

**COSATU COLLECTIVE BARGAINING, ORGANISING AND CAMPAIGNS  
CONFERENCE RESOLUTIONS**



**The Future of Collective Bargaining: In defense of Jobs and Wages**

**Held on the 11-13 NOVEMBER 2020**

**AS ADOPTED BY THE FEBRUARY 2021 CEC**

## **COMMISSION 1: THE LABOUR MARKET RESTRUCTURING AND IMPACT ON WORKERS INCLUDING VULNERABLE WORKERS**

Promoting gender equality and empowering vulnerable workers through collective bargaining

### **On Vulnerable workers:**

Noting that;

- a. Precarious work has increased as permanent employment has decreased. Yet there is a low level of union organisation amongst precarious workers.
- b. The overwhelming majority of precarious workers are black women and youth
- c. Traditionally labour law protections and benefits do not generally apply to precarious workers.
- d. The system of male domination has a social and economic basis, characterised by racism and capitalist exploitation
- e. Women only earn on average 70% of what men earn in South Africa
- f. One in three women world-wide experience physical or sexual violence, most often from their partner or someone they know. Gender-based violence also occurs in the workplace and domestic violence affects work.
- g. Gender equity is not the same as equal rights and opportunities for women and men. It recognises their unequal positions and that this requires different treatment to ensure equality in access and outcomes
- h. COVID-19 has had a disproportionate impact on women with women's working hours declining more than men's and more women than men losing their jobs
- i. The capitalist system creates tension and competition between workers, including between local workers and migrant workers.
- j. The tendency for employers to ignore the payment of UIF is a serious concern for trade unions because it disadvantages workers.

Believing that;

- a. We must increase our membership amongst precarious workers, and that organising and fighting for the rights of precarious workers is key for trade unions
- b. We should use worker solidarity and collective worker strength to help deal with the precariousness of work and identify legal gaps that allows precarious work and casualisation. For instance, introducing guaranteed minimum hours of work (already part of the National Minimum Wage) is part of that intervention.
- c. Gender and women's issues are union issues and taking up issues that affect women may encourage more women to join unions
- d. Collective bargaining is never gender-neutral. Bargaining can make a significant difference for women workers, by reducing the gender pay gap, combatting low pay, valuing women's work, and addressing gender discrimination and safety in the workplace
- e. The state and bargaining councils have been slow to implement equal wages for work of equal value including reducing income differentials and unfair discrimination. The principle of equal wages for work of equal value also applies to workers in precarious work

- f. We should defend the rights of LGBTI+ workers & ensure they have equal access to benefits, uniforms, bathrooms, etc. and that recruiting and hiring policies and practices do not discriminate against LGBTI+ workers
- g. ILO Convention 190 on the elimination of violence and harassment in the world of work covers all workers, including informal economy workers, and must be ratified by the government
- h. Parental rights are important for all workers to ensure that women are not discriminated against on the grounds of pregnancy and women and men are able to participate in all aspects of family and working life
- i. We should not allow employers to use migrant labour as a tool to divide the working class.
- j. Migrant workers are workers that are entitled to all labour law protections. An injury to one is an injury to all is the basis of working-class unity, solidarity and struggle. The existing legal framework for the legal status and rights of migrant workers serves as a foundation to address the unique challenges of migrant worker. The federation must use the existing experience in the labour movement on migrant workers to develop a wide-ranging policy perspective and approach relevant to peculiar and unique experiences of migrant labour.
- k. Shop stewards and organizers must be capacitated to draft and table written proposals as alternatives to retrenchments because often we work from employer proposals that underpins the section 189 consultation process. The relevance of the disclosure of information becomes pertinent in a section 189 process.
- l. The unity of the workers in workplaces across sectors is important to resist and fight retrenchments through Solidarity mass actions.

**Therefore resolve to;**

1. Conduct an Annual Review of the National Minimum Wages of vulnerable workers including Community Health Workers.
2. Establish an Evaluation Committee to firstly look at discriminatory legislations and do an annual review of the implementation of collective bargaining agreements.
3. Campaign for amendment of legislation to cover vulnerable workers especially those in the informal and gig economy.

**On Gender inequality Resolve;**

4. To play an active role to address gender wage gap and organize a campaign to force employers to adhere to equal pay for work of equal value.
5. To do a Comprehensive audit of Collective Agreements to identify gender gaps starting with bargaining councils and to the whole labour market and beyond and promote gender equity.
6. To identify women workers heroines and icons - to be honoured in various municipalities and locals (monuments, statutes, naming of major public facilities, etc.)
7. To call for legislation to cover a full paid 6 months' maternity leave.
8. To call for comprehensive maternity protection rights (to cover parental rights)
9. To call for the ratification of ILO Convention 190.
10. To ensure the Naming and Shaming of employers who do not comply with the law, especially with UIF e.g., registration and contributions.

11. To skill Young workers on collective bargaining to lead and take up the struggle as present and future beneficiaries of collective bargaining and its outcomes.

**On migrant workers Resolve;**

12. The federation should do an extensive study that will lead to a consolidated programme to promote and protect the rights of migrant workers in all sectors including the informal sector. Including assisting them to get permits and legal documents to comply with the law.
13. Develop a structured programme to defend migrant workers and organize them into unions here and in their home countries, with due consideration to the evolving character of the total workforce and migrant worker perspective.
14. Campaign for a policy or legislation at SADC level that will protect workers from neighboring countries and those trade unions should organise migrant workers.
15. The federation must conduct an extensive study of the experiences of the migrant workers across.

**On the CCMA and Labour Court Resolve that;**

16. The CCMA must be adequately resourced in terms of its budget and personnel to execute its functions and role as an institution closest to ordinary and vulnerable workers and it must be defended and expanded.
17. The CCMA must employ sufficient permanent commissioners to expedite matters as opposed to the part time commissioners used presently.
18. The federation must campaign to decentralise the labour court to all provinces.

**On Retrenchment and severance pay resolve;**

19. To call for a moratorium on retrenchments if we want to flatten the curve on poverty, unemployment, and inequality. The new normal cannot be about retaining the old conditions and modus operandi.
20. To campaign for an amendment of Section 189 of the Labour Relations Act, so that the legal due process before retrenchments is based on negotiations and not just consultations.
21. To campaign for an amendment of Section 41 of the BCEA because it is rigid and biased towards employers.
22. To campaign for amendment of applicable laws to provide for a higher minimum severance package under section 189 retrenchment and not a minimum one week for every year worked.
23. To table, negotiate, and conclude job security demands as part of substantive negotiations (Collective Bargaining processes) across sectors.
24. To improve the training and capacity of shop stewards and organizers to understand and handle the dynamics of section 189.
25. To capacitate shop stewards and organisers with appropriate training to understand and interpret financial statements used by employers to justify retrenchments.
26. To establish a dedicated and well-resourced unit to deal with major restructuring and resultant retrenchments in workplaces and sectors.

## **On Implementing Centralized Bargaining Resolution**

Noting that;

- a. COSATU's policy is to strengthen centralised bargaining across the economy. Only 2 million of 14 million workers are covered by bargaining councils. This means centralised bargaining cannot have the influence that it potentially could have to improve the lives of workers
- b. Where there is centralised bargaining, it is often of a weak base with:
  - i. Trade union density in 21 of 35 bargaining councils is less than 55%. Unrepresentative councils cannot extend agreements to non-parties and vulnerable workers and
  - ii. 13 Bargaining Councils have unpublished collective agreements, while other councils only operate at regional level or only administer retirement funds
- c. Centralised bargaining has often been undermined by the growth in precarious work, informalisation and high unemployment
- d. The weakening of centralised bargaining has given rise to collective bargaining at the enterprise or workplace level. Plant level bargaining gives employers more bargaining power and weakens workers
- e. There is traditionally a tension between centralised bargaining and the role of workers: and agreements made centrally may disempower workers.
- f. Major key sectors still do not have bargaining councils
- g. Non-compliance with collective agreements undermine centralised bargaining's ability to improve workers' incomes and lives and increases informalisation in companies.

Believing that;

- a. There is a need to strengthen Centralised Bargaining and Bargaining Councils, given the importance of bargaining agreements and the extension of these to non-parties and vulnerable workers.
- b. The COVID-19 crisis has highlighted the importance of Bargaining Councils and their effectiveness in addressing workplace conditions, labour rights as well as fair wages during periods of crisis. During the lockdown, COSATU unions were able to speedily reach collective bargaining agreements with employers and the UIF to ensure income guarantees for workers.
- c. In grappling with the implications of a growing informal sector and precarious work and organising those workers, COSATU must identify the opportunities that exist to strengthen Collective Bargaining.
- d. There should not be a sector without a Bargaining Council. Priority sectors should include mining, farming, financial, retail and wholesale services.
- e. If trade unions are unable to form Bargaining Councils or extend collective agreements because of low threshold of representation or because employers are refusing to be bound by such agreements, the law must be helpful to push parties to negotiate at centralised structures.
- f. Where Bargaining Councils exist at Central or sectoral levels, these need to be strengthened.
- g. Centralised Bargaining should be binding and be defended by all the affiliates of COSATU if employers seek to undermine signed agreements.
- h. Centralised Bargaining should be promoted in sectors that have not achieved it

- i. We should identify opportunities using Global Framework Agreements, NEDLAC, SETAs, retirement funds, Sectoral Determinations, Statutory Councils, and other forums to our advantage to strengthen collective bargaining, including Centralised Bargaining
- j. We must not over-rely on the law to solve all our members' problems. We must organise and service workers, build organisations and struggle for change.
- k. Fractured and differentiated bargaining processes for workers who perform similar jobs in similar industries result in unfair discrimination of workers and the outcome
- l. Workers in the atypical work are the most vulnerable workers in the unfair and differentiated bargaining processes
- m. The federation must continue to drive a wide-ranging campaign for formalisation of the informal sector to create greater ability to ensure a more centralised bargaining process and clearly defined Bargaining structures and processes.
- n. Centralised bargaining creates conditions for solidarity among workers than conditions of conflict, competition, and lack of unity.
- o. Organise the unorganised workers to strengthen their Collective Bargaining power (unity is strength).

**Therefore resolve;**

1. To call for a Legislated Centralised Collective Bargaining in the aviation sector that includes both private sectors and the SOE.
2. To call for the Department of Employment and Labour to expedite the process of extending and gazetting collective agreements to non-party employers.
3. To call for the conversion of the current Statutory Councils into Bargaining Councils.
4. To establish a Collective Bargaining Unit (CBU) to monitor and evaluate the implementation of Collective Bargaining Agreements in all the sectors and this should inform COSATU recruitment and organising model in the context of strengthening collective bargaining.
5. To rebuild dysfunctional Bargaining Councils.
6. Bargaining councils to be empowered to conduct own inspections and improve enforcement support.
7. The federation needs to evaluate the resolution on Centralised Bargaining on where we are in terms of implementation.
8. To do a case study to capture the attitude of employers in terms of undermining centralised bargaining, especially the public sector case study and its impact on workers and incomes. The same should apply to private sectors and trade union attitude towards the undermining of collective bargaining.
9. To establish a Collective Bargaining Levy to support cases taken to the Labour and Constitutional courts.
10. To call on the Minister of Employment and Labour to convene sectoral Job Summits, e.g., services sector, education, health, manufacturing and industrial.
11. To do an audit of compliance and implementation of collective bargaining agreements across industries and sectors.
12. To resuscitate the campaign against casualization and look at guaranteed working hours.
13. To campaign more specifically for establishment of Centralised Bargaining in the banking, farming, and retail and wholesale sectors. This must take place despite their formalised status.

14. To call for amendment of Section 197 of the LRA to ensure that sales of companies adhere to the Competition Act.
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## **COMMISSION 2: Building the Organisational Capacity of COSATU and Affiliates to Bargain and Organise Effectively**

### **1. New Organising methods**

#### **Noting that;**

- a. The Bargaining Conference takes place under circumstances that are not normal due to Covid19 pandemic.
- b. The September Commission in 1996 formulated Scenarios which the Federation may find itself in and to a certain extent; some of the predictions seem close to real, if not in effect already.
- c. There are elements in the current realities facing workers that point towards the desert scenario.
- d. NEDLAC was formed for social partners to dialogue on all socio- economic issues that lead to policy formulation for legislation in Parliament.
- e. Workers in the informal sector do not have job security, are not receiving salaries, and some do not have banking accounts from which subscriptions can be debited from.

#### **Believing that;**

- a. We are currently in that same situation existent in 1996 as predicted in the September Commission.
- b. NEDLAC, the amended Labour Relations Act (LRA), the significant progress made by some government ministries in formulating and beginning to implement coherent policies, all point towards similar findings of the September commission.
- c. COVID 19 has deepened multiple economic crises locally and globally.
- d. The Federation and Affiliates to improve the compassion and solidarity with each other through programmes that care about its members.
  - a. The Trade Unions increase their scope to organise:
    - i. The unorganised workers
    - ii. First level Managers
    - iii. Vulnerable workers
- e. The Trade Unions need to be more inclusive and representative and, in this regard, female representation and the youth in the formulation of the Recruitment Strategy as well as in the execution thereof are of key strategic importance.
- f. More conventional organising as one on one is not sufficient and we need to consider that some workers do not have the resources for online organising. To build to conduct surveys with members because with the advent of social media, some workers see no need to go face to face meetings. So, we should be able to do both face to face and online registration and organising.
- g. An affiliate needs to understand the impacts of the GIG economy where they organise; and commission research to inform demands in bargaining e.g., for employment / job security.
- h. The Federation and its Affiliates should build and sustain solidarity with civil society and communities.

**Therefore resolve;**

1. To develop a worker friendly digital, on-line platform to target young “millennium” workers.
2. NALEDI be commissioned to conduct an in-depth research on supply chains work streams including Gig Economy to understand the environment.
3. To develop communication strategies that are based on the following:
  - More use of Audio-Visual organising materials
  - Use of digital communication platforms such as SMS (Short Message Services), interactive website, mobile apps etc.
  - Precise and explicit which is shorter, sharper, relevant, and more colourful to be more appealing to the youth (pleasant experience)
  - Loyalty programmes be increased to recruit and retain members however this should avoid changing unions into transactional institutions instead of democratic organisations for dispute resolution and improving the conditions of employment.
4. To establish Call Centres by affording the interns the opportunity to gain work experience.
5. To launch an online membership system that will provide for organising, trade union education and case management.
6. To organise in the GIG economy:

**On Implementing the Super Union and One-Union-One Industry Resolution**

**Noting;**

- a. The widespread and accelerating attacks from bosses and the government; and the crucial task of building working class unity in struggle to defend and advance working class needs.
- b. There is lack of implementation of the federation’s policies on mergers, cartels, and super unions.
- c. The COSATU policy of one union, one industry; one federation one country, remains our core guiding principle.
- d. Ongoing competition between unions in both public and private sectors that result from amongst other reasons, our own internal differences, and splinters. And that it is only through unity that we can lose our chains.
- e. The dangers blocking workers’ unity including union mergers and collaboration, a narrow and individual union focus on sectoral investments; and the need to face this.
- f. The useful and practical experience of unions collaborating in struggle on different issues, including successful strike action led by the NUM and NUMSA at Eskom; the joint struggle by five different unions in the bus passenger sector *and* the recent support across four union federations for COSATU’s national day of action on October 7.
- g. That internationally there are examples where different unions collaborate in action, such as in confederations of railway or transport unions. These offer a basis to build greater unity without undermining the *independence* of unions.

**Believing that;**

- a. Big companies operate through conglomerates, in different entities and in different sectors. As a result, they have acquired not only bargaining power, but their resources and number of companies makes it difficult for trade unions to organise and establish Bargaining Councils.
- b. Unions can form super unions without giving up on their independence. This will accelerate the implementation of the One Industry-One Union principle and will overcome challenges posed by the multiplicity of trade unions in a single workplace.
- c. Alternatively, unions can revert to the 1986 resolution which stated that Congress agree in principle to the establishment of key broadly defined sectors/cartels within the federation such as Manufacturing, Mining and Energy, Public Sector, Private Sector Services and Agriculture as outlined in the Secretariat report. These sectors should be organised into cartels that should take responsibility for defining sector policy, take responsibility for collective bargaining and set parameters for all other union work of national competence.
- d. The mergers of trade unions have not yet been effective.
- e. There is a need for a confederation approach in pursuance of COSATU's One Country-One Federation principle.
- f. The structure of the economy and industries has changed since the launch of COSATU in 1985; and that we need to understand this new environment.
- g. Union unity *must* be built from the ground up, organically, and not from above downwards. The processes of collaborating between unions needs to be guided by a programme of action rooted on the ground.
- h. Affiliates inside COSATU should take steps towards greater worker unity, mergers, and cartels by engaging with other unions inside and outside COSATU.
- i. There is already a model for union collaboration, the Joint Mandating Committee (JMC) in the COSATU Public Sector that emerged in struggle and has brought public sector unions together to focus on the substantive issues facing workers.

**Therefore resolve;**

1. That NALEDI to undertake research in order to understand changes in industries across the economy and how best to implement the resolution of one industry one union in order to take account of this changing environment, including anticipating areas of growth and change going forward;
2. To encourage affiliates and unions, more broadly to replicate the JMC model in their own sectors to strengthen unity and struggle between workers and their different unions, and to develop programmes of action based on the needs of workers and working-class communities.
3. To task the COSATU National office bearers to engage with other union federations on the need for workers' unity as part of a process towards building one federation in one country.
4. To establish working commissions to implement resolutions and to find ways to achieve this and a progress report must be produced by the next Congress.

**On Retrenchments**

**Noting that;**

- a) There is a need for building union power to deal with job losses.
- b) COSATU has been warning for years about the growing sinister retrenchment crisis. It has now exploded under COVID19 and needs urgent action.
- c) Unions and workers must use our power to push Business and Government to take all the required steps to stimulate the economy and prevent job losses. They have the ultimate power to stop or slow job losses and make changes in the economy.
- d) Appropriate bold economic stimuli and interventions are needed from government that support distressed companies, workers, and communities.
- e) Companies should be finding other ways to deal with business distress and not retrench workers

**Believing that;**

- a) The current LRA is very flexible because it grants employers the right to dismiss workers if they do not make profits. This interpretation of the law favours employers and is incorrect because of the following;
  - The Constitution of the Republic provides for the right to fair labour practices which includes job security.
  - Firms should exist not only to make profits.
  - Retrenchments affect not only a particular worker but the dependants of the worker and economy, specifically loss of skills and expertise.
  - Strikes against retrenchments are not effective enough because the employer's word is considered final. Courts are unwilling to intervene unless fair procedure has not been followed.
- b) While the balance of power in retrenchments is heavily against workers, nevertheless in the interests of our members, unions need to find more mechanisms to try and save more jobs.
- c) Processes established to generate knowledge and inputs for a generic document and then made relevant for use in specific sectors / industries

**Therefore resolve;**

1. To adopt toolkits and make them relevant and adaptable to different sectors. Unions to use the toolkits for advocacy and organisational building purposes.
2. To campaign and train officials, shop stewards and workers on the tools, strategies, and tactics.
3. To ensure that unions form retrenchment co-ordinating committees to drive campaigns and interventions
4. To establish a super-structure or over-arching structure located in the COSATU H/O and overseen by relevant expert (e.g., ex CCMA Senior Commissioner; Project Manager; etc.), but also set-up coordinating committees in affiliates
5. To ensure that unions collect and centralise all S189 details amongst members monthly.
6. To run committees at local and workplace levels.
7. To urgently table to NEDLAC a programme of action to help workers identify tools to save jobs.

8. To use this programme of work to negotiate reciprocities from Government and Business to assist our efforts to save jobs. E.g.
    - i. Seek appropriate macro-economic stimuli
    - ii. Seek amendment of S189 rules: E.g., 4-weeks' severance pay per year of service; longer term consultation; compulsory CCMA facilitation; remedies for workers who lose smaller S189s; link TLS/ TERS to retrenchments
    - iii. Funding & support: for union jobs-saving capacity campaigns; and union Masterplan assistance
    - iv. More and better distressed funding & support for workers and businesses
    - v. Integrate & streamline retrenchment processes, as per CCMA proposal
    - vi. Expert capacity assistance to be supplied by Government and Business
    - vii. Re-skilling for workers e.g., through SETA mechanisms; cognisant of changes to labour market
    - viii. Active and dynamic re-deployment mechanisms (e.g., into infrastructure programmes)
    - ix. Cover vulnerable insecure workers like creative workers
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### COMMISSION 3: THE MEANING OF THE FUTURE OF WORK AND 4<sup>TH</sup> IR AND THEIR IMPACT ON BARGAINING, JOBS, AND WAGES

#### **Noting that:**

- a. The Federation approaches the current Scientific and Technological Revolution within a globally hegemonic capitalist system and the systemic crisis emerging from its fundamental contradictions
- b. The current Scientific and Technological Revolution constitutes an industrial revolution insofar as it is driving massive restructuring in various economic, social, and political Sectors thereby impacting negatively on job security, wages, collective bargaining and skills with liberalisation and deregulation of labour relations.
- c. The resolution of the Communications Workers Union on Information and Communications Technologies presented at the 13<sup>th</sup> COSATU National Congress remains the basis for the Federation envisioning the challenges confronting labour on the Future of Work and the accompanying response to it.
- d. There has been a lack of adequate plans to train and retrain workers for the emerging new environment, specifically the digital economy, and therefore, notwithstanding the billions being spent on skills development through the SETA's, South Africa continues to experience a skills trade deficit especially in the ICT sector where the introduction of these technologies are drastically impacting the world of work and generating significant challenges for the legislature to act swiftly and decisively in adapting laws in line with current conditions.
- e. All sectors are affected albeit to different degrees both within and between sectors.
- f. Each country must make institutional arrangements and broad legislative measures to ensure that the ILO's international labour standards apply equally to its own regulations and policies

#### **Believing that:**

- a. The current manner in which the widespread introduction of digital technologies is proceeding has subsequent implications for job security, training and retraining of

- workers, safety and security of these technologies for workers and is not aligned with the aspirations of the Federation for high skills, decent wages, and the progressive updating of employment law to suit the new and emerging conditions.
- b. The Federation's approach to the Future of Work with 4<sup>th</sup> IR technologies must be guided by our scientific ideological approach to the development of class society in the era in which capital subordinates technological development to the narrow requirements for the accumulation of private wealth rather than towards realising social needs and enabling a better life for all.
  - c. Digitalisation, Artificial Intelligence, and Robotics would have negative impacts on the current tax regime and could undermine fiscal sustainability due to disruptions in the labour market.
  - d. The Federation must remain vigilant in its respective sectors to ensure that employers do not unilaterally impose the introduction of digital technologies.
  - e. Collective Bargaining Agreements must be reviewed periodically to ensure they continue to be relevant in the context of our changing workplaces.
  - f. The Constitutional right to strike cannot be restricted by what is perceived to be a superficial requirement before a strike is legitimized and entrenching fundamental workers' rights to strike and collective bargaining.
  - g. Collective Bargaining agreements must include reskilling and re-education opportunities as part of employment conditions and benefits.
  - h. We need to have an advocated and well-engineered, integrated, and well-coordinated process of implementing measures to avoid sectors being negatively affected by digital technology in future.
  - i. The introduction of new technologies and their possible disruptive implications should form a permanent agenda item in most company meetings whilst also affording the possibilities of wider public engagements such as public hearings (Izimbizo).
  - j. The choice of technologies and investments are socially determined and therefore, policies may need to be developed to control the development and utilisation of technology.
  - k. It is a critical responsibility of Government to ensure free universal access to high-quality, fast, and secure data networks for both urban and rural areas.
  - l. The Living Wage Campaign must be extended to protect working conditions, times and job content resulting from Collective Bargaining and against any unilateral decisions of employers including outsourcing and working from home.
  - m. The Federation must draw lessons from the experiences of other countries, especially, those which have embraced a more people-centred approach to the development of technologies both in the industrial and public sector, in which it is subordinated to social needs.
  - n. As organised labour, trade unions must engage critically with the Report of the Presidential Commission on the Fourth Industrial Revolution which was "... mandated to advise government on 4IR policies, develop a framework for implementation of a multi-sectoral 4IR strategy; and coordinate, monitor and evaluate multi-sectoral initiatives that will position South Africa as a globally competitive player in 4IR"
  - o. We should ensure the implementation of all resolutions of the Federation arising from the Communications Workers Union sponsored resolution (covering ICT Industry Regulation; Spectrum Allocation; Broadcasting; Cybercrime and cyber security and High Data Costs).

**Therefore resolve;**

1. To advance and ensure the establishment of an economy-wide ICT Sector Bargaining forum.
2. To ensure that technologies are socially owned by the people, are recognised as public good and services, and further fight against the privatisation of all public goods including education and health in the name of technology and guarding against the rampant importation of technological equipment without consideration of domestic skills development and capability formation.
3. To align labour law protections to the labour market under digitalisation including redefining the workplace (due to remote working), OHS laws, and conditions of employment as set out in the Basic Conditions of Employment Act. The Federation should drive a comprehensive campaign around the emergence of new technologies to guarantee workers' rights, policies of access to social security, the right to decent pensions, healthcare, education or housing including reforming section 189 to stop retrenchment based on the introduction of technology.
4. To mitigate the adverse effects of the 4<sup>th</sup> IR by protecting jobs, and re-skilling employees.
5. To call for an amendment of section 189 of LRA to force employers to re-skill, upskill and retrain employees to match the demands of technology. Retrenchments based on introduction of technologies should not be allowed.
6. To conduct a broader audit of required skills in the workplace and then develop policies with long-term strategic plans. Unions must conduct this skills audit so that they keep their data to ensure they capacitate members in relevant skills by using performance assessment tools e.g., PMDS, QMS, etc. to identify skills gaps and work with SETA's to continuously refresh the required skills and focus on both hard and soft skills
7. To call for increasing beneficiation and local manufacturing of all technologies and promoting domestic investments in relevant research, development, and consumption of these new technologies. Special attention would need to be paid to strengthening South Africa's capacities, capabilities, and competences in science and technology whilst further promoting our Proudly South African Campaigns to encourage buying locally and discouraging technological dumping.
8. To establish a technical team to improve its knowledge of the political economy of the 4IR to better appreciate the implications of the emerging technological developments sector by sector and on the entire trade union Federation. The COSATU technical team should conduct research and must develop a position paper through this research work to outline the perspective of labour on the emergence of new scientific technologies.
9. To call for the establishment of a Workers University with a specific focus on a curriculum that promotes the indigenous knowledge systems-based approach (promoting our languages and cultures) to the Industrial Revolution in promoting economic development and the creation of new jobs in the market.
10. To call for the signing into law of the Copyright & Performers Rights Amendment Bills that are designed to decolonize the copyright regime of the country, make it possible for digitalization interventions introduced by the 4IR to be effective, to promote access to education for the poor and the working class, to promote access for the visually impaired, whilst fundamentally protecting the rights of creative workers.

## COMMISSION 4: NATIONAL MINIMUM WAGE TO BUILD A LIVING WAGE CAMPAIGN AND ADVANCE THE DECENT WORK AGENDA

### **Noting that:**

- a. In the last Bargaining Conference held in 2013, we have resolved that we must intensify our campaign of organising the unorganised and ensure that all workers belong to our giant Federation. Protection of the workers in all the sectors where the Federation has footprints is paramount and this starts with decent work and ensuring that the concept of a living wage for the working class is realised.
- b. There is no policy coherence between South Africa's economic policy and the aspirations and demand for a living wage.
- c. The South African government economic policy is based on the failed Washington consensus/GEAR which has failed workers and the poor for the past 26 years.
- d. The National Minimum Wage Act was amended to ensure that Labour Inspectors can refer non-compliance disputes to the CCMA after inspecting and issuing the compliance order to non-complying employers.

### **Believing that:**

- a. We inherited an unequal society and unequal wage incomes, one for black workers and one for the previous colonisers. To eradicate this unequal income and to limit the super exploitation of vulnerable workers that are mainly unorganised it was decided that a National Minimum Wage should be created.
- b. In this regard, we appreciate the work done by the Federation post its 2013 conference in ensuring that the minimum wage campaign is a success. The introduction of the minimum wage to a certain extent helped ease the burden on workers by ensuring that R3500 becomes the minimum wage that is legislated.
- c. To some extent the minimum wage has assisted a lot of workers who were exploited and paid less than R3000. We note that this is not ideal as it is at a very low level. However, 4 million workers' lives were improved immediately. If the set minimum wage remains stagnant it will defeat its purpose of the intended advancement of the vulnerable workers.
- d. Social factors like water, electricity, toilet, housing, clothes, nutritional food, education, streetlights tarred roads, access health care, refuse removal, having access to place of worship in the local area, a fridge a stove safe reliable and unaffordable transport, police are key factors that need to be considered in relations to a NMW and then a living wage – links to a decent wage and a decent standard of living which will realise a living wage
- e. Workers need to be paid at least R4400 to have a basic nutritional basket of food based on a study by the Pietermaritzburg Economic Justice and Dignity Group. Most poor households, the unemployed, the vulnerable workers and those identified as recipients of the NMW earn below this. Transport, electricity and food prices exceed more than half of the daily NMW pay.

### **Therefore resolve;**

1. To do research on standards of decent living measures in order to determine and quantify a decent living standard and a decent wage across all sectors.
2. To interrogate the elements of the social wage and NMW to assist with achieving and campaigning for a decent living wage.
3. To enhance our 40-hour week campaign.
4. To campaign for an incomes policy that must be negotiated through NEDLAC.

**On Extended Public Works Program  
Believing that:**

- a. Our campaign for the National Minimum wage was therefore a necessary campaign to protect workers from exploitation. All workers must be included in the National Minimum Wage Act irrespective of their sectors or categories.
- b. However, we believe that the process leading to CCMA is a lengthy process, beginning with the inspection from the Inspectors of the Department of Employment and Labour, who will then afford the employer time to comply with the NMW.
- c. The EPWP is a government program which came as a result of decisions taken in the Growth and Development Summit (GDS) of 2003, with one of the themes being, “More jobs, better jobs, decent work for all”. This remains a good social program and can be used to address poverty.
- d. The EPWP initiative was however hijacked to the point that it was used to cover up for moratorium on employment in the public sector. We believe that vulnerable EPWP beneficiaries (and not workers) are currently exploited at a greater rate with less protection than those covered by the national minimum wage.
- e. In terms of the LRA, a worker is defined properly, and it cannot be that EPWP is used to exploit workers. Whilst EPWP must be used as a poverty alleviation program, workers must be employed decently and enjoy same benefits that all other workers are enjoying.
- f. In the context of the budget deficit, government has argued that blended finance must be used as a model to finance development and infrastructure. According to the World Bank/IFC blended finance includes a combination of public and private funds to finance projects at low or non-market interest loans. However, critics have argued that Blended finance involves a form of funding where government guarantees profits and reduce risk to private sector investment in infrastructure projects and that it is one of the ways to privatise state assets.
- g. On the issue of Section 77, all labour federations should collaborate on the matter to put pressure on capital. Also, there should be awareness raising among workers on the meaning of the campaigns so that there is full participation in the campaigns.
- h. We need to introduce a wage for all sectors as a way of equalizing and extending the National Minimum Wage to all vulnerable workers. It must be made difficult for employers to apply for exemptions on the National Minimum Wage.

**Therefore resolve;**

1. To ensure that the Minimum Wage Act is strengthened and broadened to cover all workers in the country and tight conditions for exemptions must be developed.

2. To ensure that CCMA processes on certification of arbitration awards are concluded speedily to benefit workers.
3. To campaign for the review of the current EPWP model by ensuring that EPWP is not used to undermine the concept of decent jobs and in the long run beneficiaries being subjected to exploitation. EPWP must be used as a job creation and a poverty alleviation program and workers must be employed decently and enjoy same benefits that all other workers are enjoying. To Campaign for job security of the EPWP beneficiaries so that they have permanent jobs.
4. To do research on the acceptable ratio between the highest paid and the lowest paid workers in order to address wage inequalities.
5. To lobby community organisations towards campaigning for a living wage
6. To strengthen the 40-hour week campaign.
7. To introduce a wage for all sectors as a way of equalizing and extending the National Minimum Wage to all vulnerable workers. It must be made difficult for employers to apply for exemptions on the National Minimum Wage.
8. To ensure that the funding of government spending is based on the instruments of the Central Bank and Treasury to fund and not rely on private sector lenders. We reject blended finance.

## **COMMISSION 5: POLITICAL AND ECONOMIC LANDSCAPE ON WHICH COLLECTIVE BARGAINING IS EXERCISED: PENSION, HEALTH AND SAFETY AND THE IMPACT OF COVID-19 ON WORKERS AND THE POOR**

### **5.1 MACROECONOMIC POLICY AND ECONOMIC DEVELOPMENT**

#### **Noting that:**

- a) Over the past decade since the 2008 recession, the South African economy has been in stagnation, with the already crisis levels of unemployment, poverty and inequalities worsening. The outbreak of the coronavirus pandemic deepened this socioeconomic crisis resulting in more than 2 million job losses and declining living standards of the working class, including more than 60% of the youth unemployment.
- b) From 2015, rather than fostering economic growth, the fifth democratic administration narrowly focused on reducing the public-debt and budget-deficit through austerity measures such as the freezing of public service vacancies, cuts in departmental budget baselines and the reduction of the total government spending.
- c) Despite its failure to contain public-debt, through the Economic Reconstruction and Recovery Plan (ERRP), the sixth democratic dispensation continues this austerity path, which now includes the multi-year freezing of the public service compensations, a private-sector led infrastructure programme and privatisation of state assets.
- d) This Neoliberal economic development path represents the deliberate political decisions of the sixth democratic dispensation, which now includes the active policy interventions by the IMF through its loan conditionalities and the pressure exerted by the sovereign rating agencies.

#### **Believing that:**

- a) In addition to the persistent semi-colonial structure of our economy, the underlying the current economic stagnation is a misguided fiscal policy generating a vicious circle of escalating austerity measures which choke economic activity, causing shrinking tax revenue and in turn giving rise to increasing borrowing requirements and the ballooning public-debt.
- b) The fundamental economic problem facing the economy is not the public-debt and budget-deficit but the lack of economic growth and socioeconomic development, in which the private sector is sitting on more than a R3 trillion stockpile of investable capital. Private sector is on an investment strike wanting more for itself and not willing to contribute to the country's development and job creation.
- c) This Neoliberal economic recovery plan, ERRP, constitutes a departure from the broadly progressive macroeconomic framework set out in the 2019 ANC Manifesto and therefore it is a non-starter in terms of our perspective of the radical second phase of the NDR.
- d) The ERRP although was supposed to emanate from the NEDLAC process, social partners and their contributions were not included in the macroeconomic policy framework underpinning the recovery plan
- e) Trade unions cannot be satisfied only with participation at NEDLAC, which does not give them real influence in policy fundamentals.
- f) COSATU has militant and capable trade unions, capable to achieve fundamental processes and outcomes.
- g) Neo-liberal policies are hegemonic – there is a need for international solidarity and support as the struggle is not only domestic but globally.
- h) Our alternative economic development strategy and our socioeconomic campaigns must place at the centre, growth-enhancing macroeconomic policy framework; industrialisation and localisation of procurement; the roll-out of socioeconomic infrastructure to improve the living conditions of our people in poor urban and rural areas; expansion of social protection, including the introduction of the Basic Income Grant; a living wage and the redistribution of income and wealth.

**Therefore resolve:**

- 1. To call upon all affiliates in their sectors to wage relentless fights in defence of jobs against retrenchments, casualisation and for a living wage.
- 2. To revive the Jobs and Poverty Campaign to mobilise against the Neoliberal recovery plan, including fighting austerity and the private sector led infrastructure programme in terms of ERRP and to fight for decent jobs and full-employment, placing the demand for a massive public works programme that is focused on rolling-out socioeconomic infrastructure in the poor urban and rural areas.
- 3. To update our Economic Development Strategy, “A Growth Path towards Full Employment”, which advances the perspective of the Developmental State as a counter to the government's Neoliberal recovery plan and a guide in our engagement on macroeconomic policies and our formulation of the demands of our campaigns.
- 4. To develop our own set of policy priorities as the basis of engaging with the ANC in drafting the election manifestos that clearly articulate what we want as workers as a basis of our support, including to use these as a checklist to monitor and evaluate the implementation at the Alliance level as part of practicalizing the reconfiguration of the Alliance.
- 5. To mandate the CEC to develop a programme of action for mobilisation of all the affiliates, capturing key issues affecting members sector by sector as a central component in

mobilising against the Neoliberal economic plan and against the imperialist institutions such as the IMF and sovereign rating agencies in defence of our country's sovereignty.

6. To identify common strategic issues to work with our international trade union allies to fight against Neoliberal globalisation, imperialism, the destruction of the environment and illicit financial outflows from South Africa, Africa as a whole and the global-south to imperialist global-north countries.
7. To forge relationships for maximum unity in action of the working class, with community-based organisations, other unions and federations and the SACP as part of building a left popular front to drive the perspective of a radical second phase of the NDR. This must be programmatic and based on concrete action plan.
8. To use the collective power of workers to push for alternatives to the austerity thrust by National Treasury (NT).

## 5.2 COLLECTIVE BARGAINING

### Noting:

- a) The importance of collective bargaining in the changing economic world order and the contribution of collective bargaining towards the process of social changes.
- b) Collective bargaining and trade union power are threatened by the declining formal sector jobs and the use of the Employment Tax Incentive of the Treasury for new entrants in the labour market.
- c) Informal sector workers do not have collective bargaining rights.
- d) The escalating attacks in both the public and private sectors against organised labour, including through undermining collective bargaining.
- e) In the public sector consecutive governments of the ANC across all spheres of government, have been using agencification, outsourcing, the expanded public works programme and other service delivery programmes to legitimise the super-exploitation of community development workers and community health workers to undermine workers' rights and the legislated compulsory bargaining in the sector.
- f) In the private sector, sections of employers have been pulling out of collective agreements and seeking to decentralise collective bargaining to the workplace level to undermine the collective strength of trade unions.
- g) In the private sector, most workers do not belong to trade unions and are not covered by agreements from collective bargaining councils and experience extremely poor working conditions because they are subjected to casual and temporary contracts.
- h) The right to engage in collective bargaining is enshrined in section 23(5) of the country's Constitution and the Freedom Charter.
- i) Both the public and private sector employers have been dragging their feet in implementing the ILO principle of equal wages for work of equal value and Section 27 of the Employment Equity Act on income differentials and unfair discrimination based on differences in terms and conditions of employment.
- j) That the gains of collective bargaining cannot be registered in one great revolutionary change, but rather step by step, with each class between opposing parties settled with a new compromise somewhat different from previous settlements.

### Believing that:

- a) Collective bargaining is an indispensable practice and tool in fighting for job security, wage increases and improvement of the terms and conditions of work.
- b) The voluntary collective bargaining model pertaining to the private sector provides an opportunity for bosses to maintain the super-exploitation of the workers and the Apartheid wage gap.
- c) Attacks on collective bargaining is part of the wider and intensifying global tendency of attacks on workers' rights and trade unionism by the bosses in both the public and private sectors in the current conjuncture of the declining Neoliberal hegemony amidst the protracted capitalist crisis, to address bankrupt state coffers and restore profitability.
- d) Collective bargaining represents concrete class struggle of the working-class and the gains made represent the cumulative gains of the working class in general.
- e) Collective Bargaining accomplishes long run stability based on day-to-day adjustment in relation between management and labour.
- f) Collective Bargaining is a source of stability in the changing environment. Wages earners have enhanced their social and economic position and at the same time management has retained a large measure of power.
- g) Solidarity amongst affiliates to remain sacrosanct, i.e., the unity of trade unions, following Marx's phrase 'Workers of the world to Unite'.

**Therefore resolve:**

1. To fight for amendments to the labour laws to extend compulsory bargaining with recognised trade unions in the private sector.
2. To fight to achieve centralised collective bargaining in all the sectors in which we organise and put pressure on government to introduce compulsory collective bargaining in the private sector.
3. To strengthen COSATU's capacity for the training of shop-stewards on labour laws and representation, especially to support affiliates that have no internal capacity on education and training.
4. To ensure active COSATU coordination on skills development, labour relations education and training and taking advantage of the available resources in bargaining councils, SETAs, DITSELA, global federations, ILO office and other institutions such as workers colleges and labour market research institutes.
5. To assess the effectiveness of NEDLAC as a social engagement forum, the participation of affiliates and what changes are needed to maximise its potential to advance the priorities of our programme of action.
6. To focus our affiliates' recruitment programmes on unorganised workers and workers in other trade unions, including dedicated programmes for vulnerable workers in all sectors.
7. To integrate the resolutions of the 2021 COSATU Gender Conference to ensure that our campaigns and bargaining demands address workplace gender discrimination, wage-gap, sexual harassment, employment equity and gender-based violence.
8. To work with workers in the informal sector to fight for implementation of the 2015 Recommendation 204 of the ILO on Transition from Informal to the Formal Economy by the South African government.
9. To integrate the agenda of workplace transformation related to issues such as employment equity and occupational health and safety with our demands on wages and terms and conditions of work.
10. To actively support the affiliates' strikes through the media and coordinate solidarity by other affiliates and where applicable, consumer boycotts.

11. To abolish geographic differentiations in pay because the prices are applicable nationally.
12. To call for the Minister of Employment and Labour (DEL) to account as the custodian of labour laws on enforcement and on the lack of compliance with the law, especially current failure of compliance with collective agreements.
13. To develop a medium-term strategic plan, whose pillar on organising must consider the changed economic landscape.
14. To revisit the sectoral determination in terms of rural versus urban, Metro versus non metro.

### **5.3. PENSIONS**

#### **Noting:**

- a) The overwhelming majority of the workforce in the private sector and informal economy are excluded from social security coverage.
- b) The absence of a public fund that provides pensions and life insurance to the workforce deepens poverty and inequalities in our society.
- c) The release of the Taylor Committee report in 2002 and the lack of progress towards the implementation of a comprehensive social security system since the commitment made by the ANC then and in the 2009 election manifesto.
- d) The slow progress of engagements on social security reforms at NEDLAC and the non-committal of the ANC-led government on the Universal Basic Income Grant.
- e) The Freedom Charter states that the State shall recognize the right and duty of all to work, and to draw full dues, including unemployment benefits.
- f) The persistent gaps in social security coverage in the labour market, including the lack of social security protection for the unemployed between 18 years and pension age is cause for concern.
- g) Challenges in collective discussions around the Government Employees Pension Fund (GEPF) Laws.
- h) Pension monies must be used to benefit workers and their families and communities, not just the private predators controlling or accessing them.
- i) Retirement Funds (deferred wages) are the only savings workers have.
- j) The arrogant attitude of the Treasury in relation to workers accessing their pensions (monies) during trying times of COVID 19 pandemic.
- k) The challenge of workers not knowing where their monies are and that of capitalist fund managers benefitting more.
- l) There has been a shift in the management of funds through Commercial Umbrella Funds (CUM) away from worker appointed trustees.

#### **Believing that:**

- a) The value of pension funds is significant, yet they are not utilised to benefit workers. Instead, monies accrued from these pension funds are consumed by fund management companies, without any real benefit to and, or growth for workers.
- b) Pension funds have no effect on the growth of our communities and have failed to address certain disasters and challenges that are faced by workers and communities. They remain locked for the benefit of private sector controlling fund managers and institutions.
- c) The retirement funds are ostensibly deferred wages of the workers. These deferred wages are used to reproduce capitalism and those of the greedy elites.

**Therefore resolve:**

1. To call for compulsory provident/pension fund benefit and related insurance in all sectors and workers must be allowed to withdraw a portion of their funds as relief for disasters.
2. To ensure that the Presidential Proclamation of the GEPF Law for the accelerating of the rules changes in favour of the members, pensioners and beneficiaries is retained.
3. To call for a single legislation across the whole retirement fund industry for coherency and consistency.
4. To ensure that all pension funds are based on the UIF model in order to universalise their utilisation.
5. To call for UIF contributions to be made compulsory across all sectors.
6. Pensions legislation in particular the old Pension Funds Act of 1956 and all other relevant legislations be amended in favour of the owners of these deferred wages including fundamental restructuring of the Board of the Financial Sector Conduct Authority to reflect the workers (be reformed to the benefit of workers).
7. COSATU to do further research in collective bargaining in the rules of the various pension funds, including the legislation that is favourable to workers and pension funds and benefits.
8. To educate workers on the distinction and the importance between prescribed benefits and defined benefits.
9. The Federation must develop a policy position on the design of the National Social Security Fund, as a public fund that is centrally administered to provide pensions, death and disability benefits and unemployment benefits for the unemployed, casual, temporary and informal sector workers.
10. To develop internal capacity to ensure the enforcement of the law against non-compliant employers in terms of contributions to retirement insurance, pension funds boards, management and administrators that misappropriate workers' savings are held accountable.
11. To campaign for a resourced, reformed and restructured Financial Sector Conduct Authority to regulate and enforce against non-compliant employers, trustees, and service providers, in the interest of workers.
12. To assess our implementation of the resolution on training of trustees and provide data on the number of trustees trained, the content of their training and how they influence investment decision. A report should be produced by the next Central Committee.
13. To finalise our position on the proposed amendments to the pension laws to introduce the prescribed assets and ensure that our pension funds are invested securely, in productive economic sectors, contribute to the development of the marginalised communities and generate sustainable returns for the members' retirement savings.
14. To engage government and the Financial Sector Conduct Authority through NEDLAC structures to ensure that unclaimed pension funds are not squandered and create dedicated structures to actively drive and monitor the tracing of beneficiaries both in South Africa and across SADC. This must include holding the bosses responsible to finance initiatives for tracing beneficiaries. Including establishment of Centralized Unclaimed Benefits Fund.
15. To ensure that the use of the GEPF savings to invest in ESKOM has a guarantee stipulating that no assets of the entity must be privatised or lost.
16. To convene a Pensions and Retirement Funds Conference to address among others prescribed assets, Commercial Umbrella Funds (CUF) and union investments, to advance the developmental role of such funds for workers, their communities and their needs, housing, health, education and transport, amongst others.

## **5.4 THE IMPACT OF COVID-19 STIMULUS PACKAGE ON WORKERS AND THE POOR**

### **Noting:**

- a) That progressive taxation regime is not fully implemented in South Africa.
- b) SA only spends 3.5% of the GDP on social protection, vis-a-vis other countries, who spend much higher, hence SA has the space to implement the basic income grant
- c) The implementation of the universal basic income will accomplish a comprehensive social security system and increase broader coverage of those in need throughout the country

### **Believing that:**

- a) Comprehensive social security proposal need not wait for any further delays. Comprehensiveness of the system is being exhausted; stakeholders should focus on the implementation process. SA social security spending is very low, and still has room to be expanded.
- b) Much of the contribution of basic income grant that needs to be better organised and shared is already contributed through Black tax, but without any contribution by the state.
- c) During Covid-19 pandemic the only significant available social protection for workers was through UIF which is workers' contributory fund, nothing from government.

### **Therefore resolve:**

1. To develop a framework towards a comprehensive social security including a Basic Income Grant.

## **5.5 COVID-19 AND OCCUPATIONAL HEALTH AND SAFETY**

### **Noting:**

- a) The pervasive and blatant lack of compliance with the occupational health and safety legislation and regulations by employers, in both the public and private sectors.
- b) The failure of COSATU affiliates to take up campaigns to enforce and monitor compliance with occupational health and safety legislation and regulations in their sectors.
- c) The exemplary role and experience of the NUM on occupational health and safety in mining, quarry, and construction sectors.
- d) The lack of adequate capacity and wilful neglect of responsibility for education, monitoring and enforcement of the occupational health and safety legislation and regulations by the Department of Employment and Labour.
- e) The potential threat of the 2<sup>nd</sup> wave of Covid-19 pandemic on society and on workers.
- f) Growing concerns by trade unions of their members already being retrenched, others working on short-time and other forms of precarity resulting from Covid-19.
- g) Public sector was exposed for non-compliant, non-functional and non-existing health and safety committees.

- h) The COVID-19 pandemic has exposed the low level of compliance with Health and Safety regulations.
- i) Many workplaces had no health and safety committees or health and safety policies.
- j) COVID-19 has presented a new set of challenges to the workplace, challenges that require the vigilance and effectiveness of workers/shop stewards on the shop floor.
- k) The lack of compliance with this direction has necessitated for an insertion of a new section in the direction that allows workers to refuse to work due to exposure to COVID-19.
- l) The challenges that were brought about during COVID- 19 including non-compliance by the Employers in all sectors.
- m) The negative flow of the economy even prior to COVID 19 and the unpreparedness of the government when the pandemic attacked the Country.
- n) The possible challenges and the state of readiness towards the alleged second wave demands increased capacity in every way possible.
- o) Some of the workers have not received their TERS benefits.

**Believing:**

- a) That the Occupational Health and Safety Act of 1993 is outdated and inadequate, whereby its gaps and loopholes are filled by excessively accumulating secondary regulations.
- b) There is a need to update this legislation and the incorporation of many of the provision of the regulations into the act itself as the primary law.
- c) Covid-19 is increasingly utilised as a weapon by employers to unilaterally apply section 189 (especially 189A), as well as race to the bottom wages.
- d) OHS legislation needs integrated approach incorporating both OHS as well as HSSE measures.
- e) Trade unions have the responsibility to protect and defend workers in the workplace.
- f) For the workers to survive this pandemic we need shop stewards on the ground who will have the relevant knowledge of the various occupational health and safety guidelines and regulations.
- g) Health and Safety committees are not established in most of the work- places
- h) The arrogant attitude of employers in relation to complying with the rulings and awards from dispute resolutions centres or labour court.
- i) Challenges in payment of TERS and corruption.
- j) Non-compliance and violations of OHS laws must also be addressed through the prosecution of the relevant managers of workplaces and severe financial penalties.
- k) A new OHS legislation must also address existing gaps, including issues such coverage for trauma and other psychosocial suffering and deaths caused by incidents and accidents on duty.
- l) We must raise public consciousness about the still prevalence of the Coronavirus and the danger of the second wave and its socioeconomic consequences.

**Therefore resolve:**

1. To campaign for the introduction of an updated OHS legislation. This must include the creation of an adequately financed and staffed inspectorate for effective education, monitoring and enforcement.
2. To work with the SACP, in driving the occupational health and safety campaign the broader agenda of workplace transformation.
3. To ensure that all affiliates develop campaigns in their sectors on occupational health and safety, including:
  - a. Programmes for education and training for the capacitation of shop stewards on health and safety legislation and regulations.
  - b. Establishment of the workplace OHS Committees in line with the legislation.
  - c. Ensure workers' active participation in the enforcement of the law and regulations, including in the conduct of risks assessments and the development of the workplace health and safety plans. This must also include prioritising infection control and prevention measures and the personal protection equipment related to the Coronavirus and regulations dealing with COVID-19.
4. To prepare clear programs and campaigns to save jobs in the 2<sup>nd</sup> wave of Covid-19.
5. To call for a dispute resolution mechanism in relation to COIDA. This must include amendments for coverage for psychosocial consequences experienced through trauma.
6. To call for increased capacitation in terms of additional inspectors and resources for the OHS directorate.
7. To call for the local procurement and production of PPEs.
8. To call for the inclusion of COVID-19 in the occupational diseases.
9. To put the "right to refuse dangerous work" back onto the agenda. Including in the case where the necessary Personal Protective Equipment is not provided.
10. To embark on campaigns to improve all the Health and safety benefits
11. To ensure that all affiliates have Health and Safety Committees.
12. To ensure the extension of TERS for workers whose jobs have been affected by the lockdown.