and other workers' health
- assess and respond to health and safety risks. The Manager must try and control, reduce, or even get rid of the health risk on the mines.
- measure how clean the workplace is
- set up a way to record dangerous work. They should do this with an aim in mind of controlling, reducing or getting rid of the health risks from hazardous work.

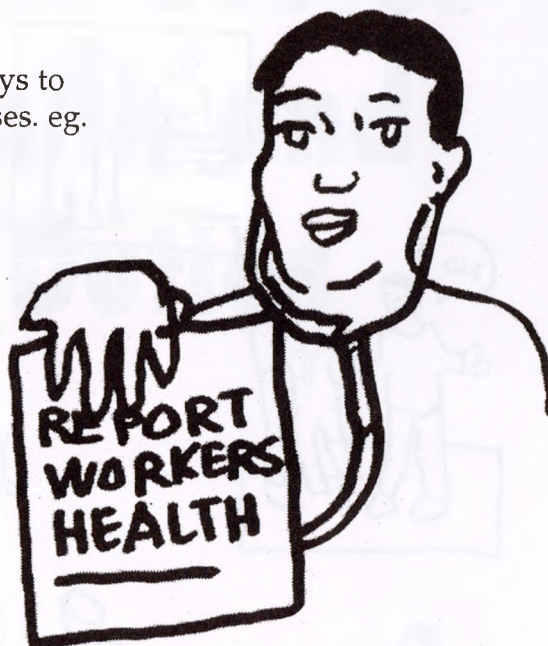




- to employ a person who will work out ways to prevent, detect and treat occupational diseases. eg. doctor, nurse

- make sure the mine doctor writes an annual report on workers' health

- make sure any worker who stops working at the mine gets an exit certificate. This **exit certificate** is a **medical certificate**. This exit certificate explains if the worker has an occupational disease. The **exit certificate** must also outline the results of any medical surveys that were done when workers worked in hazardous conditions.



- the mine pays for all medical examinations of workers

If management declares you unfit to perform work, you can dispute this. You can make an appeal to the Medical Inspector. They will then appoint a doctor not employed by the mine to examine you and make another decision.

Section 20(1) MSHA

Workers duties are to:

- Try to protect the health and safety of yourself and other workers.
- Use and take care of health and safety clothing and equipment.
- Report dangers and risks.
- Follow health and safety measures.

Exercise 1

Use "Workers and Management - Your Health and Safety Duties" to help you do this exercise. Look carefully at the picture (pictures) below. In the picture/s, there are:

- five examples of where management and workers are carrying out their duties in terms of the **Mines Health and Safety Act (MHSA)**; and,
- five examples of where management and workers are not carrying out their duties in terms of the **Mine Health and Safety Act (MHSA)**.

Find these examples and motivate your answers.



An Introduction

to the OSHA 3090

- 1. Introduction to OSHA 3090
- 2. Introduction to OSHA 3090
- 3. Introduction to OSHA 3090
- 4. Introduction to OSHA 3090
- 5. Introduction to OSHA 3090

Workers and Bosses - Your Health and Safety Duties

An Introduction

The Act makes provision for the following issues:

- **Negotiations of Health and safety agreements**
- **Election of Health and safety representatives**
- **Formation of Health and safety committees**
- **Election of Full Time Health and Safety representatives**

Health and safety agreements

Your mine and the union must have a collective agreement about these kinds of issues:

- which areas are working places
- the number of health and safety representatives
- the election or choosing of these representatives
- the representatives' terms of office, functions, training
- facilities and help that must be provided to a health and safety representative
- how to resolve disputes relating to health and safety
- taking health and safety problems or grievances to management.

Health and safety representatives

Every mine with 20 or more workers must have a health and safety representative for each shift at each working place at the mine. This representative who may be elected has many duties including to:

- represent all workers on all health and safety matters
- tell any worker to leave the workplace if that worker is in danger
- point out possible dangers in the workplace
- make recommendations to the manager on health and safety issues
- ask for information and reports from an inspector
- participate in any inspections and enquiries
- follow up complaints by any worker relating to health and safety

Health and safety committees

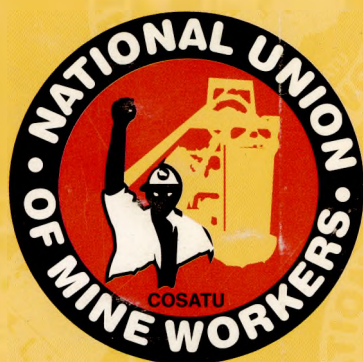
Every mine with 100 or more workers must have one or more health and safety committees. A health and safety committee must be made up of at least four worker representatives and an equal or smaller number of management representatives.

The mine and the union must have a collective agreement about these kinds of issues:

- the number of health and safety committees
- the number of management and worker representatives on the committees
- the election, choosing and terms of office of these committee members
- resolving disputes related to these issues.

A health and safety committee may do the following:

- represent workers on all aspects of health and safety
- participate in all discussions on any health and safety matter
- ask the chief inspector to look at any code of practice
- ask for information
- report on committee meetings.



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