

Bill to stop workers from legal strike action

THE alliance of the government and management has, in recent years, launched a concerted attack on workers.

Real wages have fallen to their lowest levels over the years, unemployment has escalated to record proportions and mass dismissals have become the order of the day.

At another level, union offices have been bombed, leaders abducted and detained. Workers have also been killed as vigilantes were let loose in townships. Police have also shot and killed a number of workers. The bosses plan to intensify this attack through the government's deregulation and privatisation programmes. The government has also decided to freeze public sector workers' wages this year.

A new set of labour laws designed to curb the power of workers and reduce their capacity to resist the attacks, are also in the pipeline. Cosatu has also been banned from involvement in political activity. Workers have responded through militant strike action and placard demonstrations. They staged a massive stayaway over two days in May last year following the escalation of the attacks against Cosatu and democratic movement. Strikes cost the country, nearly six million workdays last year — a record in SA labour history. Workers have also formed defence committees in factories, mines and townships. Cosatu launched two important campaigns — the Living Wage Campaign and the Hands Off Campaign — to resist the attack on its members. The federation has also called a special national congress to address the threats facing the organisation.

A WHOLE set of new labour regulations designed to fight the growing power of Cosatu is being considered by the government.

These labour regulations, could be enacted very soon. And if they are, Cosatu's power to fight for its members' rights could be severely restricted.

The regulations, which were designed by PW Botha's security chiefs, have received the open backing of bosses. The Labour Relations Bill, as the proposed laws have come to be known, is a fundamental attack on many of the rights workers have won through hard struggle over the last ten years.

Broadly, if the bill becomes law, it will severely restrict trade unions' right to strike. It will open the unions up to heavy damage claims from bosses, promote racial and minority unions, reduce the powers of the industrial court and widen the definition of what constitutes an unfair labour practice.

In attacking workers' right to strike, the bill says it will be illegal to take any kind of solidarity action in support of comrades struggling against intransigent bosses. In short, it attacks the very basis of Cosatu's principle of "An Injury to One is an Injury to All".

Bosses have realised that many struggles have been won through solidarity action. A good example is the OK strike last year when food workers refused to deliver goods to the chain store.

Members of Cawusa also took action in support of the Clover workers fired in Pietermaritzburg.

This would all be illegal

and could mean that union leaders and members would be jailed if any solidarity action was taken. Unions could also be sued for "illegal" solidarity action — stop orders could be held back, union property, including its money, could be seized.

Workers will also not be able to strike over the same issue, example wages, more than once in 15 months. Ellerines workers, for example, therefore will not be able to strike over wages again until April next year although the current wage agreement expires at the end of this year.

The bill will also make the procedure that the unions have to follow very complicated. Before going on a legal strike. For example, the general secretary and president of a union have to sign dispute papers before a dispute can be declared.

This is not always easy because union general secretaries and presidents are not always in the same part of the country. They are also among the busiest union officials and cannot spend time travelling around the country signing dispute papers.

In addition, the Department of Manpower has to be informed within 21 days of a dispute being declared. If these procedures are not followed, any strike action becomes illegal.

The bill also gives the power to the Manpower Department inspector to decide when a union can go on a legal strike. He can extend the 30-day "cooling off period", required in terms of the existing LRA, for an indefinite period of time.

In this way, the inspector

can prevent workers from striking for ever.

The bill also gives bosses the right to stop workers from going on a legal strike by asking the courts to step in.

The overall effect of the bill will be to stop workers from taking any form of legal strike action.

Lawyers, who have studied the bill, point out that the proposed law also attacks Cosatu's principle of "one industry one union". The principle has been the basis for national unity and increasing power of the federation's affiliates.

Unions, which have won sole bargaining rights after organising more than 50 percent of the workforce, will be forced to accept minority unions in the factory. This will weaken workers' solidarity and increase the bosses ability to force the majority union to accept lower wages. The bill will also make it possible for racial unions to exist in a factory, thus attacking Cosatu's policy of non-racialism.

There are also provisions in the bill which are designed to curb publicity around industrial court judgements. The criticism of the kind levelled against the BTR-Sarmcol judgement for example, will not be possible because of the proposed restrictions on the publication of judgements. This can only serve to encourage judgements against workers.

At the same time, the bill also aims to reduce the power of the industrial court.

Decisions of the court, for example, will no longer be final and can be taken for review to a Special Labour Court which will be established in terms of the new law. These appeals take a long time and will only increase the hardship of workers who already have to wait up to six months before their case can come to court.

These delays will encourage bosses to dismiss workers. The bill also makes illegal retrenchments and unfair dismissals legal even more bureaucratic.

The bill says for example, that the dismissal of workers who have been employed for a year or less, is acceptable. The situation at the moment is that no worker can be dismissed unless bosses have very good reasons.

The total effect of the bill is to add to the awesome power that bosses already have to fight workers.

It is hardly surprising, therefore, that bosses have not adequately spoken out against the proposed law. In fact the proposed law will help bosses intensify their



attack on workers without fear of strikes and lower profits.

While limiting the power of workers, the bill fails completely to address the non-existence of trade union

rights for domestic and farmworkers.

These workers do not enjoy any protection under the LRA and are not entitled to fight bosses through the industrial court. Although

they are the most affected by unemployment, they are also not entitled to UIF benefits. The proposed bill ignores all these shortcomings of the existing LRA.

Bill must die — Cosatu members

THOUSANDS of Cosatu members all over the country have taken action against the labour bill and have declared that the proposed law must die the same death as the pension laws.

Members of the Chemical Workers Industrial Union (CWUI) were the first to take action. Thousands more have since demonstrated their rejection of the bill. Numsa and Fawu members from 35 factories staged a lunchtime placard demonstration.

The protest followed a meeting of 250 shop stewards from factories in the Port Elizabeth area.

A week later, thousands of workers in Industria, Johannesburg, staged similar demonstrations as they marched through the streets calling for the scrapping of the bill.

But bosses have reacted strongly to the demonstrations and threatened workers with action if they repeated their actions.

The warnings were issued after giving workers the

assurance that it was their democratic right to demonstrate against the bill.

Police were called in to disperse the demonstrating workers, and many were detained in the process.

Workers' protests have been met with more than just detentions. The supporters of the bill have also launched a disinformation campaign. Fake pamphlets, purportedly coming from affiliates in Cosatu and condemning the federation's opposition to the bill, have also been issued.

Workers at a number of factories have also approached management to endorse a letter rejecting the bill and calling on the government to withdraw it. But bosses have ignored the request from workers. Instead, they have welcomed the bill as necessary to shift the balance of power in their favour.

The American Chamber of Commerce (Amcham) has been the only bosses' organisation that has rejected parts of the bill. It has however, refused to state

which aspects of the bill it supports. This has given rise to speculation that even these multinational corporations support some of the most repressive aspects of the bill, including the provision which makes it possible for companies to sue unions for staging illegal strikes.

This provision, in itself, could bankrupt trade unions easily.

Big strikes like the ones by miners and Mercedes Benz workers last year, could cripple a union after just one day.

Although the response has been militant, it has not been as co-ordinated and widespread as was necessary.

This has made it easier for bosses to threaten workers with disciplinary action if they continued with their demonstrations.

But workers, in some areas, are exploring methods of taking the struggle against the bill further and have been looking at the new ways of how to continue with the protests.