

AND WHAT OF LEYLAND?

This article is intended as a general reflection on the events at Leyland Motor Corporation plant at Mobeni in Durban. As is fairly well known, 177 african employees at the plant downed tools early in March 1974. The strike received substantial press coverage but little "background to the dispute emerged. (eg. Daily News 5.3.74, and The Natal Mercury 7.3.74) The recent work stoppage at Leyland suggests that it is perhaps time for an analysis of the underlying causes of the dispute.

The issue at the root of the grievances of the Leyland workers is their demand for the recognition of their trade union - the Metal and Allied Workers Union (MAWU) - and the refusal of the Leyland management to negotiate with it. In August 1973 MAWU sent a letter to the Managing Director in Johannesburg in an attempt to open channels of communication. In response to this letter Management explained their policy 'to improve labour relations';

"In order to achieve this, the procedure for communication between employer and the employee as laid down in the Bantu Labour Relations Regulations Act will be implemented and used effectively to develop a close liaison between management and the employees.....We are convinced that this can be attained within the framework of the Act and that Bantu worker representation through a trade union will not be necessary. We will be prepared to review the situation when Bantu trade unions can be registered in terms of the Industrial Conciliation Act, but, until such time, we can unfortunately not recognise the Metal and Allied Workers' Union." (Letter dated 28.8.73 from F.P. Jacobsz, Director of Finance and Planning.)

Some points need to be clarified for those not familiar with the situation at Leyland at that time. Prior to August 1973, management had contributed to the structure of employer-employee communication by forming a management appointed committee. Minutes of the meetings of this committee suggest that management would have clung to this institution had workers not coerced them to think in terms of the new Act. According to workers reports of those minutes, workers informed management that they had had an election under the auspices of MAWU on the 27.7.73, and had elected 20 workers to form a works committee. They pointed out that this had been done in accordance with the new law and 'stressed that they welcomed the opportunity of discussing their problems with management.'

The plant manager, far from being enthusiastic at this move, "explained to them that a works committee would not necessarily be able to negotiate with Management as it was a committee of workers only, and could only communicate the wishes, aspirations and requirements of employees to management. (Minutes of meeting 2.8.73)

In the light of the above, Leyland's position seems rather dubious. They exclude trade union representation on the grounds that nego-

tiation with trade unions is rendered superfluous by the machinery created by the Bantu Relations Regulations Amendment Act (1973). At the same time they inform workers that works committees are not "necessarily" useful institutions for negotiation. While the argument put forward by Leyland is hollow superficially, they do make a valid distinction between bodies that "communicate the wishes, aspirations and requirements" of workers, and bodies which may be used as effective negotiating structures. This is well demonstrated by the workings of the original committee designed by management.

It is not suggested that this body failed in all respects. Workers were able to vent a variety of grievances; for example complaints about lockers and food in the canteen. They were able to present one or two requests. In May 1973, for example, they asked if the company would sell employees scrap wood. Accepting this, however, is far from accepting a situation of negotiation. There were no disputes in any meaningful sense. Management merely accepted or rejected suggestions made by workers.

Wage demands provide the most obvious example of the point being made here. In May, workers asked the plant manager when they could expect the promised increments to be finalised. They were told that details were in the process of being finalised and would be made known at the next meeting on the 27.6.73. At a meeting of the committee on the 2.8.73., the increments had still not been finalised. Workers complained and asked whether the new wage rates would apply retrospectively to June. The plant manager said that "it had been physically impossible to complete it (job evaluation) earlier. He did not think that the new rates would be backdated." (Minutes of meeting on the 2.8.73) There the matter ended. Clearly this cannot be called negotiation!

We have seen that the distinction which Leyland makes is valid but we must ask of them a simple question; WHAT KIND OF BODIES ARE CAPABLE OF NEGOTIATING WITH MANAGEMENT ON BEHALF OF WORKERS? Their answer to this question is perhaps not yet formulated but it is now 10 months since they were confronted with the problem and it would seem inexcusable to allow this lapse to pass unnoticed. Once the local management refused to allow a works committee to function, the ball was in their court and we must assess the merits of this action in the light of the alternatives open to them.

After a deadlock of four months during which there were no discussions at all between management and its employees, Leyland brought in an official of the Department of Labour to persuade workers to form a liaison committee. Not surprisingly, his attempts failed. The workers were familiar with the distinctions between works and liaison committees. They had chosen a works committee in August precisely because they were convinced that, for all its limitations it was preferable to a liaison committee. The naivety of trying to force unwelcome institutions on mistrusting workers was demons-

trated once again when workers returned blank ballot forms for the election of representatives to the liaison committee. It must be noted that workers were not simply boycotting this institution because it was management initiated; they had seen it fail. The Bantu Labour Relations Regulations Act makes provision for employers or employees to approach the Department of Labour if they wish to form works committees or liaison committees. While the Act explicitly states that all committees must be registered by the Department of Labour, it is not uncharacteristic of that Department to override the expressed preferences of workers. Taking the Leyland case more specifically, it must be noted that workers had written to the Department demanding a works committee in June 1973. One wonders why 6 months later, the committee was not yet established.

Leyland was inexcusably slow to learn. After it was clear that workers did not want to participate in such a committee, management persisted in its attempts to draw workers into that institution. At the end of January, Dr. Jacobsz, the Director of Finance and Planning, flew down from the head office in Johannesburg, to address the workers at the Mobeni plant. Workers insisted that they wanted MAWU to represent them. Workers informed him that they were all members of MAWU and demanded the right to have union representation rather than that of any other institution. Dr. Jacobsz refused this and insisted that they should form a liaison committee.

It would seem clear that Leyland had no intention of establishing channels for resolving conflict. They perhaps felt that taking a 'hard line' was the only way to put an end to a problem that had on for several months. Here I would suggest their position becomes fundamentally untenable. While both workers and management have the power to destroy ANY institution regulating conflict by simply refusing to participate in it, neither group can stop disputes arising. Through their uncompromising attitude management created a deadlock. The dispute persisted and since there were no institutions through which workers could arbitrate, they eventually resorted to presenting an ultimatum by way of a memorandum, demanding union representation. Management stalled then repeated their position.

At this point workers came out on strike on March 4th. The workers demanded a reconsideration of the decision taken against their request and threatened to stop work until such time as management decided to grant their demands. When the Secretary of MAWU phoned the plant manager with the intention of mediating a quick settlement of the dispute, he received a blunt answer to the effect that management was capable of handling its affairs without the intervention of a third party. However, they were consulting with the Department of Labour who advised that all workers be fired for striking illegally. Management adhered to this advice, firing some workers. Management in collaboration with the Department of Labour were determined to crush the union.

This determination prevailed over the interest of management to prevent strikes. When the Secretary of MAWU phoned the office in Johannesburg, the vice-head of Leyland, Mr. Landau, appealed to him to "reason" with the workers that they should rather discuss this matter than stop work, otherwise the Corporation would have to close down and move elsewhere. If anyone had been reluctant to discuss the matter it was management, not the workers. A meeting was arranged between Mr. Jacobsz and the Secretary of the union. At this meeting Mr. Jacobsz indicated that they would negotiate with the union if only there was not so much pressure from associates and the government. He said that the company was aware of the membership of their workers and did not object if these workers nominated representatives or shop-stewards to serve on the committee that consulted with management. He added that the union could always meet and discuss matters of mutual interest between the workers and management. At the meeting it was agreed that the workers would return to work as soon as possible, and that they would nominate delegates who would be the union's shop-stewards. These delegates would not constitute a liaison or a works committee. At the time this seemed to be a victory for the union rather than a tactical move by management to crush the union.

Meanwhile, management had hired twenty new workers, so that when the workers returned to work on Monday the 11th of March, some of them were discharged and paid off. On Wednesday Dr. Jacobsz, who had come down to Durban met the workers' delegates and told them that the strike by the British workers had necessitated the retrenchment of sixty five workers. He refused to allow the delegates to consult with the workers. By Friday, these workers had been paid off.

While Leyland management is constrained to insisting that their actions are not victimization of the sixty-five workers concerned (it is in fact a legal offence to victimize workers) there can be little doubt that their argument is a weak one. If workers were retrenched for shortage of work (as claimed) it is inconceivable that the remaining workers should have to work excessive overtime as has been happening ever since. Further, anyone familiar with the dynamics of the Leyland work force, will plainly see that management has carefully weeded out the strongest unionists to the best of their ability. Four of the six elected delegates, the union's shop-stewards, were among those fired. These were old Leyland hands some of whom had been there for eight to ten years, and who would have been the last people to be retrenched. So what appeared to be the beginnings of recognition of the union by management was in fact a clever tactic on the part of management to crush the union. However they neglected to consider the strong union feeling amongst the majority of the workers at the plant.

The workers sent another memorandum to management demanding the reinstatement of the workers who were victims of the 'mass firing'. Management reiterated its position with regard to them, but later

attempted to hire four new workers. This nearly caused a strike as the workers had insisted that the fired workers were to be the first to be employed if more workers were needed. When management tried to slip in a new worker by employing him together with six of the old ones, the workers came out on strike with the result that management had to pay him off. Management have since employed six of the workers who were fired.

It is obvious that the unrest in Leyland Motor Corporation will not be settled as long as this firm continues to turn a blind eye to the dissatisfaction and grievances of its workers; until they decide to recognise the form of representation which the workers are determined to have. Management is naive to think that this determination can be squashed by what appear to be repressive measures. The workers have shown that they are not prepared to conform to the form of representation desired by management, so management is going to have to choose between no form of negotiation, and the consequences of this, or recognition of the union.

Most of the fired workers are at present unemployed and are being assisted by a relief fund, established by the union and the Leyland workers. However, there is the danger that they will be endorsed out of the industrial area. Mr. Shange, who is now working for MAWU, was faced with this threat.

It is interesting to note in passing the indirect effects of the Leyland workers' action. Some time ago the International Federation was reluctant to liaise with MAWU because it had been informed by the registered unions concerned, that MAWU was not representative of african workers. However, it was impressed by the Leyland strike, by the support which the union had amongst the workers, and has now sent forms for assistance from the Federation, and invited MAWU to affiliate.