

# Memorandum: Dispute Between CCAWUSA and SPAR

## 1. Background

- 1.1 The Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) has been organising at Spar since mid-1983. While, within the Spar group there are several different companies owned by separate individuals/families all holding a franchise to trade in the name of Spar, the union has concentrated mainly on those Spar stores wholly owned by the W.G. Group whose head office is in Pinetown.
- 1.2 On 28 November 1983, a letter was written by the union to Mr John Story, then MD of the retail division (then called Gauntlet Holdings) asking for recognition.
- 1.3 In a week, Mr Story replied asking for the number of members recruited by the union as a prerequisite to talks beginning over recognition of the union.
- 1.4 On 19 January 1984, the first meeting between the company and union representatives was held. Thereafter, several meetings were held and some progress was made towards drawing up a complete recognition agreement and procedural agreement.
- 1.5 However, unfortunately, in April 1984 the Browns Group personnel division became directly involved in these talks which co-incided with their gradual breakdown.
- 1.6 In June, further talks were adjourned for 2 months at the company's request, which the union did not oppose.
- 1.7 In late August, the union wrote to the company, asking for negotiations on wages to begin and proposing a wage increase of R80,00.
- 1.8 In September, the company wrote back saying it had re-organised, had incorporated additional stores, had changed its name to Browns Retail and was now withdrawing from further meetings with the union until 2 pre-conditions had been met; was withdrawing the right of union organisers to have access to workers inside the store premises (there has been no arrangement concerning check-off) and that it was planning to retrench.
- 1.9 The workers decided, although they were dissatisfied

with the company's approach to comply with the company's requests. One request was to be given an "authenticated" copy of our constitution as endorsed by the Industrial Registrar and the other request was that the Union's membership should be verified once again. This had been done before, on 2 occasions. Nevertheless, the workers felt that, unreasonable and unnecessary though it was, the company would be allowed to check the union's membership once again.

- 1.10 An agreement had been reached with Mr Story, the previous MD, before he was replaced, and which was set out in a letter from him, that the union's membership would be verified at a meeting with union representatives. Union representatives would bring to this meeting application forms signed by the workers and company representatives would bring full lists of employees at each store. Union membership would be verified by comparison of these two things.
- 1.11 On 1 November 1984, union and company representatives met at the union office to verify membership. However, the company representatives did not come with anything. They said that they did not have a full record of employees at their head office level but only at a store level. They proposed that they take down the names of all the union members and check these against the records of employees at each store. This was accepted to avoid further disputes and delays.
- 1.12 However, instead of doing this, managers at each store were instructed to interview union members personally and to ask them a variety of questions. Union members were called individually to the managers office and asked, inter alia, why they had joined the union, did they think they were doing the right thing, etc. This did not happen to all the members. Certain questions, like the two mentioned above, seemed to have been asked mainly from Indian employees not from the African employees. There had been no consultation on this method with the union nor had any notice to the union been given of this method.
- 1.13 Some workers, unaware of the manager's purpose, denied their union membership while others answered truthfully. In response, the union wrote to the company call-

ing for an immediate halt to the interviews on the grounds that it amounted to harrassment and stated that the company had only to check its records, which was what had been agreed upon.

1.14 This led to a five week deadlock that culminated in the strike.

## 2. The strike

2.1 On Friday December 7, workers from 4 stores stopped work, followed on Saturday, 8 December, by workers from other stores.

2.2 There were several demands presented to the company:

- a) immediate/prompt recognition of the union
- b) the R80,00 wage increase demand
- c) reinstatement of 2 of their fellow workers who had been dismissed
- d) certain local grievances (which differed from store to store) had to be resolved.

## 3. Subsequent developments

3.1 The dismissed workers decided, as a form of pressure, to stage one-person pickets outside the stores affected by the dispute to the customers.

3.2 In all cases, store managers telephoned the police who initially arrested the picketing workers and their nearby companions, but released them without any charges having been laid.

3.3 On 4 January, a meeting was held between the general secretary of CCWUSA, the Natal Branch Secretary and the Spar shop stewards chairperson and management representatives to discuss the issue. Although they agreed to this meeting, management insisted that this was merely a "courtesy meeting" and one in which they wished to clarify the facts. No proposals or offers to resolve the dispute were negotiated at this meeting.

3.4 As a result of complaints by management that the workers' picketing was not conducive to negotiation, workers voluntarily suspended their picketing of the stores for a week.

3.5 The next thing that workers saw was the distribution

of a message from the chairman of Spar (SA), who is also the chief executive of the Brown Group (Pty) Ltd which stated that none of the workers would be taken back, they had mostly been replaced and a series of false accusations paraded as "true facts". Subsequently a telegram was received which conveyed the same message to the union, ie. the workers would not be taken back and the directors were "unwilling" to consider the matter further.

- 3.6 The union has replied by way of an open letter.
- 3.7 In the same period, the union has formed Support Committees in Durban, Hammarsdale and Pietermaritzburg which have been assisting the workers in raising funds and publicising the dispute to the community.

#### 4. Structure of the company - W G Brown Group

It is apparent from the company's various interests, as from Mr P R Heber-Percy's joint capacity as chairman of Spar (SA) and chief executive of Brown (Pty) Ltd, that the W G Brown Group is the chief franchise holder and distributor for South Africa and possibly the South African region.

#### 5. Financial status of the workers

- 5.1 In a word, it is desperate. While the workers morale is still high and they are still full of courage, they face many problems.
- 5.2 Their expenses include rent, food, water and lights (or fuel), transport, H P payments (most of which are now in arrears), school fees and school books for their children, etc.
- 5.3 There are approximately 190 unemployed children of the dismissed workers of school-going age who should start a new school term at the end of January. In addition, there are younger children, wives or husbands (as the case may be), parents, dependants, brothers and sisters, etc.
- 5.4 In relation to the needs of the situation, a small amount of funds has been collected and some of it distributed evenly to the workers.

## 6. Future Plans

- 6.1 At the time of writing the workers' plans to pressurise the company to negotiate with the union include the following:
- a) joint action by members of other unions to approach their managements, especially those that have business dealings with the W G Brown Group, to approach Browns requesting them to negotiate with CCAWUSA. This has already been discussed with other unions.
  - b) to intensify attempts to inform all sections of our community about this dispute so as to obtain their support.
  - c) a possible consumer/trader boycott of the retail and wholesale outlets owned by the Browns Group is also being considered.\*

## 7. Appeal

- 7.1 We request your support for our struggle.
- 7.2 The workers would appreciate a generous financial assistance, especially if it could be for an on-going period.
- 7.3 Financial assistance for those who hope to be attending educational institutions will also be highly appreciated.

For further details contact CCAWUSA Natal,  
phone Durban 316320.

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\* Postscript - Spar workers have since met to call a boycott of Spar stores. This decision is supported by CCAWUSA.