

The Report of the September Commission: Chapter 7

sectors

The Commission has identified two options:

a) Continue with no change

COSATU could continue as it currently does. The result could be weak affiliates in many vulnerable sectors. The affiliates that are currently strong and well-organised would remain so. But overall, COSATU's position in the labour market would be weakened, and this would be likely to affect its influence at a political level, and at NEDLAC.

b) Commitment to a concerted strategy to organise vulnerable sectors

COSATU could commit itself to a concerted strategy, as a federation, to ensure that vulnerable sectors are organised. Such a strategy should include:

- a programme of mergers to build big, viable industrial unions
- strengthening COSATU as a centre, so that it can co-ordinate the development of unionism in vulnerable sectors
- transferring resources from financially strong affiliates to weak affiliates
- mobilising these efforts around a campaign to organise vulnerable sectors.

2.2 Vulnerable layers

The Commission has identified two options:

a) Continue with no change

COSATU affiliates would fail to organise or defend the growing layers of 'flexible' workers. As sub-contracting, casualising, labour-brokering become more common, they will undermine the unions' bargaining position, weakening the unions and undermining labour standards. COSATU would find it medals to contest the labour market trends towards 'flexibility'. Ultimately, COSATU could end up being based in a shrinking section of the working class, as has happened to trade unions in a number of countries.

b) Commit resources to organising vulnerable layers

COSATU could commit itself to campaigning to organise such workers, and to protect and improve their working conditions, pay, benefits and job security. It would focus on winning a floor of acceptable conditions and standards at all levels - workplace, sectoral and national - to prevent 'flexibility' from undermining workers' rights and organisation. The affiliates would have to commit resources and develop a strategic focus on this area if they wish to achieve these goals.

2.3 The informal sector



Streetseller, Durban: Should COSATU organise the informal sector - Photo: William Matlala

COSATU has five options:

- a. ignore the informal sector and concentrate on organising in the formal sector
- b. encourage affiliates to expand their activities to include workers in informal sector activities in their industrial sectors
- c. encourage organisations of informal sector workers to affiliate to it, or even initiate the formation of informal-sector affiliates
- d. encourage informal-sector organisations to form a federation, and then forge an alliance between such a federation and COSATU
- e. combine several of these strategies.

2.4 Skilled and white-collar workers

COSATU has four options:

a) Continue with no change

COSATU could continue as a federation of predominantly blue-collar and lower level white-collar workers, accepting higher-level, white-collar, skilled workers and affiliates where the opportunity presents itself, and being prepared to lose them again if they feel they are not being catered for.

b) Target specific groupings of more skilled/white-collar workers

COSATU could target specific groupings of more skilled/white-collar workers for organisation or affiliation (artisans, nurses and teachers, journalists and media workers, supervisors) and modify structures, servicing and strategies accordingly.

c) Make COSATU and affiliates a home for white collar workers

This option would require COSATU and affiliates to develop the strategies, structures, skills, and resources to focus on the target of unionising as many white collar workers as possible.

d) Avoid organising new layers of workers/build working relationships with white collar unions

COSATU could decide to retain a more focused and cohesive identity and agenda, and avoid organising or affiliating new layers of workers. It would remain the largest and most powerful federation, and could concentrate its resources on organising vulnerable workers. COSATU could also then possibly build working relationships with white-collar unions.

3. Our vision

COSATU should be seen as a home for all working people. There is a particular need to organise vulnerable sectors and layers of workers. The sub-contracting, casualising and division of workers is an attempt to deny workers the very citizenship rights that democracy promises them: the right to organise and to engage in collective bargaining, and the right to work in fair and decent conditions. It is the re-emergence in a new form of apartheid employment strategies. It undermines COSATU's project of extending democracy and the rights of citizenship into the economy and working life. It also undermines the possibility of an industrial relations system, and labour market, governed by 'voice regulation' as advocated by the Labour Market Commission and the ILO.

Similar principles should guide COSATU's approach to the informal sector. Most of those who work in the informal sector do so outside the protection of state regulation or union organisation. This makes them vulnerable to many different kinds of exploitation and oppression. Their weakness also impacts on the power and conditions of formal sector workers, weakening the position of trade unions in the labour market. Their plight therefore concerns COSATU, both from the point of view of promoting human rights and social justice in general, and from the point of view of protecting the strength of the trade union movement. COSATU should consider how best to promote organisation in the informal sector.

We also view it as important for COSATU to extend its organisation of white-collar workers. This is consistent with our vision of COSATU as a home for all working people. Another factor is that the existing white-collar unions, because of the specific history of the working class in South Africa, tend to be dominated by whites and to be extremely conservative. This makes it difficult to build a sustained partnership with them. As more black workers move into white-collar occupations, and as white workers become more insecure and more aware of the central role COSATU plays in the labour movement, we believe conditions will increasingly favour COSATU's efforts to win over and organise white-collar workers and unions. COSATU should not abandon this terrain to conservative unions historically dominated by white workers.

4. Recommendations

4.1 COSATU and the vulnerable sectors and layers

- i. COSATU needs to develop a strategic focus on the vulnerable sectors. Strategies should include the internal transfer of resources from strong to weak affiliates, and through mergers. For example:
 - o CAWU could merge with NUM or NUMSA
 - o a domestic workers sub-sector could be built on the existing infrastructure of SACCAWU or TGWU
 - o a property services affiliate could be formed, grouping security, contract cleaning and domestic workers
 - o or, since a property services union based in vulnerable sectors could be financially weak, a bigger retail, catering and property services affiliate could be formed
 - o a modest 'solidarity levy' could be levied on all affiliates, and channelled to SAPPAWU.

It should be noted that mergers will not automatically solve the problem. Vulnerable sectors within strong affiliates may find themselves starved of strategic capacity, finance, organisers, etc. A solution may be to establish a separate department in the union, with a budget and national staff. This applies as much to existing affiliates as to potential mergers.

The national office bearers (NOBs), led by the NOB responsible for the *organising, education and campaigns* portfolio, together with the organising department and the new Exco (see Chapter 10), should drive the process of finding strategic solutions for the vulnerable sectors. The NOBs and the organising department should prepare a discussion paper, in consultation with all relevant affiliates, to be tabled at Exco by February 1998.

- ii. Developing strategies and campaigns for organising new workers - vulnerable and white-collar - should be the central task of the organising department. The NOB for organising must ensure that the department is resourced and focused on this. The organising department must help affiliates in vulnerable sectors develop campaigns and strategies for recruiting members, expanding their base in vulnerable sectors, and focusing on key struggles for vulnerable workers. The organising department must then ensure that these become *COSATU* campaigns, not isolated affiliate campaigns. Section 4.4 below contains a number of suggestions for strategies to organise and defend vulnerable workers.
- iii. COSATU should mobilise around a regular **Summer Offensive** campaign at the beginning of each year to mobilise shopstewards and organisers across affiliates in a campaign to organise new members, with a specific focus on vulnerable workers, both in strongly organised sectors and in vulnerable sectors. The campaign should include education programmes for shopstewards and organisers about the specific problems facing vulnerable workers, and their rights under legislation and bargaining council agreements, and tactics and strategies for defending them. The campaign would be a build-up to the annual round of collective bargaining, and could ensure that the demands and interests of vulnerable workers are included in negotiations. A clear focus should be developed for the Summer Offensive campaign each year, including goals, targets, demands and slogans. The campaign should build the profile of COSATU among vulnerable workers, create public awareness of the problems of such workers, and mobilise the enthusiasm and creativity of union activists.

- iv. Most affiliates are confronted by increasing numbers of vulnerable workers in their sectors. Each affiliate needs to develop focused campaigns to organise and defend these workers. The organising department of COSATU should be a resource helping affiliates to do this. There are a number of suggestions in Section 4.4.a below
- v. COSATU should ask the National Labour and Economic Development Institute (NALEDI) to monitor progress in organising vulnerable workers, and conduct research on whether strategies are meeting success or failure. NALEDI should present an annual report to the proposed Central Committee.
- vi. The COSATU organising and education departments should produce a manual on the problems and grievances of vulnerable workers, on their rights, and on tactics and strategies for organising and defending them. The manual should be designed for use by shopstewards and organisers, and in education programmes.

4.2 COSATU and the informal sector

- i. COSATU should commit itself to the organisation of informal sector working people, and explore the options outlined above in *Options* section 2.3.
- ii. COSATU should start discussions with the organisations that already exist among informal sector working people, with a view to understanding their concerns, how they organise and who they represent. On the basis of this, COSATU should debate the possible options, and develop its own strategic perspective.
- iii. COSATU should request NALEDI to conduct or commission research into the nature of the informal sector and its labour market, with the aim of informing and supporting the above debates, and supporting the development of COSATU's strategy in relation to working people in the informal sector.

4.3 Migrant labour

The problem of immigration cannot be resolved by individual countries. The region needs a coordinated regional and international strategy.

- i. COSATU should cooperate with other trade union centres in seeking regional solutions to problems encountered by migrant workers. This should include working together to pressurise governments to implement the Social Charter and accelerate economic development throughout the region.
- ii. COSATU should seek to influence government policy with the following aims:
 - the situation of illegal migrants should be regularised either through amnesty followed by legalisation, or through assisted voluntary repatriation on request
 - elimination of discrimination based on race, geographical origin, and sex
 - migrant workers should be allowed to renew their contracts within the countries where they are working
 - heavy penalties should be imposed on employers who exploit illegal immigrants
 - there should be fair and proper control of entry of migrant workers into host countries
 - there should be legal guarantees of equal wages and working conditions for migrant labour
 - there should be an extension of education and skills programmes for migrant workers.

- iii. COSATU should, together with other trade unions in the region, call for a Southern African summit of governments and trade unions to discuss migration. The summit should address the economic imbalances and inequalities in the region by adopting a regional Reconstruction and Development Programme as a strategy for building the economy of the entire region, underpinned by the cooperation of governments, labour and capital. The summit should also address the issue of a negotiated quota on numbers of workers allowed into countries in the region, taking into account the economic imbalances of the region.

4.4 Strategies to organise and defend vulnerable workers<

4.4.a Building campaigns

COSATU and affiliates need to draw on the tradition of an organising, campaigning style of unionism to organise vulnerable workers and sectors. We recommend:

- i. COSATU should mobilise an annual Summer Offensive campaign, as outlined above in Section 4.1.
- ii. COSATU affiliates should develop targeted and sustained campaigns in specific industries or companies with the aim of achieving specific goals eg, organising enough members to establish a bargaining council, or achieving specific benefits or rights. An example could be organising all forestry workers, or campaigning for health and safety rights of sub-contractors. COSATU should provide assistance with strategising. A combination of tactics should be employed - recruiting, industrial action, media, legal, lobbying the department of labour etc.
- iii. COSATU affiliates should engage in struggles to prevent or limit use of casual labour, sub-contracted labour and especially labour brokers in their workplaces. Where these forms of employment exist or cannot be prevented, affiliates should try - through struggle and negotiation - to limit the differences in wages and conditions between such workers and permanent workers.

4.4.b Complaints services

The vulnerability and isolation of many vulnerable workers in the workplace often makes collective approaches difficult. We recommend:

- i. developing complaints services in all affiliates affected by trends towards non-standard labour, but especially those affiliates organising in vulnerable sectors; these complaints services should specialise in individual grievances and problems, giving advice, referring to specific services/organisers/shopstewards where necessary, and taking up cases with relevant authorities - industrial councils, the department of labour, the employer, etc.
- ii. the COSATU organising department should investigate developing a mutually beneficial and supportive relationship with the Advice Office Forum.

4.4.c Using the department of labour, bargaining councils, wage boards, the National Council for Occupational Health (NCOH), the courts, the Constitutional Court, the media

There are many institutions which regulate, or could regulate, the working life of vulnerable workers. Given their weakness at the point of production, the unions need to develop multi-faceted strategies to improve the workers' conditions of employment and work, defend their rights and organise them.

- i. COSATU NOBs and the organising department should develop, together with the concerned affiliates, guidelines for such multi-faceted strategies in the different sectors - manufacturing and mining, transport, public sector, private sector services, construction, agriculture, etc. ; they should identify federation-wide strategies (in relation to legislation, NEDLAC, the Alliance, etc.) and sector-specific strategies.
- ii. COSATU NOBs and the organising department should assist affiliates to identify the specific capacities they may need in order to pursue such strategies effectively and consistently, eg specialised officials, health and safety officers, specific departments or teams, lawyers etc.

4.4.d Union practices and attitudes:

Some officials and shopstewards do not take the problems and grievances of non-standard workers in their workplaces seriously, and even regard them as second-class workers. Even where officials and shopstewards do not hold these views, union practices may tend to exclude non-standard workers and their interests. Building campaigns, establishing complaints services and other strategies outlined above, will help to change this. In addition, we recommend:

- i. changing these attitudes and encouraging solidarity through: education courses on the impact of these forms of labour on union and worker rights and power, on the rights and grievances of non-standard workers, on campaigns etc; through the perspectives articulated by affiliate and federation leadership; and by contrasting the oppression and exploitation of non-standard workers with the rights in the Constitution and COSATU's political vision as outlined in this report
- ii. engaging in struggles to overcome the physical separation between permanent and non-standard workers, whether in the workplace or residentially
- iii. ensuring that officials and shopstewards are ready and equipped to engage in struggle around the daily grievances that oppress non-standard workers - scheduling, work breaks, work pace, clothing etc - by, amongst other things, providing training courses on the problems and rights of these workers.
- iv. developing more flexible policies on union subs that take into account fluctuating earnings and attendance at work (including special lower rates, allowing periods of unpaid membership, demanding that employers pay workers' subscriptions)
- v. changing all clauses in recognition agreements, union constitutions and collective agreements which discriminate against non-standard labour by barring them from union membership, from stop order deductions, or from standing as, or voting for, shopstewards, or specifying them as first casualties in retrenchment processes

- vi. facilitating the election by non-standard workers of their own shopstewards to represent their specific interests, with rights to time-off, and fighting for the right to joint general meetings for all workers in a workplace at a time when all can attend.

4.4.e Regulation to control and reduce flexibility

Our goal should be to prevent the re-emergence of apartheid-type employment strategies, by ensuring that all industries and workplaces are governed or regulated by minimum standards and rights via national legislation, bargaining councils or wage determinations, and that adequate instruments exist to monitor and police such regulations.

- i. COSATU should co-ordinate and accelerate the struggle for centralised bargaining in all sectors, co-ordinating affiliates and boosting the efforts of weaker affiliates. The struggle for centralised bargaining includes defending and strengthening centralised bargaining where it is under attack - for example in the building industry. The *summer offensive* campaign could focus on the struggle for centralised bargaining, for example.
- ii. COSATU and affiliates should develop the capacity to use the wage board effectively to set minimum wages and conditions; this means being able to gather the data to support demands, and mobilising campaigns in support of these demands.
- iii. COSATU and affiliates need to make continuous use of the various instruments for monitoring and policing compliance with these minimums - the bargaining councils, the labour department - and put constant pressure on these to improve their capacity and performance.
- iv. COSATU and affiliates should equip shopstewards - through education programmes and manuals - to monitor compliance with basic conditions and minimum standards in their workplaces, and encourage them to defend all workers against non-compliance by employers.
- v. COSATU should lobby or campaign to change the law where necessary to protect vulnerable workers. It should investigate the possibility of banning labour brokers where the sole purpose is to reduce labour costs, or at least strengthening regulation of them and penalties for breaking regulations.
- vi. COSATU should campaign for a national minimum wage, indexed to collective bargaining outcomes, to protect vulnerable workers.

4.4.f Tendering and the RDP

'Black economic empowerment' and the RDP have encouraged parastatals and the public sector generally to favour small, new businesses with state contracts. But the empowerment of black business and favouring of small business should not be allowed to undermine labour standards and rights.

- i. COSATU should fight for union representation on all national, provincial and local tender boards or procurement processes. COSATU should also insist that guidelines for winning a tender include compliance with the relevant minimum standards, recognition of a union, registration with the Unemployment Insurance Fund (UIF), the Workmen's Compensation Act (WCA), the relevant bargaining council and training board and the relevant tax authority. Affiliates in private sector companies should also fight for a voice in awarding contracts and negotiate criteria for ensuring that winners of contracts meet basic requirements.

- ii. The same criteria should be laid down for assistance to any small businesses via small business development or financing agencies.

4.5 COSATU and skilled and white-collar workers



SASBO members at FEDSAL conference, 1993:
The challenge for COSATU is how to accommodate white-collar workers
- Photo: William Matlala

- i. We recommend that COSATU should adopt a combination of options b and c (targeting specific groupings of more skilled/white-collar workers, and making COSATU and affiliates a home for white collar workers) outlined in Section 2.5 above, focusing on the following white-collar workers:
 - o nurses
 - o teachers
 - o lower and middle-level white-collar workers in the public service
 - o more skilled workers (artisans), supervisors, and administrative, technical and training staff in manufacturing industry, which in many cases will require struggles to expand the bargaining unit.

COSATU should discuss whether there are any other groups that should be targeted.>

- ii. Affiliates should analyse the profile of white-collar workers in their sector and develop appropriate strategies for organising them. They will have to debate the implications of organising white-collar workers for the organisational form and structure of the union, including:
 - o whether to employ specialist organisers to focus on white-collar workers
 - o whether to establish a specific section of the union for white-collar workers, which can meet separately from other structures
 - o whether it would be preferable to establish a separate affiliate for white-collar workers rather than trying to integrate them into unions which are focused on organising blue-collar workers.

- iii. COSATU's organising department should assist affiliates to develop strategies for organising white-collar workers, and facilitate the sharing of information and strategies. There should be regular strategic discussions in COSATU, where affiliates can share and debate their experiences and strategies. Such discussion could take place in Exco and/or in seminars organised by the education and organising departments.
- iv. COSATU should request NALEDI to conduct or commission continuing research into the needs and concerns of white-collar workers, and the success and failure of affiliates to develop effective organising and bargaining strategies. Such monitoring is essential in order to assess whether COSATU is making any progress in this direction.
- v. COSATU's organising department should work with affiliates to develop a strategic perspective on relations with white-collar unions or associations which are independent or affiliated to other federations. COSATU affiliates may seek to co-operate with some of these unions, with a view to merger or affiliation to COSATU. In other cases it may be more appropriate simply to out-organise more conservative unions or associations.