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The shifting dynamics of the relations between institutionalisation and strike violence: A case study of Impala Platinum, Rustenburg (1982-2012)

Crispen Chinguno

A thesis submitted to the Faculty of Humanities, University of the Witwatersrand, in fulfilment of the requirements of degree of Doctor of Philosophy (Sociology)

Johannesburg, 2015

Declaration

I declare that this is my own unaided work submitted to the Faculty of Humanities, University of Witwatersrand for the fulfilment of the Doctor of Philosophy degree **(Sociology)**.It has not been submitted before for examination in any other university.

Signature _____ Date_____November 2015_____

Crispen Chinguno

Johannesburg

Abstract

This dissertation explores the shifting patterns of institutionalisation of industrial relations and violence in strikes over a period of thirty years, shaped by the transition from apartheid to democracy. It draws from an ethnographic study of Impala Platinum mine between 1982 and 2012 and some analysis of the Lonmin Platinum strike in 2012. It traces the trajectory of institutionalisation from the period of apartheid despotism, the transition to inclusive and participatory industrial relations system, through to the second decade after the democratic transition. The overriding aim of this study which is informed by theories of institutionalisation of industrial relations is to understand how workplace order is attained, sustained, challenged and change overtime. This dissertation argues that the institutionalisation of industrial relations is highly unstable, precarious and generates new forms of conflict and worker solidarity. It is continuously being (re)configured, and violence is part of this making, remaking and unmaking of order. This cycle informs the nature and repertoires of strike violence. This thesis shows the ambiguity of institutionalisation of industrial relations as a source of power. It simultaneously empowers and dis-empowers. It confers rights and at the same time constrains how the rights may be exercised. The broader context shaping the South African labour relations before the democratic transition was informed by apartheid which produced a despotic labour regime and an insurgent trade unionism characterised by various forms of violence. This resulted in institutionalisation of negotiations and recognition of the National Union of Mineworkers (NUM) at Impala Platinum in Rustenburg. This process of institutionalising industrial relations and bureaucratisation of the union happened in the context of broader national democratic transition and shift to an industrial democracy. The NUM evolved into a dominant and highly institutionalised union at Impala Platinum and nationally. The industrial relations shifted from

non-hegemonic to a hegemonic system in which class relations were sustained through consent. Consequently, insurgent trade unionism was institutionalised but ironically crystallised into a class compromise which undermined the attainment of union goals. This simultaneously generated some elements of insurgent trade unionism from below by 2009. The study observed that insurgent trade unionism characterised by informal structures and networks challenging the institutionalisation of industrial relations was renewed or reinvigorated reasserting resistance to the co-option of the union by 2012. The primary contribution of this thesis is that it develops a typology explicating the variations of institutionalisation of industrial relations and violence in strikes over time, capturing different and complex power relations: 'ideal institutionalisation', 'de-institutionalisation'and're-institutionalisation'. Ideal institutionalisation of industrial relations crystallizes a particular balance of organisational and institutional power and when this is disturbed it may be (re)configured. Ideal institutionalisation is attained and sustained where organisational power commensurate with institutional power. Moreover, if the balance dissipates and or is not sustained, there is bound to be a shift/backlash towards de-institutionalisation or unmaking of institutionalisation of industrial relations. The transition of institutionalisation of industrial relations is a function of power play between capital and labour mediated by the state and tied to worker agency. This thesis sheds light on how worker agency continually changes shaping the industrial relations and how a diverse workforce attempts to overcome divisions and fragmentation through forging solidarity including utilising coercive means, conceptualised as a 'violent solidarity'.

Key words: institutionalisation, strike violence, industrial relations, trade union, insurgent unionism, violence.

Dedication

To all who support the struggle, education and emancipation of those at the margin.

To **Shingirai, Danai and Chiedza** this is an inspiration for you to reach great heights- *Teverai muhwezva uyu usikadzimiki kusvika kumanhengeza!*

Kune vakasara kuMbire, Guruswa , vari Mashwenya-Putukezi, Nyanyadzi, Nyazvidzi, Chikore-Chipangara:Dakate,Mabope,Zengeni,Tamboyekechi,Mashwenya-Davi Muyaphi Chinguno(Madakadze), Nhope Sarah Chinguno, Kuziyana Masasi Mujati, Edison Mubonani Mujati, Chengeto Dzvimbu Masasi, Kingdom Mubuso Chinguno mbiri yenyu ngaikudzwe - ngaiende mberi!!!

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List of Abbreviations and Acronyms

ABET	Adult Basic Education and Training
AMCU	Association of Mineworkers and Construction Union
ANC	African National Congress
AMWU	African Mine Workers Union
AWUSA	African Workers Union of South Africa
BEE	Black Economic Empowerment
BONUME	Bophuthatswana National Union of Mine Employees
CBA	Collective Bargaining Agreement
CCMA	Commission for Conciliation, Mediation and Arbitration
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPI	Consumer Price Index
CSVR	Centre for the Study of Violence and Reconciliation
CUSA	Council of Trade Unions of South Africa
DMR	Department of Mineral Resources
FMU	Federated Mining Union
FOSATU	Federation of South African Trade Unions
GDP	Gross Domestic Product
GENCOR	General Mining Union Corporation
Genmin	General Mines
ICA	Industrial Conciliation Act
ILO	International Labour Organization
JCI	Johannesburg Consolidated Investments
LOA	Living out allowance

LPD	Lonmin Processing Division
MEC	Mineral Energy Complex
MPRDA	Mineral and Petroleum Resources Development Act
MSOA	Mine Staff Officials Association
MSOA	Mine Surface Officials Association
MWU	Mine Workers Union
NEDLAC	National Economic Development and Labour Council
NRA	Native Recruitment Authority
OHS	Occupational Health and Safety
PDP	Lonmin Processing Division
PGMs	Platinum Group of Metals
RBN	Royal Bafokeng Nation
RDOs	Rock Drill Operators
RDP	Reconstruction and Development Programme
RENAMO	Mozambique National Resistance/Resistência Nacional Moçambicana
RPH	Rustenburg Platinum Holdings
RPM	Rustenburg Platinum Mines
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SADC	Southern African Development Community
SALB	South African Labour Bulletin
SANDF	South African National Defence Force
SAPS	South African Police Service
SATS	South African Transport Services
SWOP	Society, Work and Development Institute

TEBA	the Employment Bureau of Africa
UNITA	National Union for the Total Independence of Angola
NUM	National Union of Mineworkers
USA	United States of America
UWUSA	United Workers Union of South Africa
WMPU	Worker Mouth Piece Union

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Chapter 1

Introduction and Methodology

Introduction to the research problem

On the 16th of August 2012 the South African Police Service (SAPS) opened fire in a military combat style on a group of Lonmin Platinum employees gathered for an unprotected strike[1]. These workers assembled on a kopje (rock outcrop) between the company's base metal refinery and the Nkaneng informal settlement in Marikana. This attack killed 34 workers and was a culmination of a contestation which turned into the Marikana massacre or as some prefers tragedy[2]. Prior to this ten people including two police officers and two security guards, were killed in various incidents of violence that characterised the strike. The police officers and security guards were hacked to death in clashes with the workers. The violent clashes were not just between the workers and the police but also had an intra-worker dimension. At least four workers were killed by their fellows over breaking the strike. Two other workers were killed in clashes with the police.

Ultimately, this strike claimed over 50 lives in various episodes of violence. It was the peak of an unprecedented strike wave that began in January 2012 at Impala Platinum and spread across the platinum belt. It further shifted to other sectors: iron ore, chrome and agriculture. At the time field work for this project had already started at Impala Platinum. The researcher was on the ground exploring variation of institutionalisation of industrial relations and how violence in strikes changes over time. The strikes shared a number of common characteristics such as similar repertoires and claims. The workers exhibited a high level of militancy and rejected representation by the National Union of Mineworkers (NUM) which at the time was the main trade union in the sector and country. In other words, the workers rejected the institutionalised industrial relations system which otherwise underpins post-apartheid industrial relations. They

[1] In South African industrial relations this refers to a strike organised outside the recognised institutions of industrial relations. In such strikes workers have no protection from dismissal by the employer.

[2] There was contestation within the trade union fraternity on the naming of this incident .COSATU reframed from calling this a massacre and preferred naming this the Marikana tragedy. This came out as part of the deliberations at its congress in 2012.

organised dissent through independent workers' committees outside formal institutions of industrial relations and presented their demands directly to management. This level of worker militancy was unprecedented. It represented a form of insurgent unionism. This was unfolding almost 20 years after the democratic transition and the adoption of a hegemonic industrial relations framework based on institutionalisation and collective bargaining.

To understand the changes in the post-apartheid industrial relations, it is important to reflect on the South African experience before the democratic transition. Back in the early years of South Africa's industrial capitalism, in 1922 over 150 gold miners were killed and at least 500 injured by the state military and air force for protesting against blacks taking jobs reserved for whites in what became the Rand Massacre. This was in a different context in which the labour relations were based on non-hegemonic and coercive industrial relations regime. Over 5000 workers were arrested following this strike. We can draw a number parallels with the 2012 Marikana Massacre. During the apartheid and colonial period the labour relations were based on racial despotism. A black mineworkers' strike in 1946 resulted in the violent death of over 12 workers and 1200 injured in violent clashes with state security. Over 50 worker-communist leaders were arrested in this strike (O'Meara, 1975). At the peak of the apartheid crisis at least 6 workers were killed in violent intra-worker clashes during a strike at South African Railways in 1987. In another strike in 1988 at Afcol Company (June 10-17) thirty workers were killed by their fellows. During the apartheid regime violence in strikes was explained by the lack of comprehensive institutionalisation of industrial relations for black workers. This was expected to lose salience following the democratic transition.

Yet in 2006 security guards went on a violent and protracted national strike and over 60 workers were killed in a spat of violent clashes. This has been the most violent and fatal strike wave post-the democratic transition. Similar violent clashes have been characteristic in many strikes including the 2007 public sector strike, 2009 municipality, police, military, 2014 post office strike, construction and other strikes.

Although the strikes illustrated above share a number of similarities in the repertoires of violence and how the workers organised dissent, they are nevertheless not homogenous. They happened in different political and industrial relations regimes and at the same time draw continuities and variations. These strikes are drawn from both the apartheid and post-apartheid regimes. In

advanced capitalist polity, industrial conflict and violence in strikes are managed through the process of institutionalisation of industrial relations (Buchanan, 1994). This thesis explores how the institutionalisation of industrial relations and strike violence shifts overtime. The institutionalisation of industrial conflict is based on the development of institutions designed to manage industrial conflict and to avoid the use of coercion (Powell, 2005). It is underpinned on the principle of voluntarism, social dialogue and collective bargaining. This also promotes strong trade unions which function as the instrument and vehicle of institutionalisation.

It is important from the onset to highlight that the process of institutionalisation of industrial relations is contradictory as it distributes and arranges power in a particular way which may be viewed as either equal or unequal. On one hand, it may be perceived as a compromise and ideal means of striking a mutual deal between two opposing sides in industrial relations. On the other, it may be a form of capitulation by either of the sides within the realm of industrial relations. Institutionalisation involves the establishment of institutions for the purpose of regulating and managing conflict through the process of collective bargaining. These structures outline the rules of the game in industrial relations and shape the interaction between the parties in employment relationship.

This thesis aims to explain how the institutionalisation of industrial relations and strike violence shift overtime by following the trajectory over a period of thirty years. An exploration of industrial conflict (strike violence) reflects the wider power relations in the employment relationship. This contributes towards understanding the shift in the institutionalisation of industrial relations and strike violence and how these shape the way industrial relations evolve. This unpacks the historical changes in the industrial relations in different political and workplace regimes. This study integrates research on changes in the institutionalisation of industrial relations with analysis of violence in strikes. This approach serves as a general test case in understanding both violence and industrial relations. The question of institutionalisation of industrial relations and strike violence poses a fundamental sociological question about how we should understand and explain workplace order and disorder.

The institutionalisation of industrial relations is ideally a culmination of a balance of power between the employer and a trade union. An increase in the worker's power adversely affects the

interests of capital but to a certain point where this turns beneficial (Wright, 2000). Class compromise between capital and labour mediated by the state constitutes one of the bases of democratic capitalist regimes (Buchanan, 1994). Institutionalisation of industrial relations constitutes the framework of attaining the class compromise. Post-apartheid South Africa to a large extent fits into this democratic capitalist paradigm.

The institutionalisation of industrial relations creates the structural base for capital and labour class compromise (Buchanan, 1994). The state, capital and labour all have interests in the institutionalisation of industrial relations because of potential mutual benefits. For labour institutionalisation guarantees a political voice and economic redress which makes it imprudent to pursue revolutionary options (Buchanan, 1994). Ultimately, the forging of the institutional base for class compromise is critical for the consolidation of the democratic capitalist state (Buchanan, 1994). However, class compromise is precarious, fragile and vulnerable. Its stability depends on the power and interests that characterize the relationship between capital and labour (Buchanan, 1994). This is because the capitalist system has no capacity to forge a more or less permanent class compromise between capital and labour (Przeworski, 1985).

In the new democratic dispensation, the right to strike in South Africa constitutes part of the constitution's Bill of Rights. The industrial relations regime post the democratic transition is underpinned by industrial democracy and the institutionalisation of industrial conflict. The Labour Relations Act Chapter 66 of 1995 recognizes the freedom of association, collective bargaining and provides for the establishment of institutions for the resolution of disputes: the Commission for Conciliation, Mediation and Arbitration (CCMA) and the labour court.

This thesis draws from the experience of Impala Platinum with some discussion of the 2012 Lonmin Platinum strike. It examines the variation of institutionalisation of industrial relations and strike violence in different socio-economic and political context and workplace regime. It explores strike violence in one company over a period of 30 years – in other words, it explores variation overtime, and a time that was specifically characterised by a changing political context, the struggle for, and transition to democracy. Coupled to this exploration of variation of institutionalisation and strike violence is the story of the rise and decline of trade unionism post the democratic transition**.** This is tracked from the period of apartheid worker insurgency 1986-1992, institutionalisation (from 1994s), co-option (2000s) and the resurgence of worker

insurgency in 2012. This story is captured in the rise of the NUM and its subsequent demise in the platinum belt. This happened almost two decades after the democratic transition. Its demise in the platinum belt happened with the rise of Association of Mineworkers and Construction Union (AMCU) as the backdrop.

Aim and problem statement

This study explores the changes to the institutionalisation of industrial relations and violence in strikes over time. The overriding aim of this dissertation is to investigate and understand the shifting patterns of violence in strikes in relation to institutionalisation of industrial relations over a period of thirty years which was shaped by the transition to democracy. The distinctive feature of this thesis is its examination of changes in institutionalisation of industrial relations and strike violence in both the apartheid and post-apartheid workplace regimes. It traces this from apartheid despotism, the transition phase and into the second decade after the democratic transition.

Research questions

This study aim is to explore the shifting patterns of institutionalisation of industrial relations and strike violence over a period of thirty years shaped by the transition to democracy. The study is anchored around the following research questions:

How is the workplace order attained, sustained, challenged and undermined, and how this change over time?

How does institutionalisation and violence in strikes change over time?

What accounts for the variations in institutionalisation of industrial relations and strike violence over time?

In order to address these research questions, empirical data was drawn from a case study of Impala Platinum in Rustenburg with some discussion of the 2012 strike at Lonmin Platinum in Marikana as a follow up to a pattern. The study covers the period 1982-2012 which captures diverse social, political and workplace regimes. This period encompasses a number of key changes in the South African industrial relations and work place regimes. This presented an opportunity for a comparative understanding of the experiences of institutionalisation and strike

violence at Impala Platinum in different workplace regimes. This research question was conceived in 2010 and fieldwork commenced in 2011. A strike wave which started at Impala Platinum at the time when the researcher was conducting fieldwork at the site at the beginning of 2012 broadened the scope of the study. The strike wave spread across the platinum belt and shifted to iron ore, chrome and agriculture sectors. The strikes were characterised by violence, militancy, rejection of NUM and the organisation of workers' dissent through independent informal structures. This represented a form of insurgent unionism as the workers were uprising against an institutionalised industrial relations system. This presented to the researcher a live experience of the phenomenon as it unfolded. The fieldwork was extended to Lonmin Platinum as a follow up of the earlier strike at Impala Platinum. The two contexts served to broaden the understanding of strike wave violence.

The challenge of researching violence in strikes

It is important from the onset to put forward that the question of studying the variation of institutionalisation of industrial relations and violence in strikes raises a number of problems. First, a strike action is not always a violent phenomenon. In fact many strikes are not violent. Violence is thus a direct action by relation and often reflects an escalation or de-escalation in the industrial relations dispute. It is a manifestation of industrial conflict. A study that focuses on strike violence raises many conceptual issues. For example, what constitutes violence? Whose violence matters? The definition of violence as a phenomenon is complex and is often contested. It is often difficult to agree what it is and what it is not and how to analyse it. The other challenge is the polysemic nature of strike violence, that is to say, it evokes various meanings and interpretations and its shape and meanings are dynamic and slippery. Strike violence has to be disaggregated and understood in the broader socio-economic and political context.

The research argument

This thesis argues that the institutionalisation of industrial relations is highly unstable and precarious and has potential to generate new forms of conflicts and worker collective solidarity. The institutionalisation of industrial relations is not fixed or static but shifts from one form to another and in the process distributes and arranges power in a particular way. It is continuously being (re)configured, and this cycle informs the nature and repertoires of strike violence. The thesis postulates that the transition from one model of institutionalisation of industrial relations is a function of power play between capital and labour mediated by the state. The ideal institutionalisation of industrial relations crystallises a particular balance of power and when the underlying forces change, other forces and power emerge, resulting in a shift to a different form of institutionalisation. This research identified three different models of institutionalisation which capture different and complex power relations and further argues that for ideal institutionalisation to be attained and sustained there is need for organisational power to be commensurate with institutional power. There is a certain level of balance between these two sources of power and if this is not attained, ideal institutionalisation may not be attained. Moreover, if the balance dissipates and is not sustained there is bound to be a shift/backlash towards de-institutionalisation. The process of shifting from one genre of institutionalisation is tied to worker agency and violence. This dissertation demonstrates how agency continually changes and how workers attempt to overcome divisions and fragmentation through forging different forms of solidarities.

The Methodology

Research design

This section presents the philosophical assumptions underpinning this study and introduces the research strategy and techniques adopted. It outlines the scope and limitation of the research design and situates the study amongst traditions in social science research. Underpinning this research is an interpretive philosophical assumption based on a subjective epistemology and ontological assumption that view reality as a social construction.

At the onset, the researcher intended to address the question of changes in the institutionalisation of industrial relations and strike violence drawing from a quantitative research framework. A

review of primary and secondary data suggested that there was no coherent pattern. This necessitated the shift to a qualitative research approach and the adoption of a case study research design which entails describing a phenomenon drawing from the views of the participants. Qualitative differs from quantitative research which attempts to measure and analyse the causal relationship between variables whilst qualitative research focuses on the quality of the entities and how social experience is constructed and given meaning (Denzin and Lincoln, 2008:14).

The extended case study/ reflexive ethnography

This thesis draws from Burawoy's (2003) reflexive ethnography or extended case study as the overriding methodological framework. This allows the extension from micro to macro process as social systems are not insulated from the broader context. The study started with theory to problematize the question and aimed at rebuilding theory. It started with theory as a lens to see the world as the empirical world will always challenge theory. This is based on the following four critical dimensions (Burawoy 2003):

Extension of researcher into participant's world: This draws from the argument that we are part of the world that we study. In conducting this study the researcher joined the participants into their world i.e. space and time as a non-participant and participant observer. The researcher lived with the platinum sector workers in their neighbourhood for 18 months in Rustenburg and the adjoining communities. During this period the researcher attended many meetings (trade union and community), conferences and workshops, shadowing union workers and committee leaders.

Extension of observation over time and space: The study focuses on the period 1982 to 2012 which covers different socio-economic and political contexts and workplace regimes. This enabled in-depth analysis of the social process overtime. In addition, the collection of evidence was on-going for five years (2010-2014). Observation is one of the principal methods in ethnographic studies premised on learning from the informant (Baszanger and Dodier, 1997). Observation allowed the drawing of variation. This is significant as it is common for people to say something in interviews that turns out to be different from what they do. Observation is appropriate when the phenomenon is somehow hidden or invisible from view and there are important differences between the views of 'outsiders and insiders' (Jorgensen, 1989: 12).

Observation allowed the researcher to take full account of the events as they unfolded and to have a better understanding and interpretation of other findings (Neuman, 2000). The researcher was immersed in the activities of the participants by living with them, attending meetings, conferences, workshops and forums where he accessed stakeholders from different levels and observed the covert and overt instrumental use of violence and intimidation during strikes. This was supplemented by informal interviews and discussions. This gave an exposition to the activities of the organisation which allowed the researcher to understand different roles of participants and structures of organisations. The observation was in the current social settings of the subject which the researcher wanted to penetrate and learn about (Neumann, 2000). This draws from the argument that we cannot study the social world without being part of it (Atkinson and Hammersley, 1994: 249; Burawoy, 2007). The researcher was thus in the process transformed from being an outsider to an 'outsider-insider'.

Extension of micro to macro processes: Social situations are not insulated from the broader context as there cannot be 'micro processes without macro forces or macro forces without micro processes' (Burawoy 2007:09). Hence by looking into a case study the research was able to explore how the micro shapes and is shaped by the macro. This is underpinned by the idea that the micro-level understanding of the phenomenon may be the building block for a broader understanding of the variation in strike violence.

Extension of theory: The study started with an intention to extend and rebuild the theory on institutionalisation of industrial conflict. To problematize the research question, the study drew from the theory on institutionalisation of industrial relations and industrial conflict and three perspectives that underpin the explanation of strike violence and institutionalisation of industrial relations in South Africa in different workplace regimes – McNamara (1985), Webster (1989) and Von Holdt (2003, 2010, 2012, 2013). The intention was to extend theory in line with Burawoy (2007) who argued that 'we cannot see social reality without theory just as we cannot see the physical world without our eyes'. These perspectives constituted the framework that guided this study.

The case study: Impala Platinum

The methodology and research design adopted in this study aimed at exploring the shift in the institutionalisation of industrial relations and violence drawing from the experience of Impala

Platinum (also with some discussions of the Lonmin Platinum 2012 strike). Although the primary focus of the study was Impala Platinum (1982-2012), a strike wave that started at Impala Platinum in 2012 justified the tracking of the wave to Lonmin Platinum to gain an in-depth understanding of the underlying dynamics. This enabled the sociological analysis of the shift in the institutionalisation of industrial relations and violence across different times and spaces.

The study adopted a triangulation of methods (interviews, observation and documentary analysis) to enable the collection of data from different sources. This enabled the phenomenon to be viewed from different dimensions to enhance internal validity and reliability. The qualitative method allowed opportunity to fully understand how individuals and group structures give meaning to actions and to their daily life (Berg, 1995; May, 1994; Morse, 1994). Strike violence is often associated with informal networks and activities. As such, in-depth qualitative interviews were essential for penetrating below the informal structures and practices of this slippery world. Interviews were the main source of data gathering. In-depth interviews and semi-structured interviews were conducted with over 100 workers, managers, trade union officials and other informants.

Documentary sources were used for gathering both primary and secondary evidence. This evidence was critical in understanding the dynamics and preceding strikes at Impala platinum in the 1980s. The 1985 strike at Impala Platinum culminated in the dismissal of 25 000 workers. As a result, not many of the workers encountered in the field were from that era. The researcher was conscious of the potential bias and weaknesses of documentary evidence. The researcher was thus critical of all the documentary evidence and used triangulation of methods to compensate the limitations of the documents.

The analysis for this study is based on a multi-layered qualitative data analysis technique that includes text and thematic content analysis. A case study approach was adopted as this allowed the examination of variations and meanings in detail. A case study approach ensured that this study was more focused and relevant in describing and explaining the dynamics of institutionalisation of industrial relations and violence in strikes over time. This approach provided rich qualitative data which uncovered hidden behaviours and opened an opportunity to critically test specific phenomenon i.e., the nature and the source of the variation. The case study ensured that the study was more focused and relevant in describing and explaining the changes in

the institutionalisation of industrial relations. The adoption of a case study approach was in recognition of the fact that the process through which workers construct narratives about the meaning of work is socially situated in localities that are also being shaped by workers' solidarities and struggles. A case study approach reinforces grassroots discourse (Barchiesi, 2011). This constructs a micro-level understanding of the phenomenon which is a building block for a broader understanding.

It has been argued that the mining industry in South Africa reflects attitudes and practices of the broader society and that violence in strikes is often connected to the broader socio-economic and political context (Sachs, 1952; Chinguno, 2013). The major motivation for this study was the observation that although the level of strikes has declined after the 1994 democratic transition, violence remains a significant component of the South African industrial relations. This raised the questions about the post-apartheid industrial relations order. The next task was to select a specific sector in South Africa. This stage was influenced by a number of factors. The mining sector was one of the most strike active sectors between 1994 and 2012 along with manufacturing and community services (Macun, 2015). Sachs (1952) argued that 'not only has the mining industry exercised almost unchallengeable power over our economic life but also, it has largely determined the hybrid social development of the country, made and unmade governments and political parties and influenced the cultural and intellectual life in the country." In addition, the platinum sector labour relations in the period before this study had been volatile and in many ways reflected some of the apartheid regime repertoires. This raised many sociological questions on how we should understand order and dis-order in post-apartheid South Africa and how this is attained.

The selection of the platinum sector was also informed by the fact that the sector has since 2004 become the biggest mining sector in South Africa and yet there is a dearth of ethnographic research focusing on it. Impala Platinum was selected as a specific case study for a number of reasons. At the time when this project was conceptualised, it was home to the biggest trade union (NUM) branch in terms of membership. At the time, NUM was the biggest union in the country. It was also one of the earlier sectors after the motor sector to have fulltime shop stewards in the country which illustrated a shift from one extreme of institutionalisation to the other. Furthermore, as a case study it is easy to manage and compare different periods over time as

almost all its operations are confined within a 20 kilometre radius. In addition, the labour relations at Impala Platinum are characterised by historical shifts in the regimes characterised by mix of violent and non-violent strikes and the existence of literature on it.

Reflexivity and navigating the field

One of the major questions in social science research is how to manage personal bias and prejudice. Following the positivist tradition research is supposed to be value neutral and objective but this is often not the case. As researchers we have to be conscious of our personal position and our internalised structures and how this may affect objectiveness (Bourdieu, 1990). This study draws from Bourdieu's (1990) thesis on how to minimize bias and self-blindness in social science research. Bourdieu (1990) reviews the question of reflexivity in social science research and argues that the researcher has to deploy reflexive sociology in the research process. This refers to a special skill in checking presumptions and taking account of one's personal circumstance. Bourdieu (1990) further refutes the claim that the researcher has to be neutral in order to be objective. He argues that a researcher can never be innocent or not contaminated by interest and past experience. He further argues that the taking of a neutral position can have the opposite effect to the intention. Bourdieu (ibid) further argues that being conscious of personal bias and prejudice enables the researcher to free self from such prejudices and therefore becomes part of the solution to the problem.

In line with the thesis postulated by Bourdieu (1990) it was thus not possible to conduct this study free of bias and prejudice. The sociological inquiry of the research questions raised in this study was influenced by the values, interests and personal life experiences of the researcher. This determined the choices in conceptualising the research problem, research approach, the negotiation of entry into and exit from the field, the way data was collected and the selection of research subjects and the power relations between the researcher and the participants. In negotiating this complex circumstance, the researcher was guided by Bourdieu's (1990) thesis on sociological reflexivity. The researcher was conscious of the personal bias and prejudice and this enabled him to free self from such.

The researcher's status as an 'insider', being a former union member and leader with hands on experience in leading a number of strikes, and the ability to speak some of the main local languages and at the same time being an outsider as a non-South African university graduate student was critical to understanding the underlying dynamics and meanings. The researcher interacted with informants at different levels but deliberately avoided over reliance on official institutional sources to give the ordinary agents such as workers a voice. The former position of the researcher as a trade union leader enabled easy access and trust by the workers at the shop floor. However, this past identity undermined neutrality. In negotiating the field and the process of data collection, the researcher thus drew on sociological reflexivity to overcome the various forms of bias.

The researcher was introduced to the platinum belt in 2010 by a fellow student at the University of the Witwatersrand who worked as a union organiser for one of the small mining unions in the platinum belt, the Mining and Engineering Workers Union of South Africa (MEWUSA). The study reviews the contentious and shifting patterns of violence in relation to institutionalisation of industrial relations. As a result, some of the interviews were not formal and not entirely audio recorded. The sensitivity of the subject (strike violence) also demanded the building of trust and rapport with the participants. Part of the participant observation included shadowing some of the union branch officials and independent committee leaders.

When the strike started at Impala Platinum in 2012, the workers claimed that there was a media blackout on the strike especially by the media aligned to the African National Congress (ANC) and Congress of South African Trade Unions (COSATU) given that the strike was a direct challenge to their ally, National Union of Mineworkers (NUM). The leaders of the strike identified the researcher as a potential link to the outside world and thus requested him to invite the media to some of their events and mass meetings. They claimed their side of the story was being subdued. The researcher invited a number of media houses using student networks in Media and Journalism at the University of the Witwatersrand. *The Mail and Guardian* and *Reuters* were the first to show interest in what was unfolding in the platinum belt. The researcher thus became part of the strike and in the first week assisted some of the journalists to navigate

their way across the various operations of Impala Platinum and to meet the workers and their leaders at various places including mass meetings, hostels, informal settlements and others.

The employer also had his side of the story. One of the main narratives from the employer was aimed at discrediting the strike as an absurd and barbaric act sustained by violence. Accordingly, the employer invited the media to a 'parade' of injured workers who had been admitted at a company hospital. *The Mail and Guardian* received an exclusive invitation that included access to the injured workers on their beds at the hospital owned by Impala Platinum. This invitation was extended to the researcher by one of the invited journalists. The researcher utilised this opportunity to gain an in-depth understanding to the questions raised, especially on the use of violence. He had an opportunity to have a face-to-face interaction with some of the victims of the violence that characterised the strike. Many of them were victims of intra-workers' violence that targeted strike breakers.

The strike involved a contestation by three principal sides: the NUM, Association of Mining and Construction Union (AMCU) and the employer. The nature of the study demanded the researcher to interact with all the parties and to maintain neutrality. The researcher maintained the same level of interaction with all the sides. He attended mass meetings and other events organised both by AMCU and NUM, including those organised by the independent committees. However, because of the tension and acrimony between the two sides, there was always a risk of being labelled an *impimpi* (spy) of one of the sides. This manifested in a number of experiences during the strike and after. There are two specific events that captured this experience. The field research for this project started with a pilot study in 2011. At the onset of field work, at Impala Platinum, the researcher got access and was attached to the NUM North and South branches. At that time, NUM was the majority union and AMCU did not have any members at Impala Platinum. Access was negotiated through the union and management. However, the researcher was quick to establish independent networks within Impala Platinum and for most of the field work did not rely on either the union(s) or management.

The 2012 strike wave culminated in the displacement of NUM by AMCU. At the time, the NUM branch officials had been evicted from their offices and displaced by committees that later

transformed into the structures of AMCU. The researcher was well known to the committees that took over the branch offices and assumed shop floor leadership at both the North and South branches. During the strike, a senior committee member from the North branch who was one of the prominent leaders of the committee that led the strike visited the South branch at the time the researcher was conducting field research there. When he arrived, the researcher was in one of the offices and in conversation with some of the branch leaders. At the time, the committee was suspicious of enemies. The senior committee member interrogated the researcher for more than two hours to establish the motive behind the research. He nevertheless remained apprehensive even after this was well explained. He ordered the researcher to be put on 'house arrest' and confiscated research material. After almost three hours of being held hostage, an unfamiliar and intimidating face entered the office where the researcher was detained. He inquired from the researcher with some level of authority if there was any problem. After conversing with the researcher, he directed that the researcher must be released, welcomed and be protected. The researcher only learnt a few days later that this formidable man was a prominent *sangoma* who was assisting the workers during the strike.

The suspicion against the researcher was also expressed by the opposite side in the contestation. During the fieldwork, the researcher met and collaborated with Raphael Botiveau, a fellow PhD researcher from France who was investigating collective bargaining and the rise of the NUM. He was hosted by NUM which apparently gave him unlimited access to all its internal structures and events. He was assisted by NUM to set up part of his itinerary for fieldwork and meetings. One of the days after an encounter in the field, Botiveau and the researcher had lunch at a restaurant in Rustenburg town CBD and were spotted by some NUM branch officials and members. Botiveau was later confronted by some of the NUM officials who were concerned about his relationship with the researcher of this project. They indicated that it was now difficult for them to trust him after seeing him with what they referred as an 'AMCU person', - an enemy by implication. This experience raises questions on the position of a researcher in general – when there is a conflict, should the researcher take a side or remain neutral?

Ethical considerations

This study followed contemporary best practice guidelines in conducting social science research. This was assured through the adoption of good ethical practice research. This entails the protection of participants in the research, the recognition of the involvement of communities in the research as well as recognition of power relations within and between organisations. Some of the issues raised in this study relate to the questions of violence during strikes. This raised questions of disclosure, confidentiality and the need to ensure adequate and informed consent. The following section summaries how the ethical issues raised in the research were managed.

Informed consent

Consent was obtained from all participants by giving as much information about the research and its significance. For audio-recording, consent was also sought and the participants were guaranteed anonymity and confidentiality. Informed consent was mandatory for every respondent before any engagement. The researcher explained the purpose of the study to the respondents and that their participation was voluntary. The data collected was strictly confidential and codified. All participants in this research were selected on a voluntary basis. They were all advised of the right to decline taking part in the study refusing to answer any of the questions (Babbie and Mouton, 2001). In any research, co-operation is fundamental and must be voluntary (Burton, 2000). Towards that end, the respondents were advised in advance that it was within their rights to refuse to answer any of the questions or completely decline to take part if they felt so. This approach guided this research. Participants were also informed in advance that there was no financial compensation for taking part in the interviews.

Risk of informants

Participating in this research did not raise any direct threats to the informants. However, the study involved investigating violence in strikes and some of the participants were either victims or perpetrators. In addition, part of the data was collected in the course of a violent strike action. The contestation generated rivalry amongst the workers and the unions. That being the case, the researcher was conscious of the potential risk to himself and participants.

Privacy and confidentiality

All the formal interviews were conducted in private spaces and no one other than the participants was allowed. All the participants were informed that all the information collated was to be held in confidence and no one was to have access other than the researcher and his supervisors.

Limitations of the study

Yin (2003:10) identifies three common weaknesses of the case study approach which are relevant for this study. These are the lack of rigour due to researcher bias; the use of procedures that are not systematic, and the failure to generalize findings. This critique is drawn from the positivist versus interpretive research philosophical debates and the debate between quantitative and qualitative research methods. The researcher took steps discussed earlier to mitigate this.

The organization of the thesis

The thesis is divided into three main parts. The first part presents the introductory section (Chapters 1, 2, 3 and 4). The second part (Chapters 5, 6, 7 and 8) presents the empirical findings of the study. The third section, Chapter 9, discusses the findings and presents the conclusion of the study. The following section presents an outline of chapters:

Chapter One outlines the main research question, background, purpose and scope of the study. It introduces the research problem, aim and problem statement, an outline of the main research question, and the rationale. In addition, it discusses the methodology, analysis and interpretation of the data as well as the research methods adopted. The methodological approaches and tools used in conducting this study are also explained. It concludes with a synopsis of how the thesis is organised.

Chapter 2 provides a literature review, theoretical and conceptual framework that guides the study by reflecting on the various conceptions and perspectives on the shifts in institutionalisation of industrial relations and violence in different socio-economic and political contexts and workplace regimes. It explores the various debates on institutionalisation of industrial relations and strike violence, particularly how it may shift in a given context. The chapter explores institutionalisation of industrial relations, collective claim making, conflict and strike violence and the key theories that explain this phenomenon. The aim is to introduce the

research problem and situate it in literature. The chapter draws on literature from social change, conflict theory, strikes, and violence, theories on social order and industrial relations. It also explores the contested definition and meaning of institutionalisation of industrial relations and violence in strikes and the rationale.

Chapter 3 introduces the research context shaping the South African labour relations. It explores the historical context and how this sheds light on the understanding of the shift in institutionalisation of industrial relations and violence in strikes.

Chapter 4 gives a comprehensive description of the research site and maps out the settings and circumstances tied to the shifts of institutionalisation of industrial relations and strike violence in different work place regimes at Impala Platinum. It introduces the research site, research subjects, where they lived and what affected their lives and what informed their responses.

Chapter 5 discusses the research findings drawing from the experience of Impala Platinum mines and covers the period 1982-1994.The broader context in this period was characterised by apartheid which produced a despotic industrial relations regime. The industrial relations in this period were characterised by interplay between insurgent trade unionism and a despotic regime. This generated resistance which manifested as various forms of violence. Ultimately, this culminated in a shift towards institutionalising negotiations and recognition of NUM.

Chapter 6 explores the institutionalisation of industrial relations and strike violence in a context characterised by the transition and industrial democracy drawing from the experience of Impala Platinum and covers the period 1994-2011. In this period, NUM evolved into a highly institutionalised trade union and the dominant one at Impala Platinum and in mining in general. In the same period, the industrial relations system shifted from a non-hegemonic to hegemonic system in which the class relations were sustained through consent. Insurgent trade unionism became institutionalised and drifted into a class compromise which shifted into co-option, simultaneously with some elements of insurgent unionism re-asserting from below.

Chapter 7 and 8 explores a renewed or reinvigorated insurgent trade unionism based on very strong informal structures and networks challenging the institutionalisation of industrial relations and leading to its collapse. Chapter 7 draws from the experience of Impala Platinum 2012 strike

which set the pattern of a strike wave that spread across the platinum belt and beyond. **Chapter 8** is a follow up of the strike wave and discusses the Lonmin Platinum 2012 strike.

Chapter 9 is a general discussion and conclusion of the study. It presents a summary of research findings and contribution to new knowledge i.e., the research implications. The chapter draws from the empirical and theoretical findings to explain the variations of institutionalisation of industrial relations and strike violence. It also discusses the major contributions of the thesis to theory and practice.

Chapter 2

Literature Review and Theoretical Framework

Introduction

The literature review maps the main debates and contradictions related to the exploration of institutionalisation of industrial relations and strike violence at Impala Platinum; 1982-2012. It situates the study in relevant theoretical and empirical literature. However, it does not endeavour to be exhaustive given that strike action and violence are manifestations of social conflict. Moreover, violence in strikes is polysemic and always shifting. This study makes an attempt to understand the shift in the institutionalisation of industrial relations and strike violence.

There is very limited extant literature unpacking the manifestations of institutionalisation of industrial relations and strike violence transcending the apartheid and post-apartheid workplace regimes. It is surprising this has not been adequately integrated in literature. This literature review covers two broad themes. The first part is a discussion of the conceptual premises, theories of social conflict and violence, and the theoretical perspective. The second part draws from the debate and scholarship on strike violence in South Africa. Problematizing the literature on violence and industrial conflict in the context of strike violence sets the stage for an explanation of the shift in institutionalisation of industrial relations and strike violence.

Conceptual premises

In this section we draw on the core concepts underpinning the study and the central problem. These are the concepts relevant in unpacking changes in the patterns of institutionalisation of industrial relations and strike violence in different workplace regimes in South Africa. The section explains and clarifies the concepts as used in this thesis.

Institutionalisation of industrial relations

This refers to the development of institutions to regulate and manage conflict through the process of collective bargaining. The institutionalisation of industrial relations involves the distribution and arrangement of power and setting up of structures shaping the interaction of the parties in an employment relationship. The process defines the rules of the game and confers rights but at the

same time outlines constraints to the parties. Institutionalisation may be formal and informal. The informal institutions may compliment or undermine the formal ones. Institutionalisation of industrial relations is fundamental as it reduces uncertainty through the establishment of a stable structure of exchange (North, 1990). This is designed to reduce uncertainties in labour relations by establishing a structure of interaction. The trade union serves as the instrument of this process and for this to be effective it has to be independent and have legitimacy and support from its members.

Institutionalisation involves the setting up of a structure which establishes definite norms which assign the roles and functions of behaviour of the actors (Hunt, 1984). The purpose of institutionalisation is to get rid of uncertainty and spontaneous behaviour with expected, patterned and predictable behaviour. In addition, it limits free choice of the parties. The rationale behind this principle is that it reduces uncertainty by establishing a structure of interaction to deal with different interests. However, it may be functional or dysfunctional. Institutionalisation thus is a contradictory set of institutions which distribute power in a particular way. Trade unions are the instruments of institutionalisation as well as vehicles of the struggle for institutionalising power. They thus theoretically occupy a paradoxical position.

This thesis disaggregates different regimes of institutionalisation of industrial relations. The ideal form of institutionalisation of industrial relations is characterised by the existence of structures established to shape the interaction of the parties in employment relationship and industrial democracy. The industrial relations are managed through collective bargaining and the promotion of strong trade unions.

De-institutionalisation (the unmaking)

This refers to the unmaking of institutionalised industrial relations. This may be characterised by a shift/breakdown of structures that shape the interaction of the parties in employment relations. It is the reverse of the ideal institutionalisation of industrial relations regime characterised by the absence of the institutions that shape the interaction of parties in employment relations. The industrial relations thus become precarious and norm less.

Re-institutionalisation (the remaking)

This refers to the process of remaking of institutionalised industrial relations. It captures the transition from de-institutionalisation to the ideal institutionalisation of industrial relations.

Violence

This refers to an act or acts that cause or threaten to cause physical harm to a person or property (Moodie, 1992). It is multifaceted, connected to the context and its motivation is complex. Violence may be disaggregated into various genres including interpersonal, institutional, and structural violence. Interpersonal violence is performed between individuals whilst institutional violence is performed by or against institutions and or their agents. Structural violence is attributed to social structures. It is important to note that conflict is a complex phenomenon which often manifests into various forms of violence. Conflict itself, may be tied to intersection of various forms of violence.

Strike violence

This refers to violence performed in a strike action or violence linked to a strike. This may be performed by the workers, employer(s), the state and its institutions. This may be intra-worker violence which usually targets strike breakers. Strike violence has different meanings and justifications.

Structural Violence

Galtung (1969) postulates an important perspective on how we should understand violence. According to his thesis, violence can be physical or non-physical, that is to say, metaphorical. He refers to non-physical violence as structural violence and argues that it is often used to describe institutionalised social injustice. Most studies, investigations and explanations of violence tend to focus on physical violence (Beinart, 1992). Galtung (1969) moves away from this and adopts a new perspective. He argued that structural violence goes beyond the common understanding of violence as a physical phenomenon. Structural violence draws attention to the political and social dimension of violence. Structural violence can persist with expression in institutional practices and is associated with social injustice for example racism during the apartheid regime. Galtung's (1969) analysis of violence is very important especially in understanding violence in developing

countries as he draws a link between violence and capitalism. This perspective broadens our understanding of democracy and peace and exposes violence where it is latent. In addition, it highlights that physical or direct violence may be a response to political or economic systems which reinforce structural violence. This broader perspective is important in explaining and understanding violence in post- apartheid South Africa as direct violence may be a result of structural violence.

Symbolic violence

According to Pierre Bourdieu (2000), symbolic violence is unnoticed (partly unconscious), domination that everyday social habits maintain over the conscious subject. Bourdieu (2000) argues that such "soft" violence has been mostly overlooked in social theories, and is subject to "misrecognition" in everyday life.

Solidarity

This refers to the unity of members of a group based on shared interests. This is tied to a reciprocal identity that binds people together. Solidarity subordinates personal to collective interests and choices (Oosterlynck and Van Bouchaute, 2013). However, there is often tension between individual and collective interests. Marx views solidarity as unity that is tied to class position and is a product of class consciousness. For both Marx and Weber solidarity emerges out of social struggles (Oosterlynck and Van Bouchaute, 2013).

Violent solidarity

This refers to the cooperation between members of a group that is based on coercion and compulsion. It is a form of solidarity enforced through instrumental use of violence. This form of solidarity becomes an alternative where real collective solidarity has failed. Oosterlynck and Van Bouchaute (2013) argue that solidarity is forged through group formation and does not only relate to inclusion but also exclusion and domination of other groups.

Workplace regime

In analysing the shifting patterns of violence in relation to institutionalisation of industrial relations in different workplace regimes, this study draws from Von Holdt's (2003) conceptualisation of workplace regime. Von Holdt (2003) adapted from Burawoy (1985) and identified the continuities and discontinuities in the South African workplace regime. He critiqued Burawoy's failure to valorise workers' agency in the contestation for control and reform of the workplace regime. He thus based his conception of workplace regime on Moodie and Ndatse (1994) who view it as a social structure characterised by contestation and collusion. Von Holdt (2003) argued that workplace regime refers to social structures that are characterised by contestation and resistance. He looks at the transition from the apartheid to post- apartheid workplace order. This thesis takes this further by analysing changes in strike violence and institutionalisation of industrial relations from the apartheid workplace regime into the second decade after the democratic transition. It thus captures the shifting patterns of violence in relation to institutionalisation over a longer duration.

Insurgent 'trade unionism'

This refers to an uprising by the workers against constituted institutions of industrial relations. This form of insurgency is organised by workers informal networks or organisations and is often aimed at by-passing and or challenging the formal institutions of industrial relations. The emergence of insurgent trade unionism is a reflection to the failure or absence of institutions of industrial relations. The aim is to change the status quo and give a voice to those that do not have or have lost it.

Institutionalisation and Industrial Relations theory

This study has already noted the contradictory nature of institutionalisation of industrial relations and how it distributes power. This contradiction between those who perceive it as negative and those who view it positively is reflected in literature. We highlight some of the contradictions in the following section.

Institutionalisation model

The right to organise (into trade unions) for workers in the early days of industrial capitalism was often intensely contested and viewed as conspiracy by employers and government in many of the early industrial capitalist economies (Britain, USA, Australia and others). Industrial relations were marked by a high prevalence of industrial conflict. It was common for the government to deploy armed military against striking workers. This often turned violent (Taft and Ross, 1969).Workers often responded violently, some even getting armed. Taft and Ross (1969) argue that violence in these circumstances usually resulted from aggressive behaviour by the police and company guards.

Conflict in industrial relations represents a manifestation of the inherent contestation for control and resistance that characterises production politics and the relationship between labour and capital. According to pluralist industrial relations theory, industrial conflict including violence in strikes may be managed through the process of institutionalisation. This reduces uncertainty in the labour relations by establishing a structure of interaction and means of managing industrial conflict. The contesting parties adopt the principles of industrial democracy. They agree on the rules of the game and establish institutions which provide a framework for the routinisation of the process of conflict regulation (Dahrendorf, 1959).

The institutionalisation of industrial relations assigns a key role to the development of highly formalised institutions with the capacity to regulate and manage conflict (Korpi and Shalev, 1979). This includes the establishment of collective bargaining bodies; a system of conciliation; mediation and arbitration i.e. dispute resolution. This creates a framework that takes responsibility for the discussions and decisions on issues of conflict within the industrial relations. The overarching aim is to attain and restore order and create legitimacy without the use of coercion (Howell, 2005). This allows the contestation between the two groups to evolve according to the rules of the game (Dahrendorf, 1959) and constitutes a non-violent means of resolving industrial disputes. The conflict is re-directed to new institutions designed to eliminate this and is thus conducted in a peaceful and patterned way that discards the use of violence. Dahrendorf (1959) argues that the institutionalisation of industrial conflict decreases the intensity and violence in industrial conflict by the development of industrial democracy. Dahrendorf

(1959) further argues that conflict is less violent because its existence has been accepted and its manifestation socially regulated in what he conceptualises as post-capitalist society.

The starting point of institutionalisation of industrial conflict is the recognition of the opposing parties as representatives of opposing but legitimate interests (Dahrendorf, 1959). The workers on one hand and the employer(s) on the other can establish collective organisations to advance their respective interests. Dahrendorf (1959) argues that the fact that institutionalisation confers legitimacy to the representatives of the two opposite groups minimises wildcat action. The institutionalisation of industrial relations is thus a covenant to carry out conflict in a peaceful and patterned way (Dahrendorf, 1959). This means that by agreeing to discuss their differences through established institutions, the parties discard the use of violence and allow for the systematic regulation of conflict (Dahrendorf, 1959). Institutionalisation of industrial relations forges the basis of class compromise which reflects the convergence of second best choices to capital and labour. Capital forgoes extending its extraction of surplus value and authoritarianism whilst the workers give up political and economic militancy (Buchanan, 1994).

It is important to note that the institutionalisation of industrial relations was part of the package for the class compromise forged following the end of the Second World War. Most of the advanced economies at the time adopted a highly institutionalised industrial relations regime in line with the Keynesian model of economic growth which is based on class compromise. The liberal perspective grounded in corporatist/welfarism industrial relations became the dominant global industrial relations regime after the Second World War. It is based on the development of institutions designed to ensure smooth resolution of industrial conflict. This was designed to reduce strikes and avoid industrial violence (Ingham, 1974).

This perspective also referred to as the pluralist industrialism assumes equal power between the parties in employment relations and is based on a clear separation of industrial and political conflict. It assigns a key role to the development of institutions with the capacity to regulate and manage conflict. Labour is not viewed just as a commodity but an ‘equal partner in the polity’ (Korpi and Shalev, 1979). This process isolates industrial conflict and this result in reduction of industrial conflict and its intensity (Dahrendorf, 1959). Dahrendorf (1959, 1968) views this as a gradual shift towards the ‘embourgeoisement of the working class’. The decline of industrial conflict following institutionalisation is expected to be gradual.

This process institutionalises industrial conflict through collective bargaining. The trade union as the collective voice of the workers becomes the vehicle of this process. The process produces collective agreements and other procedures which set the rules of the game. The trade union thus switches from its role as an instrument of resistance to the policeman of the agreement that disciplines the rank and file (Fantasia, 1989). Mills (1948) describes the role of trade unions as managers of discontent and a source of social stability. Mills (1948) further argues that institutionalisation results in the amalgamation of the union bureaucracy with that of the corporation. The union becomes part of the establishment but risks going through 'goal displacement'. The union has a double edged role as an instrument of resistance and of control through co-option (Friedman, 1977). The main objective of trade unions is to advance the interests of workers and this may be attained through participation in the institutionalised industrial relations system. However, there is a risk that the goals may become the ends in themselves with the union becoming an instrument of discipline integrated into the structures of the corporation (Hyman, 1989).

The institutionalisation of industrial conflict is significant in labour relations. Its primary role is to suppress or manage conflict, and to restore the order and legitimacy of accumulation. Purcell (1993) argues that it reflects the prevailing class power relations of domination and subordination and is designed to deal with the inherent class conflict that characterizes the employment relationship. Although institutionalisation regulates the class conflict by means of manufacturing consent and legitimacy (Burawoy, 1979), it is important to note that it does not do away with class power but shifts it into a different arena with different actors (Purcell, 1993). From a Marxist perspective, the basis of institutionalisation of industrial conflict is the inherent internal contradictions of the capitalist system of production which requires institutions to regulate and stabilize growth (Purcell, 1993).

The institutionalisation of industrial conflict presents a challenge to managerial control. It rationalises the contestation between capital and labour by creating a system that allows a mutual decision making in the labour process. It turns the trade union into a partner in joint regulation of the production process through collective bargaining. Flanders (cited in Hyman, 1989), argues that this is drawn from management consciousness – that the ideal means to gain control is by sharing it with the union. The union thus becomes a partner in sharing control of the labour

process. A critique of this model however, is that the acceptance of the union in the decision making and sharing the control of the labour process does not make it an equal partner. The union remains a junior partner in the production process (Mills and Schneider, 1948). According to this thesis Marxist perspective, institutionalisation consolidates the structure of managerial control. It does not displace it with industrial democracy. Management remains in charge and workers are obliged to obey (Hyman, 1989).

Institutionalisation may also be viewed as a reflection of contesting class power and at the same time constraining how this power may be used by shifting it to a different arena where it is managed through negotiations (Howell, 2005). Drawing from this perspective, a wild cat strike represents lack of management and union control of the shop floor and an expression of dissatisfaction with the bureaucratisation (Fantasia, 1989). Workers may thus adopt protests and struggles outside the established procedures usually to challenge both the employers and the union.

The administration of labour is part of the framework designed to consolidate democracy and an instrument of the hegemonic structures designed to produce workers' consent (Buchanan, 1994). Burawoy (1979) argues that the labour process and organisation of social relations on the shop floor is designed to manufacture worker consent on one hand, and employer hegemony on the other. This constitutes the rationale behind the institutionalisation of industrial conflict. The presence of conflict implies a challenge to the existing order and lack of consent. It is tied to broader politics of production between capital and labour, that is, contestation for control and resistance. Institutionalisation of industrial relations presents a dilemma for trade unions in a number of ways. It transforms union strategy from mobilisation to servicing. It shifts the trade union strategy from structural and organizational power to institutional power (Dörre, Holst and Nachtwey, 2009*)*. Furthermore, the union leaders are transformed into 'managers of discontent' (Mills, 1948). Institutionalisation thus creates institutional security for the union but on the other hand it displaces the requirement for the union to continuously organize on the shop floor (Purcell, 1993). The union thus faces the risk of becoming demobilised and alienated from its membership. Yet the power of the union and its survival is not designed to be dependent on institutional security. The rise of black trade unions in South Africa for example, was tied to strong democratic shop floor structures. Many of the South African trade unions before the

democratic transition, for instance, gained power and recognition by leading militant worker struggles outside the formal institutions of industrial relations. Institutionalisation of industrial relations is thus tied to the bureaucratisation (Fantasia and Voss, 2004) and alienation of the union from the shop floor. The union risks becoming too dependent on formal procedures of the industrial relations system. This may conversely disconnect it from the shop floor. The process transforms the union into the overall corporate structure (Fantasia, 1989). This process of bureaucratisation of the union, according to Fantasia (1989), allows management to separate the union from the rank and file. The union thus drifts close to management and state elites and becomes a part of the national elite class (Fantasia, 1989; Buhlungu, 2010).

Hyman (1989) outlines the limitations of institutionalisation of industrial conflict. He refutes the claim that conflict is self-regulating. He draws from Dahrendorf (1959) and argues that not all conflicts can be absorbed by the social structures which give rise to them. Dahrendorf (1959) views strikes as a rational means of organizing resistance against the capitalist system of production which is characterised by inherent conflict. Hyman (1989) further argues that institutionalisation may result in disagreements within the union and lead to unauthorized strikes. In some cases, the institutionalisation of industrial relations system may be used as a means to delay and derail resolution of disputes (Fantasia, 1989). For example, in many cases, workers are unfairly dismissed and employers use the labour appeal process as a way to delay and frustrate them.

It is important to note that although institutionalisation is a way of coping with industrial conflict, it does not make it diminish (Dahrendorf, 1959). The process does not get rid of conflict but freezes it. Conflict remains present and channelled into institutions that are designed to manufacture a compromise between the two parties through collective bargaining. Dahrendorf (1959) argues that the institutionalisation of class conflict implies its continued existence. However, this process of institutionalising industrial conflict is not always successful. This is why strikes remain part of the labour relations despite the institutionalisation of industrial relations. Sociologically, this form of conflict cannot be eliminated but may be managed. It is important to note that the rules of institutionalisation are not static but continuously shifting and at times are very precarious.

One of the major critiques to the model of institutionalisation of industrial relations is that it is based on European welfarism which for many especially those in the global South has never been attained. This also applies to the South African experience.

The post-apartheid industrial relations system has also been argued to have drifted from pluralism to corporatism (Habib, 1997). The adoption of corporatist structures constituted part of the social pact that lead to the democratic transition. Corporatism is based on interest representation and is designed to forge a social pact ensuring political, economic and social stability. Corporatism is a political structure within advanced industrial society which integrates organised socio-economic producers together through representation and mutual interaction (Patnich, 1986).It is based on a social contract between state and trade unions. This is underpinned on political exchange between the state and labour tied to a trade-off between wage moderation and the state economic and labour market intervention designed to resolve the distributional conflicts and the tradeoff between employment and inflation (Van de Walt, 1997).

The question on the adoption of a corporatist social pact was preceded by heated debates by a number of scholars (Webster, 1995, Maree, 1993, Van de Walt, 1997) on its pros and cons. This debate followed international literature. Panitch, 1986 one of the eminent critique argued that corporatism is detrimental to the working class interests as it disconnects unions from their members on the shop floor and traps them in bureaucratic institutions. However, its proponents argue that it produces genuine benefits for the working class. Crouch (1993) argues that this is ideal where labour is strong, state does not have coercive power and capital is weak.

In South Africa Webster (1995) an advocate of corporatism argued that it facilitated the consolidation of freedom by matching political and economic interests. Furthermore, Webster and Von Holdt cited by Van de Walt (1997) argued that corporatism was to culminate in radical reform to social democracy. At the time Van de Walt (1987) drawing from Panitch, (1986) was sceptical on the benefits to the working class. He argued that it undermined worker power by bureaucratising the union.

Political model

In the main stream academic literature, the institutional model of managing industrial relations is dominant. This however is contested by some scholars who challenge the role of

institutionalisation of industrial relations. Korpi and Shalev (1979) refute the claim that the institutionalisation of industrial relations is accountable for the decline in industrial conflict. Drawing evidence from Sweden, they argued that this was because trade unions switched to what they called the political model. They claimed that the direct access to political power provides labour with a means to achieve a more favourable distribution of resources that is less costly than strikes by having a direct access to the government machinery and influence. Korpi and Shalev (1979) concluded that the process of institutionalisation on its own does not account for industrial peace but that it is intertwined with politicisation and radicalisation. The same argument may be used to critique the role of institutionalisation in South African industrial relations. It may be argued that the industrial relations are tied to the political alliance between the main trade union federation, COSATU, and the ruling party, ANC.

Korpi and Shalev (1979) argued that the institutional model is a Weberian approach to class stratification which does not explain industrial conflict. They advanced what they argued is an alternative Marxian approach which recognises class, power and politics. Their alternative model does not make a presumption on equality of power between the employers and employees but recognizes the fact that workers are inherently unequal relative to the power of the employers. However, the two scholars argued that this imbalance is not constant but always changing. This domination of the employee assumes a political character and implies an intimate linkage between political and industrial conflict (Korpi and Shalev, 1979). Korpi and Shalev's (1979) critique does not dismiss the institutionalisation model but points to another form of institutionalisation – political institutionalisation.

Institutionalisation and power

Class compromise between capital and labour mediated by the state constitutes one of the bases of democratic capitalist regimes (Buchanan, 1994). Institutionalisation of industrial relations constitutes the framework of attaining class compromise. Post-apartheid South Africa to a large extent fits into this democratic capitalist paradigm.

It has been noted that the institutionalisation of industrial relations may be viewed as a form of class compromise. The institutionalisation of industrial relations is ideally an outcome of a

balance of power between the employer and trade union. Wright (2000) identifies the associational power of the working class and the material interests of the owners of the means of production as the primary variables accounting for the power relations between capital and labour. Wright (2000) argues that an increase in working class power adversely affects the capitalist class's interests but to a point where this becomes beneficial to the capitalist interests (Wright 2000). An increase in the working class power, Wright (2000) further argues, adversely affects the interests of capital but to a certain point where this turns beneficial. He also makes the point that capitalist interests are best served when workers are poorly organised and lack associational power. This however, is only up to a certain point when increase in workers' associational power becomes positive and turns into a positive class compromise.

Wright (2000) argues that class compromise refers to the giving up of class based interests and making concessions in favour of the opposing class. According to Wright (2000), the notion of class compromise is an illusion which he disaggregated into different forms. The first perspective is to view class compromise as a form of capitulation rather than a reciprocal relationship. The second form is viewed as a stalemate between two forces. Thirdly, class compromise may be a form of mutual cooperation between two opposite classes (Wright 2000).The mutual cooperation produces a positive class compromise. The meaning of class compromise is thus contested and has no standard.

Wright (2000) linked class compromise to Gramsci's concept of hegemony. A capitalist system, according to Gramsci (1971) manages control of the contradictions either through hegemonic or non-hegemonic means. In a hegemonic capitalist system, class relations are sustained through consent of the subordinate class whilst in a non-hegemonic system, the relations are sustained through direct hegemonic coercion (Wright 2000). In the South African context, this relates to the apartheid and post-apartheid industrial relations regimes respectively. Wright (2000) cites Prezowrski and advanced the argument that for hegemony to be sustained there must be the material basis of consent.

The institutionalisation of industrial relations is ideally a result of balance of power between labour and capital. An increase in the working class power adversely affects the interests of capital but to a certain point where this turns beneficial (Wright, 2000). The institutionalisation of industrial relations creates the structural base for a class compromise between capital, state

and labour (Buchanan, 1994). The state, capital and labour all have interests in the institutionalisation of industrial relations because of the possibility of mutual benefits. For labour, institutionalisation guarantees a political voice and economic redress which makes it imprudent to pursue revolutionary options (Buchanan, 1994). Moreover, the institutionalisation of industrial relations is an ideal means of managing industrial conflict and violence in advanced capitalist society. Ultimately, the forging of the institutional base for class compromise is critical for the consolidation of the democratic capitalist state (Buchanan, 1994). However, class compromise presents precariousness, fragility and vulnerability. Stability depends on the power and interests that characterize the relationship between capital and labour (Buchanan, 1994). This is because the capitalist system has no capacity to forge a more or less permanent class compromise between capital and labour (Przeworski, 1985).

In their analysis of trade unions renewal Dörre, Holst and Nachtwey (2009) reviewed the question of power dimension and institutionalisation. They viewed institutionalisation through the notion of power. They argued that worker power may be institutionalised drawing from Silver (2005) and Wright's (2000) distinction of structural and organisational power. Structural power relates to the position of the workers in the production process and organisational power is derived from collective organisations such as trade unions. Structural power is not dependent on trade unions and formal organisations. Organisational power is tied to the trade unions and or political parties (Dörre, Holst and Nachtwey, 2009). Organisational power can extend and substitute the workers' structural power. Moreover, it is a derived form of power which cannot be sustained without representation. Dörre, Holst and Nachtwey (2009) draw from Michels (1925) and illustrate how this poses the risk of the union becoming bureaucratic and shifting towards oligarchisation and disconnection from the interests of its members.

Dörre, Holst and Nachtwey (2009) identified institutional power as a third form of power ignored by Silver (2005) and Wright (2000). Institutional power is derived from collective organisations such as trade unions. It is drawn from organisational power. Workers first have to develop organisational power which then translates into institutional power. In addition, once constituted, institutional power has positive effects on trade union organisational power. Dörre, Holst and Nachtwey (2009) advance the thesis that institutional power may go beyond the generating conditions for organisational power. This therefore creates a mismatch between

institutional and organisational power. This is further expanded by McGuire (2012) who argues that institutional power attained in the past remains applicable (relevant) even when the power relations have changed in economic cycles. For example, trade unions in South Africa attained very high levels of institutional power at the period of the transition to democracy and this culminated in a very high level of social dialogue institutions such as represented by NEDLAC. This remains relevant even when the power of the trade unions has declined.

Theories of social conflict and violence

The questions of strike violence and the institutionalisation of industrial relations are tied to order and or disorder. This thesis seeks to explain how order and or disorder at the workplace is made and re-made over time drawing from the experience of Impala Platinum. There are a number of ways of explaining social conflict drawing from social science theory. The theories of social conflict are drawn from the need to establish the source of social order and disorder and how to maintain it. Society is thus bound to develop mechanisms to explain and manage conflict (Bartos and Wehr, 2002). It is important to note that the question of social order is as crucial as social conflict or what some may perceive as disorder. This explanation constitutes the foundations of sociological research. The question about social order and disorder is central to the work of the canonical social theorists; Durkheim, Marx and Weber. Marx and Weber both agree that social order and social change are all products of social conflict.

It is important from the onset to highlight that strike violence is a manifestation of social conflict which may be interpreted as emanating from the failure of institutionalisation of industrial relations. In order to explain the contours of social conflict, it is thus significant to draw from social theory. This is significant in explaining how conflict emerges, varies and the effects that it brings. Weber (1947:132) defines conflict as action that is intentionally aimed at carrying the will of the actor against that of the other party. Drawing from Weber's (1947), conflict is thus not always a violent process. Violence is a manifestation of social conflict. With reference to the focus of this thesis, strike action is a manifestation of industrial conflict which in some cases may evolve into a violent confrontation. At the same time, the industrial relations system has a way of managing this through the process of institutionalisation of industrial relations, designed to attain and maintain order within employment relationship. Therefore, social conflict theories

are critical in unpacking the variation of violence in strikes and how this is tied to the institutionalisation of industrial relations.

We have already noted that the conceptualisation of violence is highly contested. Violence has a variety of meanings. Galtung (1969) makes an important distinction on the various forms of violence. He identifies physical or non-physical violence. He refers to non-physical violence as structural violence and argues that it is often used to describe institutionalised social injustice. This is the first category of violence which is physical, direct, identifiable and subjective. This relates to the use of force, threat or actual violence against a person or group and may result in injury, death or physical harm. The second category relates to the social system/structure which harms people by preventing them from meeting their basic needs. This form of violence is embedded in institutional practices and associated with social injustice and is referred to as structural or non-physical, invisible or objective violence. These two forms of violence are interdependent (Galtung 1969).

Oberschall (1970) defines violence simply as 'the employment of physical coercion for personal gains and group ends' and disproves making a distinction between its legal and illegal use. We have already highlighted that violence is sometimes used as a means to change (change agent), empowerment and mobilisation. This is affirmed by Coser (1957:197) who argues that violence (conflict) 'prevents ossification of the social system by exerting pressure for innovation and creativity'. He views violence in collective action as a 'sign of change or potential change in the social arrangement and an indicator to the engagement of very strong interests' (Coser, 1957: 197). Furthermore, he argues that violence in strikes does not only have impact on the world of work but even in the whole realm of our social world. It is therefore significant to intimately understand its underlying dynamics. Drawing from this perspective, this study explores the relationship between violence in strikes and the institutionalisation of industrial conflict and establishes whether the social system engage violence to renew itself and instigate inventions.

Oberschall (1970) and Tilly (2003) focus on collective violence. Oberschall (1970:61) argues that collective violence is one of the several means of 'conducting conflict'. According to his thesis, the explanation of the occurrence and dynamics of collective violence must be embedded in the comprehensive theory of conflict. Tilly (2003:3) defines collective violence as 'episodic social interactions that cause physical harm on persons/objects and involve at least two

perpetrators of damage and are a result in part from coordination among the perpetrators'. According to this idea, collective violence involves some form of contention. Tilly (2003) postulates this as a form of contentious politics as the participants will be making claims that affect the others' interests and the relations of the participants to government will be at stake. It is important to note that strike violence may be collective but include other genres outside collective violence.

Coser (1967:232) defines social conflict as "a struggle over values or claims to status, power and scarce resources in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure or eliminate the other rival". Conflict is viewed as part of a social order which emanates from special interest groups' fight over scarce resources of the society and the power differences among the social classes. Therefore, conflict in industrial relations is generally accepted as inevitable and can be managed through the process of institutionalisation. However, theories generally contradict on the significance of such conflict, especially how it relates to class structure and politics (Korpi and Shalev, 1979).We can draw two main broad approaches explaining social order. First, order in society from a structural functionalist perspective may be explained as a product of consensus. This approach was advanced by Durkheim who sought to establish the source of social order. Drawing from the same perspective Parsons argued that social order is realised through the internalisation of norms and values (Parsons (1949, 1951, and 1954). The second thesis on social order is associated with Marx's conflict theory. Marx conceptualised order in society as a product of coercion. He explained conflict on the basis of materiality. This perspective views conflict as a manifestation of class conflict and a source of social order and change. According to this perspective, conflict in whatever form is a product of disparities in how economic power in an organisation is distributed and accessed and thus an expression of the underlying economic conflict (Dahrendorf, 1959). According to this thesis conflict is a source of social change, that is, it results in structural changes. We have already noted that conflict is not always a violent phenomenon. Furthermore, and in line with the Marxist perspective, it does not always destroy society (it is not always bad) but may be one of the factors holding society together (see Chapter 7).

To explain social order and conflict, a number of theorists draw from either the functionalist or conflict theoretical perspectives. Coser (1956) explores the question of social order through an analysis of what he conceptualises as the functions of social conflict, drawing from a functionalist theoretical perspective. He argues that conflict is a source of change, a natural and necessary part of society. Coser (1956) advanced this thesis on conflict at a time when structural functionalism was the dominant theory explaining social order. He draws his theory from a critique of Parson's (1949, 1951, and 1954) structural functionalist perspective. The structural functionalist perspective led by Parsons (ibid) portrayed conflict as a negative phenomenon that must be avoided. Coser (1956) argues that Parsons considered conflict as a disease when in fact it plays a fundamental role in social order and change. Coser (1956) on the other hand views conflict as a natural and functional part of human society which is not always negative. He argues that conflict fosters rather than endanger the stability of the social system. According to this view, people engage violence to achieve goals. Coser (1956: 80) thus identifies the instrumental role of conflict in human society. He further asserts that 'conflict may serve to remove the dissociating elements in a relationship and re-establish unity'. Seen this way, conflict thus has a stabilizing and integrating function and is goal related. He conceptualises conflict as a form of socialisation that serves to establish and maintain group identity.

We have noted how Weber (1947) addresses the question of order and disorder in society but does not see the detriments of social conflict. Coser (1967) refutes this and argues that conflict is a struggle over values or claims to power, status and limited resources. Furthermore, the aim of the groups in the contestation is not just to get power or resources but to neutralise, injure or eliminate the other side (enemy). In some of the violent strikes for example, the objective may be to neutralise, injure or eliminate the opposing side.

Coser (1956) argues that the intensity of the violence is an indicator to the variation and evolution of conflict. He identifies two sources that account for violence in a conflictual situation. He analyses how groups involved in a conflict behave, drawing from Durkheim's argument that group interaction increases involvement and forges boundaries around group values and goals. Violence thus increases when the goals of the other group are seen not to be normal.

Coser (1956) identifies two types of conflict: internal and external. Internal conflict relates to the contestation within a group. External conflict on the other hand relates to conflict beyond the boundaries of a group. Coser (1956) suggests that external conflict that is violent usually results in the strengthening of group boundaries and solidarity as well as the efficient use of power and forging of coalitions with other groups. Furthermore, greater involvement of group members, translate to greater likelihood of conflict. As a result, he concludes that conflict strengthens group consciousness and solidarity and generates a centralised power structure i.e., efficient use of power.

Coser (1956) draws from Simmel (1900 and 1908 cited in Coser 1956) and advance the argument that conflict forges boundaries between groups by enhancing group consciousness and awareness of distinction from other groups. Coser (1956) further argues that the intensity of a conflict is a function of the closeness of the relationship and the internal cohesion increases where conflict is with an outside group. Moreover, conflict establishes relationships, revitalises existing norms and forges new sets of rules and norms. Ultimately, as argued by Coser (1956), conflict results in the modification and creation of new institutional structures to accommodate the changed conditions. Moreover, it establishes coalitions and associations to manage the new situation. Conflict according to this thesis may be managed through the process of institutionalisation. Conversely this means that it becomes dysfunctional where the social structures do not accommodate or tolerate institutionalisation. Institutionalisation is thus a means of tolerating and managing conflict. Coser concludes that conflict that threatens to tear apart society only emerges where the social structures are rigid (Coser, 1956). According to Coser (1956), conflict emanates from the unequal distribution of resources. He identifies the resources as class, status and power drawing from Weber. Coser (1956, 1968) postulates that the transition from conflict to violence illustrates the fluctuation of the conflict. He identifies two factors that produce violence: emotional involvement and transcendent goals. Violence demands emotional attachment which according to Durkheim (2014) increases as a result of group interaction. Moreover, emotional attachment creates moral boundaries, group values and goals. In line with this thesis, the greater the group integration, the higher the probability of a violent confrontation. Furthermore, conflict is enhanced where the group goals are beyond ordinary expectations.

The proposition by Coser (1956, 1968) illustrated above sees conflict as productive and a force of innovation. There are other theories that follow this line of thought. The value of violence in social conflict is often contested given its slippery nature. The perspectives of Frantz Fanon and Mahatma Gandhi on the role of violence are important in understanding the use and value of violence. Fanon (1961) conceptualised violence as revolutionary, justified and liberating – an escape from the state repression for the subalterns (Fanon, 1961). Gandhi on the other hand viewed it as retrogressive, unnecessary, dehumanizing, and to be avoided (Merton, 1965).

Drawing from Spivak (1988), a strike in many ways highlights how those who fall outside the hegemonic power structure (the subaltern); attempt to disturb the dominant mode of representation. Spivak (1988) views violence as an instrument for challenging domination or as one of the modes of resistance. Strike violence may be one of the many ways highlighting how the subaltern attempts to disturb the dominant mode of representation, that is, to challenge domination and attempt to be heard. However, Spivak (1988) concludes, the subaltern cannot speak as representation is often misconstrued to sway in favour of the privileged. This is not always the case with the institutionalisation of industrial relations which in ideal situations, creates space for the union to participate in the making of the rules of the game.

Coser's (1956) theoretical perspective on conflict was an attempt to show that the functionalist paradigm can deal with the problem of conflict and change which is one of its major weaknesses. However, Coser's (1956) definition of conflict and its source is superfluous and his theory remains within the functionalist paradigm and its weaknesses. It is thus weak in dealing with the problem of conflict. It fails to offer a convincing explanation and critique to the causes of conflict. Moreover, in the real world social relations are not held by coercion only but simultaneously with consent.

Whilst Coser (1956) developed a conflict functionalist perspective Dahrendorf (1959) attempted to develop the opposite. He developed an alternative perspective to understand conflict. He argues that neither the structural functionalism nor the Marxist conflict theory is suffice in explaining the complexity of conflict that characterises modern society. He argues that structural functionalists pay lip service to the realities of social conflict. He also is of the opinion that the Marxist conception of class is too narrow and tied to a specific historical context and ignores consensus. Dahrendorf (1959) thus developed a theory of social change that draws from an

intersection of the two approaches. He argues that in industrial conflict there are never more than two sides in the contestation. One side will be pushing for a change whilst the other will be pushing to maintain the status quo; in other words one party attacks whilst the other defends (Dahrendorf 1959). However, this is rather too simplistic as conflict may be multi-dimensional. Dahrendorf (1959) views conflict as a product of the social structure which may manifest in violence. Drawing from both the Marxist and structural functionalist perspectives, he concludes that society's cohesion is a product of either consensus or coercion. Dahrendorf (1959) further argues that industrial violence relates to the manifestation of industrial conflict and not to its causes. He views violence as a matter of weapons chosen by the parties to express their contestation.

Dahrendorf (1959) was also concerned with Parsons' conception on how social order is attained. He agreed with Coser's (1956) thesis that conflict is inherent in human relations but refutes the claim that it is inevitable and part of human nature. He views conflict as a normal way of how society is structured to create social order. Dahrendorf (1959) views social conflict as generated by social structure. He draws from Weber (1947) and makes a distinction between power and authority. Weber (1947) views power as the capacity to have ones will in the face of resistance and authority as the power to influence and compel change. Dahrendorf (1959) concurs with structural functionalists' argument that society emerges from and is bound by roles, norms and values that work through power. However, he refutes the structural functionalist perspective that social order works through consensus but rather through the use of power. He makes the point that conflict is generated between two interest groups; one side pressing for change and the other to maintain the status quo. One side will be attacking and the other side will be defending, that is to say, those opposed to the current social order and want to change it and those who want to preserve it. There are many ways of classifying social conflict. Dahrendorf (1959) argues that conflict takes many shapes and generates different outcomes. He postulates that conflict may be classified on the basis of the social category of participants. Dahrendorf (1962) views conflict as part of social reality. He divides society into two segments – those entrusted with the right to exercise control over others through the use of coercion and those who have to comply. He argues that society is thus characterised by domination and subordination. According to this thesis, society is thus characterised by a contestation of orders and that there is a relationship between change and conflict. Dahrendorf's (1959) perspective on the transformation of

capitalism is not convincing. Marx's conception of social classes remains relevant in modern capitalist economies. The other major weakness of Dahrendorf's analysis of conflict is his attempt to make a distinction between coercion and consensus when the two are not mutually exclusive.

It has been highlighted that Coser (1956) was more concerned with internal and external conflict. Dahrendorf (1959) on the other hand, focused on internal class conflict and concluded that conflict is variable, that is, it varies by the level of intensity of violence. However, violence and intensity may increase simultaneously. However, they do not necessarily co-vary. Dahrendorf (1959) concludes that intensity of violence in conflict is tied to the nature of the ensuing structural changes and its variation reflects the variation of class conflict. Following this argument, intense violence will result in profound and quicker structural changes. This perspective is challenged by this thesis which argues that although the 2012 platinum belt strike violence was profound, this may not necessarily be tied to profound structural changes in the industrial relations but may result in the reconfiguration of the system.

Dahrendorf (1962) expands the debate on conflict theory by identifying the aspects that have to be addressed by any credible theory on conflict. First, he suggests that the type of conflict must be distinguished, that is to say, whether the conflict is over resources, power or influence. The cause of the conflict and how the groups in the conflict are constituted has to be identified. In addition, he contends that conflict theory must assess the process of confrontation and identify how conflict resolution has to be implemented. For example, in the case of industrial relations, conflict may be resolved through the process of institutionalisation. This refers to the establishment of institutions that take responsibility of managing and resolving conflict. Dahrendorf (1959) concurs with this perspective and adds that when oppressed groups are allowed the right to organize and have voice to their grievances, violence and conflict is reduced. Many other analysts and scholars concur with this thesis (Coser, 1967; Herble, 1951).

Peter Weingart (1969) presents a critical perspective to Dahrendorf's theory on social change and conflict. He argues that Dahrendorf (1959) attempted to expand the structural and functional approach but failed to provide a concept of change which transcends the given structures in the Marxian sense. Weingart (1969) concludes that Dahrendorf's (1959) explanation of social change is identical to social conflict and uses voluntaristic explanations of conflict and change

outside the realms of sociology. In addition, Weingart (1969) refutes Dahrendorf's (1959) views that conflict is an opportunity for social change and progress. He argues instead that conflict is not the cause of social change but determines social course and structure.

Weingart (1969) identifies two groups in a social conflict; one that that has the power and the other that does not. He says that the group with power has interest in maintaining the status quo and that which does not has interest in changing the structure. He further argues that Dahrendorf (1959) failed to predict the various configurations of conflict and resorted to the descriptive analysis of the manifestation.

Collins (1993) also addresses the question of social order and change and proposes four points on how we should understand conflict. The first is that conflict is a result of the unequal distribution of scarce resources between those who control them and those who do not. Collins (1993) identifies three types of scarce resources: economic, power and cultural. He identifies economic resources as material conditions. Power resources relate to social position within organisational network. Collins (1993) identifies cultural resources as control over rituals that produce group solidarity. He is of the view that potential conflict becomes real conflict through moral, emotional, and symbolic resource mobilisation.

Collins's (1993) second thesis addresses the question of how groups engaged in a conflict are mobilised. He argues that there are two main areas of mobilisation: emotional, moral, and symbolic mobilization based on collective rituals and material mobilisation. He identifies collective rituals as one of the main sources of conflict. He draws from Durkheim (2014) and developed an argument that emotional and symbolic goods are used in conflict mobilisation. The more the group is able to gather and forge boundaries for ritual practices and share emotions and perspectives, the more this builds a strong sense of group identity and polarizes the group into two camps. This in turn builds emotional sacrifices for the group and makes the group members perceive their cause as morally correct. He suggests in his third thesis that conflict engenders subsequent conflict and that groups engaged in a conflict fight to have moral superiority and righteousness. Collins (1993) further argues that mobilisation also concerns material resources required in performing the conflict. The conflict diminishes as the resources get used up. In his fourth thesis, Collins (1993) argues that conflict de-escalates due to the bureaucratisation of the conflict. He advances the argument that bureaucracies have a high capacity to co-opt the

opposite group and absorb it into their system. He also identifies two ways of winning or losing a conflict. The first is by having more resources and capacity to replenish the resources and secondly having a higher level of ritual solidarity compared to the enemy.

The South African experience

This thesis draws from the South African experience to explain the variations of strike violence and institutionalisation of industrial conflict. There is a very strong scholarship that views the South African experience of colonialism as exceptional because of the nature of the domination which some argue was specific to apartheid. This however, is refuted by other scholars. Mamdani (1996) is one of the most prominent critiques of this thesis in its broad sense. He argues that the South African experience with apartheid was not exceptional but a generic form of colonialism. In industrial relations South Africa's experience is not exceptional. What is important is to take note that it is tied to the context of the most advanced capitalist system of production in Africa. It thus from an African perspective, presents the most advanced manifestation of the contestations between capital and labour. When it comes to the labour question though, Mamdani accepts the view that South Africa is exceptional (Mamdani, 1996). However, this view has been challenged by Barchiesi (2011) who argues that when it comes to the question of labour, the South African experience is not fundamentally different from the rest of the continent. He argues that it has common and different experiences that involved similar processes but at different periods. Its experience reflects broad continental trends despite local specific socio-economic and political contexts (ibid).

This section reviews scholarship that draws from the South African experience to explain variations in strike violence and the relationship to institutionalisation of industrial relations. As the South African struggle against apartheid intensified, violence gained a level of social acceptability but serving different purposes for different players as a form of control and of resistance. In his review of the various forms of violence that characterised the apartheid regime Kynoch (2008) argues that any act that helped render the townships ungovernable including any that was criminal, was perceived by the community as a form of political protest. Apartheid mythology divided crime into criminal and political activity (Kynoch 2008). The trade unions during the apartheid regime espoused the notion of social movement unionism which tied

together shop floor and community issues. As a result, industrial action was usually connected to political protest and the distinction often blurred.

Although past experience shows that violence in strikes is integral to the South African industrial relations there is very limited investigation and questioning of this phenomenon. Visser (2004) cites the work of Walker and Weibren (1961), Katz (1976) and Oberholster (1982) as exceptions. Notwithstanding that the scholarship on industrial conflict and violence is limited, we can add the work of McNamara (1985), Webster (1989), Webster and Simpson (1989), Vogelman (1989) and Von Holdt (2012). There are four main perspectives on industrial conflict and violence that we can extract from this limited scholarship as presented below.

a) *The Chamber of Mines School Research Unit –McNamara (1985)*

This is based on the research by the Chamber of Mines human resources laboratory research organisation. This study took a functionalist perspective in explaining conflict in South African mines. One of the main studies drawing from this research organisation is the PhD thesis by McNamara (1985) who was a research officer for the Chamber of Mines research unit. McNamara had privileged access to data on conflict in the mine through his links with the Chamber of Mines. His thesis looked into all conflicts involving black workers in South African gold mines between 1973 and 1982. He identified this period as characterised by a resurgence of various genres of conflict in the mines.

However, it is important from the onset to note that McNamara (1985) overburdened his conceptualisation of conflict. He virtually attempted to address all forms of conflict in his investigation. As a result he ignored the slippery nature of conflict and its many variations. He nevertheless presented some important insights on how we should understand conflict at the time. McNamara's (1985) conception of conflict almost pays lip service to the polysemic nature of some of the conflicts such as strike violence. His conclusion is thus too broad to compare with a specific case. He argues that intergroup conflict may be a result of the strain in the social structure. According to his thesis, conflict may be a result of the failure to institutionalise industrial conflict. He contends that the absence of an overarching mechanism to accommodate conflict of interest between black workers and management was one of the main sources of

conflict. McNamara (1985) further argues that conflict may be fuelled by the institutional settings of the mines and the hostels which at the time made it easy for workers to be collectively mobilised. McNamara (1985) posits that the conflict at the workplace was a reflection of the broader conflict in a society that was characterised by racial tension between blacks and whites because of the apartheid system. Hence the struggle at the workplace mirrored this tension between black workers and white managers.

McNamara (1985) argues that the conflict experienced during the period of his research may not be understood by focusing on the immediate internal character of the institutional structure but was linked to the broader socio-economic arena. Drawing from this main argument, he concluded that the black mine workers' conflicts between 1970 and 1982 were tied to the social and political changes that were taking place in the southern African region where a significant number of the workforce was sourced. He cites the rise in the militancy of migrants sourced from Zimbabwe which he argues was a result of the civil war in Zimbabwe at the time, which strengthened worker collective solidarity.

McNamara (1985) reviews a number of theories of conflict and concludes that each is relevant in specific, different conditions and requirements and the type of question to be addressed. He argues that for a question on power structure in society and antagonism between capital and labour, a Marxian approach would be able to unravel the underlying tensions in economic and power relations and the market forces that generate tension between capital and labour. McNamara (1985) emphasises the weaknesses of this Marxian approach. He argues that from this perspective it is not easy to predict when the conflict translates into action. He thus proposes a social action model which focuses on the perceptions of the participants and how this leads to violence.

McNamara's (1985) thesis is drawn from a context that has since shifted after the democratic transition. Although it offers important insights, it is limited in helping us understand the current industrial conflict given that the socio-economic and political context has changed after the democratic transition. For example, as shown in this thesis, the majority of the mine workers in the platinum belt have moved from the hostel institutional setting to the informal settlements which have sprouted near the mining operations (see Chapter 3). McNamara's research covers an

episode when the black mine workers were outside the polity, that is, conflict was not institutionalised comprehensively. After the democratic transition industrial conflict was expansively institutionalised through the unions and collective bargaining.

b) The psychological perspective: Vogelman (1991) Centre for the Study of Violence and Reconciliation (CSVR) School

In trying to understand the different genres of violence which characterised the South African society during the period of the transition from apartheid, the Centre for the Study of Violence and Reconciliation (CSVR) conducted a number of studies that aimed at explaining the violence. Part of their research focused on collective violence and strike action. In these studies they looked at psychological factors that led to collective violence, strike action and in particular, the killing of non-strikers.

One of the studies by Vogelman (1990) reviews the psychological variables that contribute to strikes and violence in strikes. Their central argument is based on inadequate industrial relations and political mechanisms, a situation which created hostile and violent reactions. In expanding this thesis, they drew from the 1987 South African Transport Services (SATS) strike action in which four strike breakers were killed. They looked into why the strikers who they argued were not psycho-paths, engaged in collective aggressive conduct. Vogelman (1990) identified what he called group violence promoting factors. He argued that the source of group violence like individual violence can be traced to historical relationships. Group violence according to this thesis is triggered by deprivation, frustration and aggression. In his psychological explanation of strike violence, Vogelman (1990) identified three factors which weaken the moral restraint against violence: authorisation, routinisation and dehumanisation. He argued that people hold themselves less responsible for their conduct when acting in large groups. Repeated authorisation of a violent conduct provides the justification for the act as this becomes routinised. Furthermore, he argued that in a strike action the identification of scabs/strike breakers as *impimpis* is a process of dehumanisation which justifies the use of violence against them to a point where the person to be killed is perceived not to be human but an object.

Vogelman (1990) identified three psychological factors that are important in understanding crowd psychology and collective violence: arousal, de-individuation and conformity. He argued that people in a crowd are aroused by overcrowding emotional expression, sloganeering, dancing, singing and the breakdown of meeting procedure. In a crowd situation people go through the process of de-individuation. Moreover, argued, this process involves loss of self-awareness and break down of self-control. When in a crowd people resort to violence as a way of conforming.

Vogelman (1990) and his team at the CSVR presented an important perspective in understanding strike violence during the apartheid transition period. This perspective is based on a psychological explanation which focused on the individual and group behaviour. The problem with this perspective is that it conceptually overburdens intra-worker violence and ignores the polysemic nature of strike violence. Strike violence is not homogenous but has many genres other than intra- worker violence. The focus of Vogelman (1990) and his team were to explain violence in strikes during the apartheid regime. Although they identified other underlying factors, their main explanation of strike violence and the general violence which characterised the context at the time was also based on the inadequate industrial and political mechanisms. They argued that the apartheid system limited the participation of black people and this created hostile and violent reactions. This was applicable at the time. However, this thesis is less helpful in explaining strike violence post- democratic transition.

c) Institutionalisation/constitutionalisation thesis: Webster (1989)

This view was advanced mainly by Professor Webster from the Department of Sociology, at the University of the Witwatersrand and draws from the mainstream pluralist industrial relations theory. Webster's (1989) contribution stems from his role as an expert witness for the Supreme Court trial of four workers accused of killing scabs during the Afcol strike in 1988. He presented a sociological argument on the cause of violence in the strike and identified gaps in the industrial relations dispute resolution and public policing (Webster, 1989).

Webster's main focus was the role of violence in a strike action and the right to an effective picketing as a remedy to violence. He drew from the experience of advanced industrial economies (United States of America and the United Kingdom) to explain the use of violence in

the strike. Webster's main argument is grounded in the classical pluralist industrial relations theory which views institutionalisation as an ideal way of managing industrial conflict. He postulated that institutionalisation provides the most effective means of containing violence in strike action as it outlines the rules of conducting the strike action, that is to say, it sets the rules of procedure. He supported his thesis drawing from Dahrendorf (1959:257) who argues that 'industrial relations have become less violent because its existence has been accepted and its manifestation has been socially regulated'. Webster thus concluded that the South African industrial relations at the time were characterised by violence because they did not conform to this standard postulated by Dahrendorf (1959). He argued that this could be managed by the institutionalisation of the union and picketing both of which constrain the use of violence (Webster, 1989).

In his presentation to the Witwatersrand local division Supreme Court, Webster (1989) reviewed the process of conducting a strike action in South Africa at the time. He argued that the right to strike must be accepted and be integral to collective bargaining in addition to the right to picket and union access during a strike action. Webster viewed picketing as part of an efficient strike policy which collectivises and institutionalises the point of conflict in a strike action. He further looked at the role of intimidation in strike actions. He argued that the first objective of intimidation was to maintain strength and unity amongst the workers and a warning against being neutral. In addition, Webster (1989) pointed out that violence can be a means of forging unity amongst the workers.

Webster's (1989) argument was drawn at a time when the apartheid regime was in a crisis and violence was its only means to maintain order. At that time, violence was pervasive and a distinguishing feature of both state repression and resistance by ordinary citizens (Cock and Nathan, 1989). Webster's (1989) explanation on strike violence was centred on frustration and the lack of channels to express such frustration, as well as the failure to institutionalise industrial conflict. At the time blacks did not have political rights but to the resort to violence.

Webster's (1989) argument is important in understanding strike violence during the apartheid regime. His thesis connected the violence on the shop floor to contestation in the broader society

and struggle. However, the challenge for this thesis is its focus on the structural factors whilst almost paying lip service to the agency by the ordinary workers outside these structures, for example outside trade unions structures and other collectives. At the time Webster (1989) gave credence to the formal trade unions in line with the principle of pluralism and did not envision workers organising outside the formal trade unions in informal organisations. However, as will be noted, in this study, the collective organisation of workers is not only confined to formal trade unions. Workers as shown from the case studies presented in this thesis may organise collectively in informal organisations outside the formal structure of the unions.

Another challenge to the thesis by Webster (1989) is that after the 1979 Wiehahn commission institutionalisation of industrial relations for black workers was now part of the apartheid regime labour relations strategy. However, these recommendations were not in any way designed to empower black workers but was a means of controlling black workers' militancy. The problem at the time for many black workers did not wholly relate to the lack of institutionalisation of industrial relations but the lack of political citizenship (Von Holdt 2012).

d) The socio-psychological perspective- Webster and Simpson (1990)

Webster and Simpson (1990) present an intersection of sociological and psychological explanations to strike violence drawing from the violent 1988 Afcol strike action. This emanated from the realisation that neither the sociological nor psychological explanations were adequate in explaining strike violence at the time. They argued that some of the psychological evidence such as de-individuation may be appropriate in explaining strike violence in some cases but not in all. Hence they suggested that psychological explanations must be articulated to sociological ones such as the failure of institutions. Webster and Simpson (1990) argued that there are other factors outside the workers which may contribute to the violence such as the cost of living, inflation and pathetic living conditions. In this way, they argued that a comprehensive explanation should be psycho-social. They concluded that the institutionalisation of conflict constrains the use of violence in strikes.

The problem presented by Webster and Simpson (1990) thesis however, conceptually it failed to interrogate and disaggregate violence. For example, they ignored the polysemic nature of violence. They thus overburden their analysis as it mainly draws from intra-worker violence,

specifically violence against scabs. In the process they omit to give value to other genres of violence which are important in explaining the use of violence in strikes. Furthermore, their thesis is based on explaining strike violence during the apartheid workplace regime which is centred on inadequate industrial and political mechanisms. This again poses limitations in explaining strike violence post- democratic transition.

e) Beyond Institutionalisation: Von Holdt (2003)

In his seminal research at Highveld Steel, Von Holdt (2003) unravelled the institutionalisation thesis. He showed how coercion/violence symbolised by the *sjambok* became integral in the attainment of order in the post- apartheid dispensation. His research highlights how union democracy which underpins the institutionalisation thesis empowered workers differently. He argued that democracy empowered those who were skilled and conversely disempowered the less skilled workers. Von Holdt (2003) shows in his case study how the less skilled set up alternative committees initially to complement the union but later to reclaim power. Such committees used coercion to maintain discipline and draw on workers' collective solidarity and in some of the cases colluded with the shop stewards. Thus whilst the shop stewards participated in the institutionalised industrial relations system, they at the same time covertly supported a structure that worked outside this system unconstrained by procedures (Von Holdt, 2003). This exposes the contradiction of the shop steward perspective on the role of violence in industrial relations. Von Holdt (2003) concludes that coercion and bullying may be implicit in the workers' collective construction of a union and viewed as legitimate in the case of transgression, that is to say, the union law may be enforced through the *sjambok*. He further highlights how conflict developed between the union committee and the strike committee following suspicion of selling out. In this case, the shop stewards and the strike committee ceased to be complementary and highlighted a breakdown in the order of the union.

Von Holdt (2010, 2012, and 2013) further explores the question of order and disorder in South Africa during the apartheid and post- apartheid regime drawing from strike action and public protests. He argues that the persistence of violence in South Africa should be understood and explained by drawing from historical factors: as a sense of social injustice (structural violence) and as a result of unsettled, contested and disorderly nature of a society in transition. He draws from factors beyond industrial relations in an attempt to understand violence from a broader

perspective. Furthermore, he argues that violence is about establishing order on one hand and challenging it on the other. Thus it is a disruption of order and at the same time a creation of a new order. Von Holdt (2010) looks beyond institutionalisation and argues that the post- apartheid socio-economic and political context remains unjust for institutionalisation to be effective.

Von Holdt (2013) contrasts Fanon and Bourdieu in his analysis of how social order is attained. Bourdieu (cited in Von Holdt, 2013) views social order as a product of symbolic violence whilst Fanon argues that it is a product of revolutionary violence (Von Holdt, 2012). Fanon conceptualises violence as a form of popular agency. Drawing from these two perspectives, Von Holdt (2013) concludes that South African post- apartheid democracy is characterised by an exclusionary socio-economic structure marked by extreme poverty and inequality and the transformation of institutions in line with the democratic dispensation. As a result, this paradox produces an unstable social order characterised by violence and conflict (Von Holdt, 2012).

Von Holdt (2010, 2012, and 2013) addresses the question of making and unmaking social order and disorder drawing from public protests and strike actions in South Africa. The demise of apartheid at least separated political from industrial conflicts which were always conflated during the apartheid regime. In line with this assertion, the period following the demise of apartheid was characterised by a decline in violent protest and strike action. However, this shifted ten years after the democratic transition as that period experienced an upsurge in violent protest and strike action. Drawing evidence from strikes and public protests, Von Holdt (2012) postulates a very thought provoking claim. He concludes that violence and democracy are not mutually exclusive. He asserts that violence is not symptomatic of the failure of democracy. This is a break from earlier studies which viewed democracy as an antithesis of violent confrontation (Le Vine, 2000). Drawing from the South African experience Von Holdt (2013) argues that democracy does not do away with all forms of violence. He posits that violence is an integral element of democracy which may reconfigure power relations. He asserts that violence is integral to the South African democracy and is one way of structuring power because it is integral to the process of class formation and the emerging class relations in South Africa. Drawing from Latin American case studies, he views South African democracy as a violent democracy. This may be seen as an anti-thesis to Dahl's (1971) conception of democracy. Von Holdt (2013) argues that violence in the South African context is a means to defend the distribution of power and to

challenge or reconfigure it (Burawoy and Von Holdt, 2013). This is in line with Runkle (1976:376) who argues that violence may be the best means available to protect existing values that cannot be protected in any other way. Runkle (1976) supports his thesis by drawing from Freud who commented that 'if we ignore the fact that right is founded on brute force and even today needs violence to maintain it (Runkle 1976: 376)'.

Von Holdt (2013) also views violence as symbolic. For example, it may be a way of relaying a message to the powers that be. He concludes that violence and democracy are intertwined in a perplexing and complex way (Von Holdt 2013). In a strike action for example, the killing of fellow workers carries with it the symbolic messages for others not to follow suit. Von Holdt (2010, 2012, and 2013) further asserts that a strike action has its own laws which may include the use of violence. He conceptualises this as local moral orders. These local moral orders may be tied to violence or rationalise the use of violence in strikes. For example, the assault of scabs may be one of the local moral orders. This form of violence tends to be viewed as legitimate by both the victim and perpetrator. Von Holdt (2010, 2013) argues that the local moral orders represent the making of the law from below. Furthermore, Von Holdt (2010) highlights the polysemic nature of strike violence and how this varies over time. He cites for example, that during the apartheid regime violence was a means to destroy the apartheid system and now in the current context is used to call for the attention of higher authority.

Conclusion

The chapter has situated the study in theoretical and empirical literature and drawn a conceptual framework. The literature discussed in this chapter sheds light on two broad themes that form part of the subject of this thesis. First it unpacks the different perspectives on institutionalisation of industrial relations. It draws on a number of debates and identifies a number of tensions regarding the purpose, meaning and outcome of institutionalisation of industrial relations.

The literature reviewed in this chapter points to a number of tensions. There are both positive and negative views on the institutionalisation of industrial relations. Dahrendorf (1959) conceptualises institutionalisation of industrial relations as a process of making the rules of engagement between capital and labour, leading to routinisation of conflict. Buchanan (1994) on the other hand argues that institutionalisation of industrial relations forges the basis for class

compromise between capital and labour. Burawoy (1979) on the other hand views institutionalisation as a process of manufacturing worker consent and employer hegemony. Dörre, Holst and Nachtwey (2009) argue that the process of institutionalisation shifts the trade union strategy from mobilisation to servicing. According to this thesis, it transforms the workers' structural and organisational power into institutional power. Fantasia and Voss (2004) reflect on the outcome of institutionalisation of industrial relations and argue that it results in the bureaucratisation and alienation of the union from its membership. Purcell (1993) argues that the institutionalisation of industrial relations suppresses conflict and restores order and legitimises the exploitation of labour. At the same time it reflects the prevailing class power relations of domination and subordination.

The literature explored the broader level of social conflict and violence and has also identified different perspectives (tensions) on the role of conflict and violence. Dahrendorf (1959) views conflict as a contestation between two sides and a product of social structure which manifests in violence and is a source of structural change. He draws from both the functionalist and conflict theorists and argues that cohesion is a product of both consensus and coercion. Dahrendorf (1959) sees conflict as a source of change and development whilst Coser (1956) views it as a means of maintaining the status quo and a form of socialization and natural part of society.

This thesis draws particular theoretical insights from the work of Dörre, Holst and Nachtwey (2009) on labour and capital power and institutionalisation. It uses this as a theoretical lens to explore the shift in institutionalisation of industrial relations in South Africa. It is also draw from Wright's (2000) thesis on the relationship between capitalists' interests and worker power. The chapter also reviews different perspectives exploring the South African experience concerning the institutionalisation of industrial relations and strike violence.

Chapter 3

Setting the Context

The key characteristic of the research context in the 30 year period under review is the demise of apartheid and the transition to democracy. This chapter establishes the wider context in which the social processes tied to the variations of institutionalisation of industrial conflict and strike violence have been explored. This draws from the thesis that social action must be tied to the meaning as perceived by the actors. In line with this perspective, the chapter further draws from a review of historical events and processes that have shaped industrial conflict and violence. This captures how this has evolved over time in different workplace regimes. A historical reflection is significant because both the present and the future are often tied to past experience. In outlining this historical trajectory it is important from the onset to note how this is tied to the dynamics in the wider society which is conversely influenced by the labour relations. However, the framing of the context does not dwell on the generic intricacies of the South African industrial relations history but draws on factors and processes that shaped industrial relations and violence. The aim is to situate the relationship between the variation in strike violence and the changes in institutionalisation of industrial relations.

This study draws evidence from a case study of the platinum mining sector. It is important from the onset to note that the mining industry has from the onset (since the discovery of diamonds in 1869 and gold in 1884) been central in shaping South Africa's socio-economic and political order. It has marked important milestones in the history of South Africa and is linked to a number of important transitions. It is associated with the transformation and development of capitalism, industrialisation, urbanisation, proletarianisation, class formation and class conflict (Johnstone, 1976). This is succinctly captured by Sachs (1952:92) who argues that 'not only has the mining industry exercised almost unchallengeable power over economic life, but also it has largely determined the hybrid of social development of the country and made and unmade governments and political parties and influenced the cultural and intellectual life of the country'. Although its aggregate contribution to the economy has been on the decline in recent years, it remains one of the most important factors shaping South Africa's socio-economic and political trajectory. Fine and Rustomjee (1996) conceptualised this phenomenon as the Mineral Energy

Complex (MEC). Although the structure of the South African economy has shifted more to the service economy, it remains tied to the Mineral Energy Complex (MEC). Mining remains one of the most important sectors of the South African economy directly contributing 9 percent of the economy's GDP (Chamber of Mines, 2012).

Any explanation of the variation in industrial relations and strike violence must be located in appreciation of the continuities and discontinuities with the apartheid past. For example, the attainment of democracy has not seen the demise of the cheap labour regime but its reinforcement. Poverty persists with 52 percent of the population living below an estimated Poverty Datum Line of R577 per adult per month, (Stats SA, 2012). Despite considerable progress, millions of South Africans still live without adequate housing, education, health services and the sanitation necessary to ensure a dignified life. Different forms of violence (including strike violence) persist, for example in the increasing number of so-called 'service delivery protests' (Von Holdt, Langa, Molapo, Mogapi, Ngubeni, Dlamini and Kirsten, 2011). At the same time significant rights have been achieved. The hostel system of accommodation explained in Chapter 4 is being phased out, and despite the reconfiguration of the migrant labour system, new contours of inclusion and exclusion are being forged.

The apartheid and Bantustan regimes lacked popular legitimacy. Apartheid as a system was characterised by non-hegemonic social orders of violence. Order was attained and sustained through a form of despotism embedded in repression and violence. This also applied to the workplace and labour relations. However, this order was also contested through violent and non-violent means (Moodie, 1994; James, 1992). The workplace epitomised the apartheid order of violence and so was the resistance it produced. Exploring strike violence in a period of contested orders and changing political orders will set a benchmark for the review of how this changed over time post- democratic transition.

In mining, control and order was managed through a network of institutions such as the migrant labour and hostel system and at the micro level through the *induna* system[3]. This system was based on repression, paternalism and ethnicity (Moodie and Ndatshe, 1994) which severely undermined black workers' organisational rights. Nonetheless, black workers were not passive

[3]Traditionally an *induna* is a senior official usually of a tribe or ethnic group appointed by the chief as an overseer of his subjects. The system was adopted in the hostels to maintain ethnic division and control of the workers by appointing a lead person from each ethnic group. See Moodie 1994, James 1992.

actors. They contested this undemocratic order. The workers envisioned a democratic system based on the union shop steward model which respected the black workers' freedom of association and representation by independent trade unions. As illustrated in this chapter, the workers' struggle for a democratic system and resistance was not just confined to the workplace but extended to the broader community and society struggles against apartheid.

Mining in South Africa has been from its inception sustained by a cheap labour regime. As a result of the high levels of externalisation of work (subcontracting and labour brokering) tied to the need to maximize the extraction of surplus value many of the mine workers earn below the industry minimum wage. Although standard minimum wages are above the average national rate, they do not reflect equity and fairness for the sector. The majority of the workers are unskilled and semi-skilled and many of them fall in the low wage category. Whilst on average a mine worker earned R4 000 per month (R48 000 per annum) the average remuneration for a mining CEO for 2011 was R20.2 million per annum which translated to R55 000 per day (LRS, 2012). At the same time it has been reported that the main mining firms operating in the platinum belt recorded $4.5 billion in profits from their South African operations (Bond, 2013: 3). The top nine mining companies made a profit of 39 billion Rands in 2011 which was enough to pay all the 327 000 people formally and informally employed in the sector over R 88 000-00 per month for that year (LRS, 2012).

Colonial and apartheid labour regime and institutionalisation of labour control

The change in the institutionalisation of industrial relations and strike violence is tied to the relationship between capital and labour and how this evolves over time and the broader context. The following section presents a synopsis of how the capitalist system of production evolved in South Africa following the late 19th century mineral revolution and how this was tied to violence in strikes and industrial relations. The section explores how the colonial and apartheid system developed non-hegemonic institutions of labour control for black workers and the opposite for the white workers. It is important to note from the onset that the labour relations during the apartheid regime were bifurcated on the basis of race; that is black and white workers. Black labour was not incorporated into the industrial relations system but controlled through a non-hegemonic model based on repression coercion. These institutions of coercive labour control include the migrant labour, pass, hostels, and *induna* systems and others. The workers under this

system did not have a voice and some of the basic workers' rights. This is conceptually a different form of institutionalisation from the one explored in this thesis. The development of a capitalist system of production in South Africa was tied to the arrival of the European settlers and colonial conquest. The first European settlers at the Cape had no intention to settle permanently but to set up a refreshment camp for vessels en-route to India and the Far East. However, agriculture based system of production developed over the years. The annexure of the Cape by the British in 1804 forced the Afrikaners deep into the main land. They moved up and set up the Transvaal and Orange Free State republics. The discovery of diamonds at Kimberley in 1866 and gold in Johannesburg in 1886 transformed the socio-economic and political landscape of the sub-region that later metamorphosed into the Union of South Africa in 1910. A more advanced capitalist system of production based on wage labour developed. The mineral revolution thus created the impetus for a stable supply of labour to the mines.

However, the average quality of the gold ore discovered at the Witwatersrand, was very low and deep underground in hard rocks. This meant that production could only be sustained through a low production cost mining regime. This was made possible through cheap black migrant labour that was not fully proletarianised. Moodie and Ndatshe (1994) argue that a fully proletarianised labour was not possible because of the low wages which did not cover the costs of social reproduction. The mining of the Witwatersrand gold would not have been expanded without access to cheap black migrant labour (Wilson, 1972).

The discovery of minerals brewed a contestation for control of the mineral resources between the British and the Afrikaners and this culminated in the Anglo-Boer war of 1899-1902. This led to a compromise which resulted in the amalgamation of the four provinces in 1910 (Transvaal, Orange Free State, Natal and the Cape) which were held by the Afrikaner and the British respectively. All the four provinces except the Cape instituted an economic and racially based system of segregation overtime. This only became a national policy after the 1910 union of South Africa and was designed to intensify the exploitation of black workers.

The mining revolution created the need for institutions of labour control that ensured a steady supply of cheap black labour to the mines. Blacks survived outside a capitalist system of production prior to the extensive rise in primitive accumulation. The mining sector developed an

exploitative labour relations system which was subsequently adopted in other sectors. Hut tax and other forms of tax were imposed on Africans to coerce them to look for work in the capitalist system of production (Guy, 1982). This was a coercive form of proletarianisation. The mineral revolution propelled growth in agriculture and later in the manufacturing capitalist form of production.

The survival of the Africans outside a capitalist system of production was tied to the access to land for subsistence agriculture. The Native Land Act of 1913 demarcated land into white and black land and reserved only 7 percent of the land for blacks. The restriction on access to land was designed to force blacks into wage labour. Furthermore, a pass system was introduced to restrict and control the mobility of blacks by directing them where they were required as labour within the racialized capitalist system of production. Moreover, the colour bar and racial job reservation were adopted to protect whites from black competition. The colonial regime thus adopted a coercive and exploitative capitalist system of production that relied on cheap black labour.

African reserves were first designated as early as the 1900s. However, the apartheid regime revitalized this principle and created homelands which separated blacks on the basis of ethnicity after the 1951 Bantustan Authorities Act. This legislation proposed the setting up of black self-governments on the basis of culture and ethnicity, and incorporated traditional chiefs to run them. This was designed to enable blacks to exercise a very limited form of citizenship outside South Africa. The new black homelands were constituted in terms of the borders proposed way back after the 1913 Land Act and the 1936 Trust and Land Act which confined 80 percent of the population to 13 percent of the land. Bantustans were based on a principle of pseudo self-government for blacks along ethnic lines, that is to say, they ensured that ethnic division remained intact. The reality however, was that the independence and self-rule of blacks was fictitious. This was one of the ways in which the doctrine of apartheid was indeed put into practice to contain and control black workers and to prevent any form of insurgency against the system. This was also a form of co-opting blacks through extension of a fictitious form of independence. In an effort designed to articulate its interests, mining capital consolidated its power by setting up the Chamber of Mines in 1887. This created a monopsony[4] in the

[4] A market with a single buyer.

recruitment of mine labour by setting up two recruitment agencies – one that focused within South Africa and the other on the regional African countries.

We have noted that the mining sector was from inception characterised by an exploitative labour regime which Johnstone (1976: 21) has described as "extreme extra-economic compulsion and domination". Towards the end of the 19th century, at the height of the colonial conquest, many black communities were dispossessed and forced off their land by the new white settlers to join wage labour. The loss of land or the restriction of access for Africans meant they had to switch to economic dependence on wage labour for survival (Johnstone, 1976; Wilson, 1972; Moodie and Ndatshe, 1994). Various forms of extra-economic compulsion included restriction on property rights for Africans and taxation laws. In addition, the 'taxation measures forced Africans to seek employment by compelling them to acquire money to pay taxes" (Johnstone, 1976:24). It is thus important to note that Africans did not become part of the capitalist mining economy voluntarily but were coerced covertly and overtly by the state and its institutions in collaboration with mining capital. The state and capital had to draw on coercion and non-hegemonic means for the Africans to join wage labour to sustain the supply of cheap labour as they could survive outside the capitalist economy (Johnstone, 1976; Wilson, 1972; Moodie and Ndatshe, 1994). The mining sector was thus from its inception forged and sustained by a racialized and violent labour regime (Yudelman, 1983).

Apartheid created a bifurcated working class on the basis of race contrary to the classical Marxist theoretical conception. This fragmented the way workers forged resistance. White workers organised separately and their unions were co-opted and collaborated with white capital. As a result, the white unions that emerged did not only fight against exploitation from the capitalist system but thrived on suppressing the conditions of black workers and collaborating with the state. For example, in the Transvaal white unions lobbied the state to explicitly adopt an industrial colour bar in its mining law. As a result, a dualistic industrial relations system evolved – one for blacks and the other for white workers. This reflected variation in the struggles between the two races.

Migrant labour system

We have noted that the demand for a cheap source of labour for the mines necessitated the development of a special recruitment system that ensured a reliable source. As a result, the migrant labour system was developed and adopted in 1885, initially to supply labour for the mines and later for other sectors. This became one of the principal institutions of labour control that was tied to a non-hegemonic industrial relations regime. The rationale behind the migrant labour system was to get black workers into the mines covertly and overtly on a fixed contract. A typical mineworker would leave behind his family which thrived on subsistence agriculture albeit on limited land. He was paid only enough to survive at the mine (Wolpe, 1972) and lived in hostels divided on the basis of ethnicity. Workers were controlled indirectly through the ethnic based *induna* system. The migrant labour system served many purposes and reflected the bifurcated identity of mine workers (Moodie and Ndatshe, 1994). The migrants were workers and at the same time rural folks when they returned to their homesteads after the lapse of the mining contract. The system further fragmented the workforce beyond race and on the basis of ethnicity. This lack of unity limited black workers bargaining power.

Migrant workers were accommodated in conditions similar to military camps or barracks on the mine premises (Johnstone, 1976) where as many as 25 workers shared one room. They were confined to a defined space and lacked access to the outside world for the duration of their contract. Callinicos (1985) tracks this from the first mining settlements established after the discovery of diamonds in Kimberley in 1866. She argues that black workers were separated from their white masters and housed in large buildings near the mine. This served many purposes but most importantly the control of production and to divide workers along ethnic lines. Moreover, she argues this reduced costs and stabilized the supply of labour. It also ensured that the workforce was fragmented and isolated from the adjoining local communities. This was designed to eschew the full proletarianisation of the black workers by ensuring that they remained dependent on the rural economies (Wilson, 1972; Johnstone, 1976; Jeeves, 1985; Moodie and Ndatshe, 1994).

Wolpe's seminal work tracks the history of the mining industry in South Africa and argues that it was built around cheap black labour and the migrant labour system (Wolpe, 1972). The mining labour regime was sustained through the super exploitation of black labour that was not fully

incorporated into the capitalist economy. The system maintained an African pre-capitalist economy which was sustained through the use of land for agriculture production (Johnstone, 1976; Wilson, 1972; Moodie and Ndatshe, 1994). Black workers were partially proletarianised and connected to the capitalist economy through the migrant labour system. The limited access to land ensured a partial subsistence of Africans outside the capitalist system of production. The Africans had potential to be economically independent and no need to sell their labour as wage workers if they had unlimited access to the land (Bundy, 1979; 1988; van Onselen, 1976).

Burawoy (1976) argues that the mining sector in South Africa developed the migrant system initially as a response to labour shortages and the lack of permanent African settlement near some of the mines. Furthermore, mine work was often unpopular with many locals who usually took up jobs in the mines as a last resort. This necessitated a migrant labour system (Butler, 2013) which was designed to externalise costs to a rural African economy to maximize the extraction of surplus value. Urbanisation was regulated by the influx control and pass law which ensured that the migrant workers returned to their homes at the end of their contract (Burawoy, 1976). The system thus directed blacks where they were wanted to provide a service to the capitalist system.

The development of this model was tied to the convergence of interests of mining capital and the state. This centralised recruitment system of migrant labour developed overtime through collaboration between mining capital and the state (Wilson, 1972; Johnstone, 1976; Jeeves, 1985; Moodie and Ndatshe, 1994). Jeeves (1985) concludes that the migrant labour system developed as a result of a culmination of political and economic interests of various stakeholders including mining capital, state, traditional authorities and workers. The most significant factors as concluded by Jevees (1985) were the need to exploit the extraction of maximum surplus value, influx control and colour bar linked to the need to prevent the urbanisation and proletarianisation of black labour.

The mining sector competed with other sectors such as agriculture and later manufacturing for access to cheap black labour. This necessitated the need to expand the source of the labour beyond South Africa. In the early years of the migrant labour system, the focus was to get cheap labour even far and wide beyond South Africa (Jeeves, 1985). This resulted in the expansion of the system across the sub-region to countries as far north as Tanzania, Malawi and Angola. To

prevent competition and increase control, the mining employers through the Chamber of Mines created a centralized recruitment system (labour supply) which became a monopsony (Jeeves, 1985). The Native Recruitment Authority (NRA) took responsibility for the recruitment within South Africa whilst the Witwatersrand Native Labour authority was for recruitment outside South Africa. The Witwatersrand Native Labour authority later changed its name to the employment bureau of Africa (TEBA) in 1974. The most important role of the migrant labour system is that it operated within the paradigms of the apartheid system of separate development and connected the two divided worlds i.e. the capitalist and peasant economies.

Burawoy cited in Moodie and Ndatshe (1994) concludes that the compound system of accommodation represented the most effective forms of labour control. It became the key institution of labour control and reduced the threat of organised labour (Turrell, 1986). The system severely inhibited worker chances of organizing into trade unions. Turrell (1986) concludes that the system imitated the convict labour system but without turning free labour into slaves and in many ways maximized returns for the employers. Employers argued that this was designed to control theft of the precious minerals. Workers' collective resistance produced trade unions in later years.

The system was sustained by extreme economic and extra-economic compulsion and supported by a number of institutions and measures for it to work. The state provided the framework that supported the migrant labour and the compound systems (Yudelman, 1983). Black workers were subject to the contract system which criminalized any unauthorized termination of the employment contract. All Africans were subject to a pass system which controlled their movements from 1872. Workers were obliged to have a pass once they secured a job and those without were arrested (Johnstone, 1976; Wilson, 1972; Wolpe, 1972; Moodie and Ndatshe, 1994). These measures were designed to restrict the power and freedom of black workers (Johnstone, 1976) and to maintain a cheap labour regime to ensure that white capital maximized the extraction of surplus value in line with the ideology of capitalism. Legassick (1974) draws a similar conclusion in his exploration of the conditions for capital accumulation under the apartheid regime. He argues that mining and agriculture in South Africa were characterised by primitive accumulation and embedded authoritarianism embodied in extra economic coercion of black workers.

Other sectors also adopted a similar accumulation model which restricted permanent urbanisation and separated land ownership between blacks and whites (Legassick in Wolpe, 1972). The migrant labour system was designed to preserve the economic and political function of the Bantustan to ensure continuity of the supply of cheap labour to mining and manufacturing industries (Wolpe, 1972). Wolpe (ibid) succinctly highlights the exploitative nature of this system. He argues that the migrant system emerged as a solution to the shortage of housing and as a means of controlling black workers.

After the Portuguese[5] revolution in 1975 which culminated in the independence of Mozambique and Angola in Southern Africa, the mining capital gradually shifted from dependence on migrants from outside South Africa for political reasons (Butler, 2013). Anglo-American Corporation for example, reduced its dependence on migrant labour from 80 percent in 1972 to 60 percent by the end of the 1970s (Butler, 2013). Depending on migrant labour from countries that were now under the rule of Marxist regimes posed risk to mining and other sectors.

After the attainment of democracy, the new ANC led government and the NUM resolved to phase out the hostels and migrant labour system. This is expressed in the new mining legislation adopted by the government (the Mining Charter) which set up targets for the disbandment of the hostels and to promote the development of family accommodation for mineworkers. Aligned to this is the government policy promoting local procurement of material and labour. In labour recruitment, this means the promotion and preferential recruitment of workers from the local communities. In platinum mining, most of the mining houses give preference to the local communities for all unskilled jobs. Impala Platinum recruitment policy, for example gives preference to workers living within a 60 kilometre radius of its operations (Benya, 2009).

The shift in the recruitment regime from migrant labour to local recruitment is tied to a number of socio-economic and political changes that characterize the post- apartheid regime. It is associated with what Von Holdt (2003) has referred to as authoritarian restoration. This is linked to aggressive strategies adopted by employers characterised by casualization and externalisation of labour designed to reconstruct authoritarianism under new conditions (Von Holdt, 2003).

[5] Mozambique and Angola were governed as overseas provinces of Portugal until their independence in 1975 following a revolution in Portugal.

The shift in the focus from migrant to local labour however, has not resulted in the demise of the migrant labour system. The migrant labour system has not disappeared but has been reconfigured. A significant number of workers in the mining sector are migrants from the traditional migrant sending areas such as Lesotho, the Eastern Cape and Mozambique. Some of the core underground jobs such as rock drill operators (RDOs) for example are still the domain of migrants from the Eastern Cape. During the 2012 strike at Impala Platinum, a special recruitment team was deployed to the Eastern Cape and Lesotho to scout for new RDOs despite a recruitment policy that targets locals. This continuity of the migrant labour system is tied to a number of factors. Moodie and Ndatshe (1994) argue that in gold mining there is a defacto job reservation. Some jobs are reserved for certain ethnic groups. As pointed out already, migrants from the Eastern Cape are more likely to be employed as RDOs. Many of them are socialised and cultured to be RDOs before they even set foot at a mine. At some of the mines for example Lonmin Platinum, there is a tradition of 'job inheritance'. If a worker dies in service the family is entitled to replace with another family member. This reinforces worker loyalty.

Institutionalisation of industrial relations: The antecedent

The period before the adoption of formal institutionalisation of industrial relations in South Africa has to be looked at from two dimensions given the way apartheid divided workers on the basis of race. The capitalism in South Africa was characterised by the development of two groups of working class people divided on the basis of race. Mining capital created a dual labour market of free white workers and un-free black workers in line with the politics and subjugation of black people. Africans were the source of cheap labour sustained by subjecting blacks to economic compulsion and racial domination (Johnstone, 1976; Wilson, 1972; Wolpe, 1972; Moodie and Ndatshe, 1994). This produced a dual industrial relations system. Consequently, the institutionalisation of industrial relations for black and white workers followed a different trajectory and generated different experiences and outcome. The bifurcation of the industrial relations framed the trajectory and variations of the institutionalisation of industrial relations and violence in strikes. The white workers and their trade unions were co-opted into the system as a labour aristocracy whilst black workers used the institutions that emerged out of the process of institutionalisation following the recommendations of the 1979 Weihahn Commission as

weapons of resistance not just against repression and exploitation at the workplace but the broader apartheid system.

The period before the formal institutionalisation of industrial conflict was characterised by different forms of industrial conflict which affected both black and white workers. Before the 1922 Rand Revolt, black mine workers engaged in a number of strikes characterised by a nascent militancy. The first recorded strike of black mine workers was in 1896 following a reduction in wages. In 1913, black mine workers went on strike against poor wages, conditions of work and the colour bar which was a precursor of apartheid. This was followed by heightened militancy and other strike actions by black workers in the 1920s (Wilson, 1972; Johnstone, 1976). Yudelman (1983) asserts that the labour conflicts that characterised the period 1907-1924 were not just about racial issues.

A strike by white miners protesting against the recruitment of blacks into jobs reserved for whites in 1922 culminated in the Rand Revolt in which over 150 miners were killed. The white miners were armed to eliminate strike breakers. The strike was crushed after a bombardment by the army and the air force following a decree by the Prime Minister General Jan Smuts. Yudelman (1983) concludes that the 1922 Rand Revolt was not just racial but a culmination of a protracted struggle between labour and capital in which the state intervened on the side of capital. Overriding was the issue of industrial dominance between capital and labour and the state's growing interference in the conflicts. He concludes that this culminated in the victory of the state and capital (Yudelman, 1983).

After the Rand Revolt, the white workers were incorporated into the formal industrial relations system following the adoption of the Industrial and Conciliation Act of 1924 that recognized white trade unions and collective bargaining. The period after the Rand Revolt was characterised by continuity in the cheap black labour regime underpinned by the hostels, migrant labour and racial discrimination. However, black workers were not passive. The repression produced contestation and resistance. By the 1940s, the institutionalisation of industrial relations remained racialized and blacks remained excluded. The formal industrial relations system only recognized

white workers and their trade unions. Blacks were not recognised as employees and their trade unions operated outside the industrial relations system.

The unionisation of black mineworkers was very difficult from the onset because of the migrant labour and hostel system which restricted access. Contact with the workers in the hostel was controlled by the employer and the contracts of employment for blacks were short. Much as that was the case, these barriers did not mean that black trade unions failed to emerge. The first black mineworkers union, the African Mine Workers Union (AMWU) which was established in the 1940s marked the first phase of the unionisation of black mineworkers. AMWU led a black workers' strike in 1946. The workers in this strike demanded better working conditions. They claimed 10 shillings a day (living wage) and the recognition of their trade union. This was a form of resistance to exploitation which the state crushed violently at gun point (O'Meara, 1975). Repression and violence by the state in collaboration with the employers was one of the means of managing the labour relations. The state and the employers mobilized on a war footing against the unarmed workers and at least 6 workers were killed. This repression culminated in the demise of the first black mineworkers' union (Wilson, 1972; Johnstone, 1976; Allen, 1992). Prior to this 1946 defeat, the black mine workers had made several futile attempts to organise into a trade unions. Employers had absolute control of the hostels and this made it difficult for a union to penetrate and organize (Allen, 1992).

We have noted that order may be forged through either violence or consensus. During the apartheid and colonial regimes, violence and repression were the only means for asserting order in the industrial relations. After the brutal suppression of the African Mine Workers' Union (AMWU) in 1946, it almost appeared inconceivable that blacks would ever have trade unions. This was despite the appalling conditions of work and exploitative nature of the work. The state and the employer relied heavily on brute non-hegemonic force and repression to manage dissent. The socio-economic and political trajectory of South Africa has been from the onset shaped by a violent history as highlighted earlier. The colonial conquest and the shift to industrialisation in line with the capitalist mode of production was all characterised by different forms of violence and forced proletarianisation. The labour regime was since the early stages of proletarianisation shaped by continuous social and political conflict (Johnstone, 1976).

Apartheid workplace regime

The experience from colonial conquest to the rise of industrialisation established a workplace order characterised by violence and racial prejudice. Von Holdt (2003) termed this 'racial despotism'. A racial compromise was forged between white workers and capital which in later years evolved into apartheid. Whites assumed a dominant position in society and at the workplace whilst blacks were relegated to a subordinate role. It is the struggles over this racial despotism that framed the interaction between blacks and whites throughout the period leading to the demise of the apartheid system both at the workplace and in the broader society. In the same period, white workers' unions declined from being very strong political and economic forces after the co-option. White labour was co-opted and depoliticized (Yudelman 1976). Yudelman (1976) argues that this was because at the time neither the state nor capital could attain hegemony independently. The state and capital thus forged an alliance and co-opted labour in their own terms.

The adoption of apartheid as a policy in 1948 amplified and sharpened continuity of the dual labour relations and a system of inclusion and exclusion based on race. Von Holdt concludes that the apartheid 'workplace regime consisted of a racially oppressive order derived from South Africa's settler-colonial history.… [It] was a site of racial domination, buttressed by racial segregation, and by racist discourses and practices in which the distribution of occupations, skills, incomes and power was racially defined' (Von Holdt, 2003 cited in Buhlungu and Webster, 2006:248). At the work place apartheid meant separate pay, toilets, and change rooms, and so on for people of different races. Apartheid represented the culmination of racial despotism (Von Holdt, 2005). Other characteristics of the apartheid workplace regime were "hierarchical and authoritarian management styles, extremely adversarial industrial relations, lack of skills… and numerous production inefficiencies that sprang from the conflicts, hierarchies, social distances and antagonisms that characterised a workplace with roots in the social relations of settler colonialism and unfree labour" (ibid).

It was logical for white workers to support the system of job reservation (colour bar) as it guaranteed them job security and superior terms and conditions of employment. Most of the white workers never supported strike action by black workers. They supported a racialized

labour relations regime as they were part of a labour aristocracy benefiting from the system. This thesis thus argues that this form of co-option of the white workers forged a different form of institutionalisation of industrial relations characterised by the consent of both the white workers and their trade unions. This however, challenged/disturbed the classical Marxist theory which presumes a class division on the basis of the relationship to the means of production. Race solidarity severely undermined the notion of class solidarity because of apartheid's social engineering. The apartheid system was designed to ensure white domination and maximisation of profit for business through the use of cheap black labour.

Mining and violence

The mining industry has a history of endemic and multidimensional violence. Moodie (2005) and Breckenridge (1998) argue that during the apartheid regime mining was viewed as a physical and violent game. Violence is integral to underground mining (Moodie, 2005; Breckenridge, 1998). We have noted that labour may be managed either through institutionalisation and development of a hegemonic system based on consent and non-violence or through a non-hegemonic system based on violence. The context during the greater part of the apartheid regime did not allow the management of labour relations through non-violent hegemonic means. Breckenridge (1998) and Moodie (2005, 2002) identify different kinds of violence including the social, political, economic and the interpersonal, together with their underlying meanings.

Violence is often viewed as a manifestation of the collapse of the social order or as a means for remaking the social order. A number of scholars have attempted to account for the violence in the mines during the apartheid regime. Breckenridge (1998) explores violence in the gold mines during the apartheid regime. He concludes that it was pervasive, accepted, celebrated, and a way of celebrating masculinity for both black and white mineworkers who were exclusively male. He draws from Connell and Connell (2005) and argues that South African hegemonic masculinity emerged from the mines. Breckenridge (1998) views violence as part of the motivation to work underground and as integral to the political and economic structure of the apartheid system.

Moodie (1992) disaggregates violence in the mines into that underground, structural violence built into the compound system of hegemony, and ethnic violence or factional fights, that is, interpersonal violence (intra-worker) violence amongst the workers. Moodie and Ndatshe (1994)

and Moodie, (2002) explain black on black worker violence in the mines in the analysis of factional fighting in the gold mines. They argue that factional fights emerged from management policies and through desperation and misery of the exploited workers. According to Moodie (1992), the division of the workers in the hostels along ethnic lines provided the structural basis for faction fights, and violence became a means of celebrating ethnicity. Moodie (1992) further argues that violence was central to the lives of mineworkers. Furthermore, Moodie (1992) argues that collective violence does not only assert instrumental goals but also reinforces group solidarity and sends a message to the dominant class. Moodie (2002:613) concludes:

> Collective violence has a logic which implies strategic choices, brutalized and brutalizing maybe, but directed to sensible, and sometimes moral, purposes. Indeed, violent strategic choices are often made out of moral outrage at entrenched injustices which are often violently enforced.

Whilst Moodie (2005) concurs with Breckenridge (1998) thesis explaining violence in the mines by drawing from cultural factors such as masculinity, race and other social, political and spatial factors that view underground as a dangerous space, he also focuses on what he calls production relationship in his quest to explain violence in mining. He concludes that the violent work practices underground were attributed to the maximum average system that was introduced in 1913. Chapter 3 has explained how this system worked. The maximum average system was an impediment to the management of labour relations through consent without the use of violence. It constituted part of the means of managing discipline in the mines. Violence was the ideal form of labour control during the greater part of the apartheid regime and in particular, before the adoption of the Wiehahn Commission recommendations. Black workers accepted certain levels of violence as a form of supervision (Moodie, 2005). Moodie thus makes connections between the maximum average system and some of the violence that was part of the discipline handling process. According to this thesis, violence was a means of enhancing productivity and part of the primary means of controlling labour.

The question that this thesis raises is the pervasive nature of violence in the mining social order including the way labour relations were managed during the apartheid regime. Of interest also, is how violence relates to the institutionalisation of industrial relations. We have noted that institutionalisation of industrial relations is a means of managing industrial conflict including violence in modern capitalist economies. Industrial conflict and violence thus change with the

shift in the form of institutionalisation of industrial relations. In this case, we note that violence was institutionalised as an integral part of labour relations. Moodie (2005) argues that this only shifted by the end of the 1960s after the abandonment of the maximum average system and swing to the Paterson grading system. However, for black mineworkers institutionalisation was never really attained before the democratic transition. The Wiehahn Commission recommended the institutionalisation of industrial relations for black workers. However, this was difficult to realize without political citizenship as the workers' struggles at the workshop were indissolubly linked to the broader struggle for democracy.

Black mineworker's union resurgence: National Union of Mineworkers (NUM*)*

The apartheid regime, in collaboration with the Chamber of Mines' mode of control of labour and the labour process, was anchored on racial discrimination and brutal force against black workers. This undermined the chances of black workers setting up a strong union to represent their grievances. Yet the institutionalisation of industrial conflict in line with the pluralist industrial relations perspective is based on shop floor democracy and strong trade unions which functions as the vehicle of the process of institutionalisation. Black mine workers made several abortive attempts to organize into trade unions from the onset of the industry after learning from their white counterparts. The mining sector had a special framework of institutions that undermined the emergence of independent workers' voice. The hostel system ensured that the mineworkers were isolated and free from external influence. As a result, the success of any union organisation was dependent on its access to the hostels. Apartheid evolved from the foundations of the migrant labour system which was initiated in the mining sector (Bezuidenhout and Buhlungu, 2007).

The attempt to organize black mineworkers was often tied to political and social transformation and was met with violent responses from the state and employers (Bezuidenhout and Buhlungu, 2007). Nevertheless, we have noted that the black mineworkers were successful for the first time in the 1940s to organize into a trade union, AMWU, which articulated their plight. However, the African Mine Workers Union (AMWU) was crushed after the 1946 black mineworkers' strike. The mineworkers who were part of this strike were forced at gun point to the rock face by the state in collaboration with capital (Bezuidenhout and Buhlungu, 2007). The efforts to unionise

black workers collapsed after the Chamber of Mines shut down AMWU's access to the hostels (Johnstone, 1976; Wilson, 1972; Moodie and Ndatshe, 1994; Allen, 1992). The repression and the extra-economic coercion of black workers which characterised the mining sector were intimately tied to the principle of racial despotism which culminated in apartheid.

Towards the end of the 1970s and into the 1980s, there was an upsurge in worker militancy and industrial conflict following a wave of strikes by black workers which started in Durban in 1973. Between 1973 and 1979 two hundred black workers were killed in violent protests and over 1000 injured. This highlighted a gap in the industrial relations system in containing strike violence (Crush, 1989) and that the use of violence against workers by the state was not working as a strategy. As part of the response, to shift from a violent strategy to consent, the apartheid regime set up the Wiehahn Commission in 1977 to rationalise the industrial relations and shift from a dualistic model. This commission recommended the incorporation of black workers into the industrial relations system in 1979. The commission recommended the institutionalisation of industrial relations for black workers. This was a shift in the state-capital strategy from coercion (non-hegemonic) to collaboration (consent/hegemonic). Butler (2013) asserts that the political influence of one of South Africa's largest conglomerates, Anglo-American which advocated for the rationalisation of industrial relations was instrumental in the shift and setting up of the Wiehahn commission. This was a major step towards the attainment of industrial citizenship for black workers. However, it is important to take cognisance that this form of institutionalisation was not designed to empower black workers but was primarily a form of control.

With the absence of the ANC and other political movements following the ban by the apartheid regime, the period post-1973 was characterised by the emergence of formidable independent democratic shop floor controlled trade unions that filled the void left after the liberation movements (ANC, SACP) were banned. The workers articulated the workplace struggles to the broader societal political struggles. As a result, many of the strikes were marked by violence and clashes with the state police and characterised by demands beyond the workplace. The violence in strikes was seen as part of the broader struggle against the apartheid regime (Von Holdt, 2005).However; this level of militancy was only realized in the mining sector in the 1980s because of repressive control regimes in the sector.

In the mining sector, industrial conflict and violence intensified after 1980 and the Chamber of Mines was forced to capitulate and recognize black trade unions for the first time. Following the recommendations of the Wiehanh Commission to institutionalise industrial relations for black workers, the NUM emerged in 1982. It was initially confined mainly in gold and coal sectors. The capitulation by mining capital and the state may be viewed as more of a tactical retreat to gain control of the situation through collaboration with the unions, that is to say, manufacturing consent. However, as highlighted earlier, Moodie and Ndatshe (1994) and Butler (2013) argue that the NUM was a success unlike the AMWU in the 1940s because it secured access to hostels sanctioned by capital. NUM's access to the hostels was facilitated initially by the reformist mining house Anglo American Corporation which was pushing for a corporatist industrial relations regime which demands strong trade unions (Crush, 1989). AngloGold wanted to shift to a corporatist industrial relations regime and thus saw unionisation of black workers as a step towards this direction (Crush, 1989; Butler, 2013) given the numbers of black mine workers in the sector. AngloGold was thus the first major mining house to give access to its hostels and workplace to the NUM. Butler (2013) argues that AngloGold's decision was informed by the belief that black labour unions were a potential ally against white capital. It believed that the opening of the labour market to all races would rationalise the labour market and reduce the cost of white skilled labour.

Moodie and Ndatshe (1994) provide further evidence why AngloGold was amenable to a strong trade union for black workers (NUM). They argue that this was tied to the experience many AngloGold managers had with the unions in operations in independent Zambia. He asserts that the AngloGold management had been through this experience and was convinced that the best way to manage industrial relations was through establishing strong and legitimate trade unions. This is in line with the argument by Mills and Schneider (1948:8-9) who conceptualised trade unions as "managers of discontent". AngloGold's position on black trade unions was strongly opposed by other major mining houses at the Chamber of Mines such as Gencor and Goldfields which defended the maintenance of a coercive and non-hegemonic labour relations regime and were aligned to Afrikaner capital. AngloGold's position represented a shift to a hegemonic labour relations regime based on consent.

AngloGold apparently realised much earlier that having a strong trade union was part of the ideal labour relations that guaranteed harmonious industrial relations through the manufacturing of consent (Burawoy, 1979). The other major mining houses, Gencor and Goldfields which were linked to Afrikaner capital defended control based on a coercive labour relations regime and non-hegemonic. The difference emanated from variations on the views of how workplace order may be attained. Anglo American Corporation at the time shifted its perspective on how order may be attained i.e. from coercion to consent whilst Gencor and Goldfields maintained the status quo based on coercion. This variation by different mining houses shaped the way the new unions emerged and how they expanded in a very significant way.

The 1970s and 1980s experienced a successful emergence of black trade unions that were based on strong shop floor and worker controlled democratic structures (Friedman, 1987). At the time black trade unions were divided between those that advocated no racial trade unionism and embraced whites and those that advanced black trade unions based on the doctrine of black consciousness. The Federation of South African Trade Unions (FOSATU) represented non-racial trade unions whilst Council of Trade Unions of South Africa was for the black consciousness trade unions (Friedman, 1987).

The NUM was initiated from a project of the black consciousness; Council of Trade Unions of South Africa (CUSA). CUSA was approached in 1982 by mineworkers at Kloof Goldfields with a special request to assist in the formation of a union for mineworkers (Butler, 2013). It is important to note that FOSATU, which was a competitor, had also resolved to set a similar union a year earlier. However, the FOSATU project was less successful because of a number of factors which mainly related to access and resistance from mining capital. Butler (2013) argues that the CUSA project got the support of AngloGold, one of the key mining capitals from the onset as it was viewed as a project to unionise the black elite. The CUSA project was viewed as a potential competitor for the white unions. On the other hand, the FOSATU project collapsed because it was viewed as a mass based union targeting the shop floor level and posed risk in destabilising industrial relations harmony. It thus could not get access to the hostels and workplaces unlike the CUSA project as it was perceived by capital to be a threat to the industrial relations at the time. The CUSA project culminated in the formation of the NUM. This was the first successful attempt after the 1946 strike to organize black mineworkers. This history highlights that the

subsequent phenomenal rise of the NUM coincided with the interests and support of big capital. This move by Anglo-Gold was designed to safeguard its interests. Drawing from the pluralist industrial relations perspective mining capital had interest in the establishment of strong trade unions for black workers which would become an instrument of control. There was thus a convergence of interest between a section of mining capital and the nascent black mineworkers' union. Part of this white capital wanted to shift from the non-hegemonic industrial relations based on coercion to a hegemonic regime based on consent.

The NUM went through a phenomenal growth from its inception in 1982, and became the fastest growing union in Africa (Crush, 1989). It turned the hostels from being centres of control to the focal point of union organising. In 2012 South Africa had an average union density of 30 percent (NALEDI, 2012) which is very high by world standards. However, this did not reflect the level of union density in mining at the time. The mining sector had an average density of 80 percent in the same year which was the highest in the country at the time. The high level of unionisation in the mining sector is tied to the repression and coercion which characterised the history of the industry from its inception. It is important however, to note that the phenomenal growth of the NUM was preceded by violence. Violence was thus an integral part in the formation of the NUM.

The NUM was able to use its access to AngloGold hostels as a spring board to spread its wings to other mining houses and sectors. In the platinum sector however, the dynamics were not so congruent. Platinum mining is primarily in the North West province and many of the mines at the time were located in the former Bophuthatswana homeland. Impala Platinum is a typical example which had all its mining operations in Bophuthatswana. This meant that the NUM was a foreign trade union and could not operate in that homeland. In addition, the Bophuthatswana homeland government closed off foreign unions, particularly the NUM. This explains why the platinum sector was the last frontline to be organised by the NUM.

The NUM was successful in repelling the despotic control and repression of black workers and in connecting workers' struggles to social transformation beyond the workplace into the social and political arena (Bezuidenhout and Buhlungu, 2007). It connected its struggle to the total emancipation of black people and demise of apartheid. It thus was a very instrumental force in

the struggle against apartheid. It became one of the biggest unions in the history of South Africa and even after the democratic dispensation remained entrenched in the workplace struggles and democratisation. It signed recognition agreements with most of the big mining houses which gave it absolute representation rights. In most of the cases at the big mining houses, the employer provides the union with offices and fulltime shop stewards at the cost to the employer. This may be viewed as co-option of the union into the establishment**.**

The struggle for the NUM to gain recognition in platinum and at Impala Platinum in particular was marked by heightened worker militancy and strike violence in which a number of lives were lost. The workers connected their struggle to have an independent voice at the workplace to the broader societal political struggle for freedom and democracy. In the eyes of the workers and the ordinary people, the union (NUM) represented the ANC which had been disbanded by the apartheid regime. Industrial action was not just about the shop floor issues but was also designed to undermine the Bantustan government and apartheid.

The control of labour through the migrant labour system and other institutions was in many ways resisted by black workers through a form of shop floor agency. However, in the 1980s the black workers union, the NUM managed through the use of worker agency to subvert employer logic of control and captured the hostels and converted them into centres of worker mobilisation (Bezuidenhout and Buhlungu, 2010). In addition, the NUM, through its social movement unionism character connected workers' struggles at the shop floor to the broader struggle against apartheid and for democracy.

Post- apartheid industrial relations regimes (1994-2012)

The apartheid workplace regime was based on racial segregation and a despotic state that secured compliance through coercion. We have shown how apartheid structured the workplace along racial lines. Apartheid in the broader society was reproduced at the workplace characterised by black inferiority and white superiority (Von Holdt, 2003). At the workplace this created various forms of resistance to the apartheid forms of control. It has been noted that the apartheid regime later realised that order attained through coercion was not sustainable as it always produced resistance. We have noted that the Wiehanh Commission was set up in 1977 to look into how to

rationalize the industrial relations and recommended in 1979, for the incorporation of black workers into the system and the institutionalisation of black trade unions. This was designed to shift from despotic and coercive industrial relations to one based on consent and institutionalisation of industrial conflict.

Following the adoption of the Wiehanh Commission recommendations, many companies were prepared to shift towards the institutionalisation of industrial relations and to recognise black trade unions. This was a shift in strategy from antagonising black unions to collaboration. However, the apartheid form of institutionalisation was incomprehensive and could not address the contradictions presented by the apartheid system. Furthermore, apartheid in the broader society was reproduced at the workplace and hence the workers articulated their struggles to that of the broader society. This partly explains why institutionalisation during the apartheid regime failed to manage industrial conflict.

The negotiated political settlement culminated in the democratic transition and this created impetus for a transition to a new workplace regime .i.e. the post- apartheid workplace regime. The post- apartheid labour relations regime constitutes part of this broader social pact from the negotiated transitions. It is based on the mutual accommodation and compromise by parties with competing interests. Trade unions are accepted as legitimate representatives of workers and instruments for the promotion of workplace social justice. In this new dispensation, the workers have rights and are represented by shop stewards. The post- apartheid labour relations regime is based on the institutionalisation of collective bargaining and industrial conflict in line with the pluralist industrial relations perspective. This was tied to the shift from the repressive and despotic *induna* system to the democratic shop steward system based on popular representation from the shop floor.

The new labour relations regime adopted at Impala Platinum post- 1994 democratic transition embraced institutionalisation of industrial relations as a means of managing conflict and violence at the workplace as highlighted. It is based on the principle of industrial democracy as postulated by Dahrendorf (1959). The post- apartheid regime recognises the collective organisation of workers into trade unions and employers into associations. The unions and employers have a

right to establish collective bargaining relationship. This may be through a bargaining council where one exist or through a recognition agreement. The system also established institution of dispute resolution. The Labour Relations Act provides for the setting of the Commission for Conciliation, Mediation and Arbitration (CCMA) which is independent of both the state and the unions and is assigned the responsibility to resolve disputes through the process of conciliation, mediation and arbitration.

The adoption of a system based on industrial democracy is tied to the pluralist industrial relations perspective and is designed to culminate in the decline of industrial conflict and violence. It is important to note that the main difference between the institutionalisation of industrial relations after the 1977 Wiehanh recommendations is that in the 1980s when the first recommendations were adopted blacks only attained industrial without political citizenship. After 1994 they attained both industrial and political citizenship. The relationship between these two forms of citizenship and the significance was highlighted by the white workers following their defeat after the Rand Revolt. The white workers lost out in 1922 and because they had political citizenship they voted out a government that was not sympathetic to their demands and replaced with a new one that reviewed industrial relations in their favour two years later in the 1924 general elections.

In addition, to the constitution which ensures fundamental rights, including the right to strike, other significant labour legislations were promulgated after the democratic transition. The Labour relations Act of 1995 gives effect to Section 27 of the constitution and the International Labour Organisation (ILO) conventions. It also sets the framework for determining wages through collective bargaining, and provides a framework of dispute resolution and employee participation. The new labour regime established a social dialogue platform, National Economic Development & Labour Council (NEDLAC) designed to reach consensus by the social partners. NEDLAC attempts to balance the need for democratic transformation with that of maintaining economic competitiveness. This peak-level tripartite body played a central role in the development and legitimating of a new labour dispensation that the government hoped would provide ‘regulated flexibility’ (Nattrass, 2014).

The level of strikes has indeed declined following the democratic transition. However, strike violence remains an important phenomenon in the post- apartheid industrial relations. In order to explain the variation of strike violence and the relationship to the institutionalisation of industrial relations in the post- apartheid dispensation it is instructive to reflect on the changes in the new era and context. The attainment of democracy in 1994 was a result of a complex number of pressures that involved what has been described as a 'triple transition' with political, economic and social dimensions (Buhlungu and Webster, 2006:248). It involved the adoption of what has been described as one of the most progressive, comprehensive and labour friendly industrial relations regimes aimed at redressing the injustices and imbalances of the apartheid past.

Post- apartheid workplace regime: new institutional reforms

Restructuring of work

South Africa's transition has been described as a triple transition towards political democracy, economic liberalisation and racial equality (Webster and Omar, 2003). This was aimed at enhancing global competitiveness, consolidating democracy and disbanding the legacy of apartheid (Von Holdt, 2002). These forms of transition have put pressure on restructuring of work. But according to Buhlungu and Webster (2006:248), 'the most significant challenge facing the workplace has been the transition from a domestically-oriented economy to a more globally integrated one. This has led to wide-ranging forms of corporate restructuring effectively integrating companies into more globalised corporate and production structures'. This restructuring is producing a work order which involves the differentiation of the world of work into three zones: the core, (consisting of skilled, permanent workers who enjoy relatively high wages, benefits, good working conditions and job security), the non-core of semi-skilled and non-core workers in precarious jobs who earn low wages, enjoy no benefits, work under poor conditions and have little or no job security and finally the periphery of those in the informal sector and the unemployed. (Webster and Von Holdt, 2005:28). It will be shown below that a significant part of the platinum workers fall into the non-core category.

It has been highlighted that apartheid had its own imbedded forms of labour market flexibility. The employer within the apartheid system could arbitrarily hire, dismiss or transfer workers

almost without challenge and with the backing of the state. This constituted part of the apartheid flexibility. Black workers had no recognised rights. This shifted post the- democratic transition as new forms of flexibility had to be adopted.

An important shift that characterizes the post- apartheid workplace regime is the restructuring of work in line with the neoliberal dispensation. This is tied to an increase in employment outside the standard form of employment; that is the externalisation of work such as outsourcing and subcontracting. The shift towards subcontracting dramatically changed from the 1990s as neoliberal globalization asserted its hegemony. Bezuidenhout cited in Von Holdt (2003) reviews the post- apartheid workplace regime. He analyses how flexibility shifted in the post- apartheid period. He argues that the flexibility of the migrant labour system in the post- apartheid workplace regime has been replaced by the flexibility of casual labour. In the post- apartheid dispensation, the proportion of workers externalised has increased exponentially. During the apartheid workplace regime the challenge before the onset of the first black trade unions was how to organize mineworkers who were confined in the hostels. In the current neoliberal dispensation the challenge for trade unions is to organise externalised workers i.e. labour brokers and subcontractors. This has resulted in the erosion of the core and expansion of the non-core and periphery (Webster and Von Holdt, 2005). Increasing externalisation has become a common phenomenon even in some jobs that were traditionally part of the core. The essence of this shift is that it has sustained the employer's motive of maximizing surplus value. Bezuidenhout (ibid) refers to this shift as continuity through change. Von Holdt (2003) identifies this as authoritarian restoration in his conceptualisation of the different patterns of the post- apartheid workplace regime which is characterised by the adoption of aggressive strategies of casualising and or externalising the larger proportion of work.

One of the dimensions of post- apartheid flexibility is tied to outsourcing. 'Outsourcing describes a process whereby workers in standard employment relations are shed, typically in a business's non-core services. The corollary is that a relationship of subcontracting is created between the core business and a contractor or satellite enterprise' (Theron, 2005:301). Linked to this is the growth of casualization, meaning the increased utilisation of part-time and temporary workers. One consequence of casualization is that the number of workers protected by labour regulations diminishes. In this sense, the progressive labour reforms described are severely undermined. Von

Holdt (2003) views this as a form of reconstructing authoritarianism in the post- apartheid dispensation.

This new form of flexibility which characterizes the post- apartheid dispensation is tied to neoliberal globalization and the need to maximize the extraction of surplus value for capital. Theron (2003) explores the changing nature of employment in South Africa and argues that the changes are driven by global economic changes and shaped by neo-liberal ideology and legislation. The post- apartheid workplace regime has so far been characterised by a proliferation of externalisation of work designed to enhance flexibility. The rationale behind this is to minimise cost for the principal business by paying the contractor a fixed amount through a commercial contract (Theron, 2003). This allows the liability of the main business to be fixed as the employment contract is substituted by a business contract. The post- apartheid workplace regime has seen a rise in triangular forms of employment in line with changes in the global economy (Kenny and Bezuidenhout, 1998).

Table 1: Major platinum mining companies and subcontracting

	Direct **employees**	**Third party employees**
Angloplats	54 000	8000
Impala	32 909	13 717
Lonmin	28000	10 000
Aquarius[6]	1725	10 141

Source: Angloplats 2011, Impala 2011, Aquarius 2012, Lonmin 2011

The level of sub-contracting varies in many sectors and companies. Table 1 above illustrates the level of externalisation of work in the major platinum mining houses in South Africa. At least 28 percent of the workers in mining are externalised. They are employed indirectly through labour brokers and subcontractors. However, platinum mining has the highest level of externalisation at 36 percent (Webster, Benya, Dilata, Joynt, Ngoepe, and Tsoeu, M. 2008), (Bezuidenhout and

[6] At the time Aquarius subcontracted almost all of its mining operations to Murray and Roberts. This deal has since been reversed.

Buhlungu, 2010). Of the three major platinum producers, Impala Platinum has the highest number of externalised workers (see Table 1).

Externalisation of work is one of the means to enhance employer control of the labour process. There are a number of reasons why platinum shifted more to a labour flexible labour regime in comparison with other sectors. Platinum mining before the 1990s was small and the employers were not centrally organised. As a result, the use of cheap labour was entrenched as part of a strategy designed to enhance competitiveness in line with the capitalist model/logic of maximising the extraction of surplus value. This in many ways is designed to undermine the post- apartheid gains by labour. Bezuidenhout (2006) illustrates why externalisation has become popular. He draws his case from the gold sector and argues that in this sector, labour brokers are used to undercut wages set by the Chamber of Mines' centralised collective bargaining process. This is reflected by the fact that subcontracted workers are paid much less than those in standard employment (Webster et al., 2008). The collective bargaining agreement is usually with the main mining houses and excludes subcontractors and other externalised workers. Hence subcontracted workers are in most cases not be covered by the unions and collective agreements.

We have noted that Von Holdt cited in Bezuidenhout and Buhlungu (2007) conceptualises this as restoration of an authoritarian regime. For example, precariousness enhances employer control of the pace of production and discipline. It pushes the worker harder and instils discipline as there is always a threat of dismissal (Smith, 1998). As a result, many of the new jobs reflect how work has been re-organised. However, in many cases, third party employees are closely controlled as direct employees and integrated into the principal mining operations. Thus fragmentation (externalisation) of work may co-exist with operational integration (Williams, Davis and Chinguno 2013).

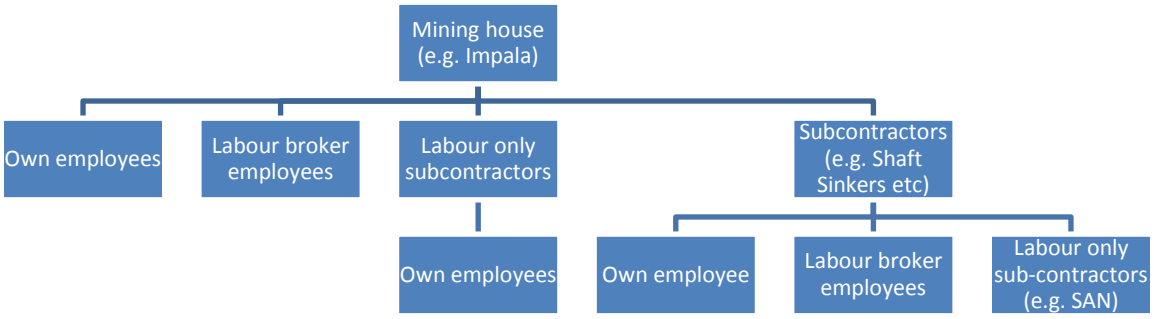


Figure 1: Typical flexible work arrangements in South Africa platinum mining

The change in how mining work is organised post the democratic transition is linked to fragmentation and precariousness both at work and home. Fragmentation refers to the breaking down of work into smaller segments. It serves many purposes but primarily enhances the control of workers. Benya (forthcoming 2015) disaggregates subcontracting in mining into specialized subcontracting, labour subcontracting, job subcontracting and gang subcontracting. Along these new forms of flexibility in mining is the demise of the hostel system in the post- apartheid workplace regime. Mining capital has thus drifted from 'compounded to fragmented labour' (Bezuidenhout and Buhlungu, 2010: 256). It has shifted from permanent to third party employment as an ongoing exercise following the rise of union hegemony and the democratic transition. This became more pronounced in later years following the demise of apartheid and the assertion of neoliberalism. Life time employment has severely declined as more jobs are now temporary and insecure.

Fragmentation of work in the current neoliberal dispensation is continuous and shifting. This has implications on worker mobilisation and dispels or undermines the possibility of worker solidarity (Smith, 1998). The third party workers are the least accessible to unions because of heightened job insecurity which undermines union mobilisation and organisation. The post-apartheid order is characterised by the restoration of authoritarian despotism through the proliferation of third party employment.

According to the local procurement regulations, mining houses are obliged to give first preference of employment opportunities to those from the adjoining communities. This demands a shift from migrant labour to local labour. This is part of the strategy to get rid of the hostel and migrant labour system in line with the Mining Charter. However, although mining houses give attention to this principle, a significant proportion of the workforce in mining consists of migrants from other parts of the country and other countries such as the Eastern Cape in South Africa, Zimbabwe, Mozambique, Lesotho and Swaziland. Many of them are employed indirectly through subcontractors. Migrant workers are more prone to be subjected to inferior terms and conditions of employment compared to locals. The jobs for migrants are usually precarious, wages low and irregular and are less likely to belong to a trade union.

Phasing out the hostels and migrant labour system

The mining labour recruitment regime was informed by a number of socio-economic and political context including geopolitical factors. A number of endogenous and exogenous factors forced Impala Platinum to shift from migrant labour to local from the 1970s (Commission of enquiry (Impala) (1992). Although Impala was not an accredited member of the Chamber of Mines, it nevertheless sourced its labour through the Chamber's employment agency, TEBA. After 1975, the Chamber of Mines adopted a strategy designed to shift from dependence on foreign labour. This shift in the recruitment regime is crucial in understanding the changes in the composition of the mine workers and the impact this had on the workers' mode of resistance.

President Kamuzu Banda made a recall of Malawian migrant workers in South Africa after a TEBA plane with returning migrant workers crashed in Botswana and killed over 74 workers in 1974 (McNamara, 1985). Banda announced this unexpected resolution at the time the Malawian migrant workers were the core of the South African mineworkers. His directive stopped all new recruitment from Malawi. This exposed the precariousness of depending on foreign labour. The Portuguese revolution[7] in 1975 which culminated in the independence of Angola and Mozambique further presented a threat to of the stability of labour supply from the sub-region. The pro- Marxist regimes which took over power in Mozambique and Angola were expected to be hostile to the South African apartheid regime. At that time, at least 60 percent of the South

[7] Before 1975 Mozambique and Angola were Portugal overseas provinces.

African mine workers were from outside the country. The Chamber of Mines was thus forced to review its recruitment regime in line with the regional geopolitical dynamics in the sub-continent. It had to shift from foreign to domestic supply of black labour (Moodie and Ndatshe, 1994; McNamara, 1985). However, this had to be a gradual process given the numbers that were involved.

As a stop gap measure, the Chamber of Mines recruited urbanised and prolitarianised migrants from Rhodesia (now Zimbabwe). However, these workers were atypical to the mines. This transition was also experienced at Impala platinum at that time. A worker explained:

> In the late 1970s we had Rhodesians coming to work here also. They had a taste, for nice clothes and white beer…they were educated… they spoke good English [….] weekends they would not go into the compounds beer halls …they usually went to town pubs….[8]

The above narrative affirms the findings by McNamara (1989). The recruitment of Rhodesians was a stop gap measure but marked a shift in the character of the mineworker from the typical. The traditional supply areas were Malawi, Mozambique, Lesotho and the Eastern Cape. The Rhodesians presented a glimpse to the mining capital of the future caliber of mineworkers. These workers were assertive, prolitarianised and detached from the land. As a result, the shift to local labour recruitment resulted in a gradual change in the composition and profile of the workers. The new local mineworkers were better educated presented a number of challenges to mining capital. Moreover, they were more assertive, militant, urbanised and prolitarianised and not servile. In addition, they presented new forms of resistance and militancy. This culminated in the second phase of black mine workers' unionisation and was marked by the emergence of the NUM in 1982.

The hostel and the migrant labour system constituted part of the apartheid institutions of controlling labour. After the 1994 democratic dispensation the ANC government and COSATU were under pressure to get rid of these apartheid institutions. The two parties resolved a gradual migration from hostel and migrant labour system and to allow mineworkers to live along with their families. The post- apartheid workplace regime has thus been characterised by consensus amongst state, labour and capital on the need to shift away from the migrant and hostel system.

[8] Interview Ranta 25 February 2012 at Number 6 hostel.

During the apartheid regime, mining houses were able to easily break strikes by dismissing and subsequently evicting all the workers on strike from the hostels. This consolidated employer domination and control beyond the labour process. Bezuidenhout and Buhlungu (2010) review the changing role of the hostel system in mining, particularly changes in the use of space after the democratic transition. It has been highlighted that from its inception the hostel and migrant system were part of the apartheid institutions of control. However, this shifted in the 1980s after the National Union of Mineworkers (NUM) subverted employer logic of worker control and captured the compounds as mobilisation sites after 1982 (Bezuidenhout and Buhlungu, 2010). Bezuidenhout and Buhlungu (ibid) concluded that space may be a site of either compounding or fragmenting labour. However, the mining houses gradually drifted from compounded to fragmented labour following the democratic transition and this shift has been in line with the changes in the modes of control. In addition to changes in the global economy, this has created new settlement geography.

The NUM and the Chamber of Mines negotiated a Living Out Allowance (LOA) paid in lieu of taking up company accommodation as part of the ways of phasing out the hostel system of accommodation. According to the Chamber of Mines it comes up to an average of 20 percent of the basic salary of an unskilled mineworker. This has attracted many of the mineworkers out of desperation and financial pressure to 'opt' out of company hostels. The Chamber of Mines in their presentation to the Marikana commission estimates that on average 45 percent of the mining workforce have opted for the LOA and many of them now live in informal settlements. This has affected employer control and domination and organisation by the unions. The location of the informal settlements is tied to accessibility to the workplace and a level of independence and privacy which is not possible in conventional hostels.

A new geography that has evolved in the platinum belt is characterised by a proliferation of informal settlements. This has shifted power to the workers and turned this space into a point of worker resistance. The informal settlements are in many cases located adjacent to mine operations. The workers may use informal settlements as a point of resistance to defend their jobs during strike action through overt and covert forms of coercion. The informal settlements can thus be visualized as representing 'permanent picket lines'. This thesis advances the

argument that the demise of the hostel system of accommodation and the subsequent move by most of the workers into the informal settlements constructed a new fulcrum of worker resistance outside employer domain. This has disrupted employer domination and control.

The demise of the hostel system is tied to that of the migrant labour system which nevertheless has remained resilient with some continuities and discontinuities. In 2009 Lonmin Platinum highlighted that the majority of its workers were migrants from the Eastern Cape and North West province. Other workers are from Lesotho, Mozambique, Swaziland and Botswana. Migrant workers tend to be dominant in certain underground jobs such as Rock Drill Operators (RDOs) compared to the locals who often shun such jobs.

The proportion of workers who have taken up the LOA is highest in the platinum than in any other mining sector. This is tied to the fact that the platinum sector has the highest proportion of outsourced workers and collective bargaining is decentralised. Many of the externalised workers are not entitled to employer accommodation in the new work arrangements and domination that characterises this form of accumulation. In addition, the platinum boom came into being after the democratic transition. Thereafter, the new democratic regime, in collaboration with employers and trade unions adopted regulations designed to phase out migrant labour and the hostel system. The new work arrangements are designed to minimise risk and maximise the extraction of surplus value.

The post- apartheid workplace regime in the platinum sector is characterised by the persistence of the migrant labour system but in a different form. Despite a shift in the labour recruitment regime which gives preference to the local community, the majority of the underground mineworkers are migrants from Eastern Cape, Lesotho and Mozambique. As elaborated in Chapter 4 many of them live in the informal settlements that have sprouted across the platinum belt and have replaced hostels as the dominant form of housing for the low skilled mine workers. In addition, more than a third of the workforces in the sector are engaged through third parties (Bezuidenhout, 2010). This highlights the continuity and discontinuity as argued by Bezuidenhout (ibid).

The profile of the workforce at Impala platinum from the late 1970s changed fast in line with the Chamber of Mines policy shift from foreign to local labour (Commission of enquiry 1992). This also converged with the Bophuthatswana regime's localization policy that was designed to promote local recruitment and to construct a Bophuthatswana ethno-nationalism. Local labour was also attracted to the mines as a result of the general improvement in the wages since the 1970s and a general scarcity of jobs in the Bantustans (Moodie and Ndatshe 1994; McNamara, 1989). By 1986 the local Batswana constituted at least 65 per cent of the workforce at Impala Platinum (Commission of enquiry 1992).

The change in the workforce's ethnic and nationality composition was a significant factor in how the shifting resistance emerged and was organised. It had direct impact on worker militancy. Although the local ethnic group, the Batswana's comprised the majority of the workers by 1986, they were not the leaders of the strike. The Batswana were still new to the mining industry and were still trying to capture and acclimatise to the underlying dynamics and struggles[9].

National Union of Mineworkers (NUM) post-1994

The NUM comes from a militant history against the repression of black mineworkers who did not join the sector voluntarily but were forced by structural factors (Bezuidenhout and Buhlungu, 2007). Its militancy and struggles during the apartheid regime extended beyond the workplace. It articulated the shop floor struggles to the broad socio-economic and political struggles. It was instrumental in the social transformation of South Africa through its affiliation to the main trade union federation, COSATU.

After the attainment of democracy in 1994 the NUM played a key role in transforming the apartheid workplace regime. The role that the unions played in the democratisation process gave them leverage in the negotiation for a new labour regime which was adopted after 1994. Thus in the new dispensation, the unions made significant gains in the new labour regime which protected the right to strike, and democratising the workplace. In mining, the NUM through recognition agreements gained monopoly at workplaces where it organised at least 50 percent of the workers. This is in addition, to other trade union rights including paid fulltime trade union

[9] Interview Matola 25 February 2012.

officials and offices. The union became a highly institutionalised arm of labour relations. It functioned as the vehicle of the process of institutionalisation of industrial relations.

However, some of the measures the NUM had to adopt to transform the workplace and redress the apartheid injustices undermined the union. Its gain of institutional power came at the cost of organisational power. Buhlungu (2010) refers to this as a paradox of victory. The NUM was instrumental in the campaign against the single sex hostels which ironically was the spring board of its success. It also campaigned for the inclusion of women in mining. Bezuidenhout and Buhlungu (2007) explain how some of the new gains by the NUM brought contradictions which fragmented the foundations of solidarity forged before 1994.

The new democratic dispensation enhanced occupational mobility. In the past blacks used to be confined to the unskilled job categories. During apartheid, worker solidarity was forged along racial lines, that is, on the basis of being black, unskilled and exploited workers. However, with the improvement in education and the recruitment of better educated black workers, many blacks have moved up the occupational hierarchy. This has severely undermined the solidarity based on the convergence of race and skill. At Impala Platinum for example, the NUM spread across the occupational hierarchy and became not just a union for unskilled black workers. It ceased to be a union exclusive for the low skilled and uneducated workers. It also attracted into its ranks skilled workers.

The NUM faced challenges as its power base, the hostel system crumbled and the struggle against the legacy of racism and apartheid dissipated (Bezuidenhout and Buhlungu, 2007). The demise of apartheid enhanced workers' freedom and many of them moved from the hostels to informal settlements, high and low density suburbs, farms and others. The hostel ceased to symbolise a centre of worker control.

In a discussion of how the NUM engaged with the transition, Bezuidenhout and Buhlungu (2007) argue that democracy has not only brought opportunities but posed challenges to the trade union movement. They track how the NUM transformed and lost its democratic principles and became alienated from its membership. Bezuidenhout and Buhlungu (2010) identify the

challenges faced by the NUM. They articulate that the NUM was not immune to such challenges. However, they never envisaged or projected the demise or imminent paralysis of the NUM hegemony. They expected the NUM to be able to manage the inherent internal contradictions. They remained optimistic that the NUM members would remain loyal notwithstanding some of the challenges (Bezuidenhout and Buhlungu, 2007). The basis of this is that NUM's historical record presents it as a force against injustice. However, it will be shown in the following chapters how the NUM members revolted in what culminated in the collapse of its hegemony in the platinum belt. One of the key tasks of this thesis is to reconstruct how and why this unfolded.

At Impala Platinum for example, the majority of the shop stewards and union representatives were in the high skilled jobs including the chairpersons of the two branches. The union thus became one of the means for social mobility (Buhlungu 2010). In other words, union representatives changed from being the most victimised to beneficiaries. The problems the NUM faced were linked to global structural changes in line with the neoliberal hegemony. The increase in the use of subcontractors highlighted earlier resulted in the NUM losing power and influence on the shop floor and beyond. This will be further explored in Chapters 6, 7 and 8. At the individual level, disgruntlement against the NUM manifested in the various forms including the engagement of personal insurance services such as Scorpions to close the gap left by the NUM decline (Sefalafala, 2011).

From insurgency unionism to AMCU

One of the underlying principles of the South African labour relations regime is the promotion and protection of 'mega unions'. However, this is not so explicitly in line with the COSATU founding resolution of promoting one union per industry. The rationale behind this is to protect and promote worker collective power. This is based on the principle that the bigger the union, the more is the power. This however, does not promote trade union competition and in a way violates the principle of industrial democracy. In the various sectors most of the mega unions affiliated to COSATU which played an instrumental role in the negotiations for a new labour relations regime. We have highlighted that in the mining sector the NUM became the dominant union which virtually enjoyed a monopoly in the sector through into the second decade after the democratic transition.

Although the aim of this thesis is to track the variations of institutionalisation of industrial relations and strike violence in a specific company and period, embedded in this discussion is the story about the rise of the NUM and its decline following the 2012 platinum belt strike wave. The erstwhile dominant union, the NUM was dislodged by AMCU.

The Association of Mining and Construction Union (AMCU) is a splinter from the NUM formed in 1998 at Douglas Colliery in Mpumalanga province. It was officially registered on the 4th of July 2001. However, because of the NUM's popular domination across the mining sector, AMCU faced formidable challenges. It failed from the onset to make a breakthrough in the platinum sector because the NUM enjoyed a popular majority. The NUM was for years shielded by an industrial relations regime designed to protect mega unions. It thus had absolute majority and recognition agreements at most of the mines.

As a result of the context highlighted above, AMCU initially had to retreat and focus on the small mines and subcontractors without recognition agreement with the NUM. These were usually outside the immediate interests of the NUM. There was almost a division of labour between the NUM and AMCU. AMCU membership thus remained relatively very small despite having been in existence for a number of years. AMCU conducted what some of the interviewed respondents called a strategic workshop in 2011 from which a resolution was passed to expand its base aggressively by breaking through into the big mining houses in both platinum and gold[10]. Its first attempt to organize in the platinum belt was in Brits near Pretoria in 2008. This was through subcontracted workers who because of their mobility had been in contact with this union in Limpopo province where it was more visible. This also highlights that whilst subcontractors are associated with undermining union organising efforts in this case they opened opportunities through workers' social networks. This promoted the sharing of ideas and experiences as in this case. In August 2011 a strike broke out at Lonmin Karee and this presented a potential breakthrough for AMCU to access the big mining houses[11]. After this strike, AMCU gained

[10] This is mainly based on interviews and conversations with AMCU Secretary General, Jeffrey Mphalele .Most of the interviews were conducted at the Botswana Federation Union's TAWU Congress held in Gaborone 28-29 September 2012.Details on the Karee 2011 strike see chapter 8.

[11] Chapter 8 discusses in detail the 2011 Lonmin Karee mine strike.

entry into one of the big three platinum mining house. This came after gaining minimum recognition at Lonmin Platinum, Karee shaft.

AMCU only managed to make a breakthrough at the second major platinum mine following the 2012 platinum belt strike wave. As highlighted in Chapter 7, the strike wave was initiated by RDOs who organised dissent outside the trade union structures. Disgruntled about the representation by the NUM, RDOs set independent workers' committees. This was a form of insurgent unionism which characterised the strike wave. AMCU only came into the picture after reading this as an opportunity for a breakthrough.

The period between the rejection of the NUM by the workers and the shift in the organisation by workers into informal workers' committee is very significant. The election of the committees was conducted through a shop floor democratic process at mass meetings. This period was important as it represents repudiation of formal institutionalisation of industrial relations. The organization of the workers through workers committees opened up a number of challenges. The institutionalisation of industrial relations creates rules of the game and privileges to the parties and at the same time restrain the parties from arbitrary action. Working outside these formal institutions forfeit some of the privileges reserved in terms of the system

Mining Charter and a new mining regime

The South African economy was built on the exploitation and exclusion of the majority black from active participation in the mainstream economy. One of the fundamental aims of the post-apartheid dispensation is to redress this. The South African Constitution, particularly Section 9 on equality and unfair discrimination in the Bill of Rights, outlines that it is imperative to address historical and social inequalities. To give effect to the South African constitution, the Mineral and Petroleum Resources Development Act (MPRDA) was enacted in 2002 to redress historical inequalities in the mining sector. The aim is to enhance the participation of the historically disadvantaged South Africans in the mining sector. Section 100(2) of the Mineral and Petroleum Resources Development Act of 2002 (MPRDA) provide for a Mining Charter to effect transformation and redress historical inequalities with specific targets. The overarching aim is to

ensure that the mining sector is in line with the broad socio-economic and political transformation targets post- democratic transformation.

The Mining Charter came into effect in 2004 with specific targets aimed at redressing the historical past characterised by inequality and exploitation. It has eight pillars each with specific targets on employment equity, migrant labour, mining community and rural development, housing and living conditions, procurement and ownership, joint venture and beneficiation (Mining Charter, 2004). Some of the targets are tied to the inclusion of women in mining- 10 percent in 5 years. This also included an undertaking by the stakeholders to offer opportunity to all the workers to be functionally literate by 2005. The Charter set to improve the living standards and housing of mineworkers through upgrading of mine hostels to single occupation and family units. In addition, the industry is encouraged to promote homeownership for mineworkers to ensure that they live with their families at the workplace.

The Mining Charter captures the state's desire to transform the sector from the traditional exploitative mining regime characterised by extra-economic coercion. However, an evaluation on the progress on the implementation of the Mining Charter highlights very limited strides towards transformation. It is disturbing that this has been limited. One of the major problems is the failure to implement some of the targets. The system in general has failed to address and consider the interests of the mining communities. There are no serious attempts to enforce the legal obligations.

Conclusion

This chapter has outlined the broader context that informs the variation of institutionalisation of industrial relations and strike violence. This is important in the context of the interpretive approach adopted in this thesis which presumes that social phenomena must be interpreted in the social context in which they are constructed and reproduced through the actors. This context is outlined through an exploration of the shift in workplace regimes. This concept is used to examine the shifting patterns of institutionalisation of industrial relations and strike violence.

The chapter has outlined the historical background and research context of the study. The colonial and apartheid workplace regime was characterised by what Johnstone (1976) refers to as extra-economic coercion. This was designed to maximise the extraction of surplus value for mining capital. The apartheid system developed non-hegemonic institutions of labour control based on violence and repression. These institutions include the migrant labour and compound system enforced by the state in collaboration with mining capital. In this milieu black workers did not have basic rights and violence was entrenched in the system and constituted part of the organising order.

The chapter has illustrated how the use of violence was part of the means of ensuring order and maintaining black subjugation during the apartheid regime. Dissent was crashed with brute force by the state in collusion with capital (Wolpe 1972). The state and capital used all the force at their disposal to defend the cheap labour regime. There was a convergence of interests between white workers' racism and the employer capitalist interests to maximize profits (Wolpe 1972). The suppression of strikes by police violence often exposed the coercive framework of the state and capital hegemony. On the other hand, black workers often responded through the use of violence to contest the repression. The use of violence constituted part of the order. Violence and coercion were thus from the onset central in the construction of wage labour in South Africa.

Trade unions emerged as a form of resistance to challenge the coercive nature of labour control. The first attempt by the workers was crushed following the 1946 strike. The second successful attempt to organise black mineworkers was successful following an intersection of a number of factors including the convergence of the interests of workers and mining capital. This culminated in the formation of the NUM. This represented a shift from the non-hegemonic industrial

relations to a hegemonic regime based on institutionalisation, union recognition, incorporation, negotiation and workers with a collective voice. The NUM gained majority representation at Impala Platinum and this enhanced its organisational and institutional power. The NUM subsequently lost legitimacy after being co-opted by management. It transformed from being an instrument of resistance to control and manufacturing of consent. This triggered a shop floor worker insurgency which culminated in the NUM displacement by a rivalry union, AMCU.

After the attainment of democracy, the new ANC government resolved to phase out the hostels and migrant labour system which were part of the apartheid institutions of African labour control. The government passed labour legislation (the Mining Charter) which set up targets for the phasing out of the hostels and encouraged the displacement of migrant labour with labour from the local communities adjoining the mines. It is important to note that cheap black labour could not be reproduced in the new dispensation. The rise of neoliberal globalization produced new forms of challenges. Work became more fragmented and precarious and this severely weakened the institutionalisation of industrial relations. To conclude, this chapter points to a number of continuities and discontinuities that frame the context of this study.

Chapter 4

Locating the Case Study

Introduction

The preceding chapter has outlined the broader social context in which institutionalisation of industrial relations and strike violence is (re)produced. It has highlighted how the transition to a capitalist mode of production was tied to the South African mining revolution and racial despotism. The institutionalisation of racial discrimination which was later sharpened by apartheid shaped the industrial relations, conflict and violence that emerged. The democratic transition after 1994 forged a new socio-economic and political context. The methodology section in chapter 1 has outlined the rationale behind the exploration of the shift in institutionalisation of industrial conflict and strike violence drawing from the experience of Impala Platinum over a period of 30 years. This chapter takes a closer focus on the area where the study was conducted. It presents a more detailed picture of the case study drawing from three prisms: the town or geographical location, the company and the trade union(s). It will follow this with a discussion of the geo-politics of the area and how this is linked to institutionalisation of industrial relations and strike violence.

The gold decline and rise of platinum

The mining sector is one of the most important sectors of the South African economy as it directly contributes 9 percent of the GDP (Chamber of Mines, 2012). The gold sector was the flagship of the South African mining sector for more than a century. It has however, been in a sustained decline since the 1980s. Prime position has been taken by platinum which between 1994 and 2009 grew by over 67 percent whilst gold declined by 63 percent in the same period. Gold declined from 675 tons in 1983 to 198 tons in 2009 (Stats SA, 2007). On the other hand, between 1980 and 2009 platinum production increased by 138 percent from 114 tons to 271 tons (STAT-SA, 2012). The production of platinum increased from a modest value of 89.5 thousand Rands in 1983 to 286.8 thousand Rands by 2004. In 1990 the gold sector employed 376 473 workers whilst platinum only had 60 000. By 2012 this had changed to 197 847 workers in platinum from a total of 525 632 workers in the entire mining sector. Platinum accounted for 36.5 percent of the mining workforce. In the past, gold sector was central in shaping the

apartheid socio-economic and political trajectory. This has shifted to platinum in the post-apartheid dispensation. Platinum sector now has the largest number of workers in the mining industry.

The mining of platinum in South Africa is confined in the Bushveld complex which has 80 percent of the world reserves and has been described as the most mined district in the world (see appendix 4). Platinum was first discovered in South Africa by Hans Merensky (1871-1952). He unearthed the Northern Bushveld Complex in 1925 and later the Western Bushveld complex (see map appendix 4). The Bushveld complex is geological divided into the Eastern, Western limp and the Northern region located in Limpopo and North West provinces (See map appendix 4). The reserves are narrow but divided into three extensive strata known as the Merensky Reef, Platreef and the UG2 chromitite layer. The Bushveld complex contains the Platinum group of metals (PGMs) which include platinum, palladium and a range of other minerals. Platinum is a precious and industrial mineral mainly used in auto catalytic converters, jewellery and for industrial purposes.

The rise in the global demand of platinum due to a shift to electronic catalytic convertors happened at the backdrop of decline of the gold sector. South African's main mining sector has shifted from gold sector to platinum contemporaneously following the democratic transition. The platinum sector is thus now one of the most important mining sectors in the shaping of the socio-economic and political dynamics in post- apartheid South Africa. The shift from gold to platinum has to be tied to the changes in the land, labour and trade union regimes.

A number of platinum mining companies emerged from the 1920s following the discovery and leading to a boom the 1990s. However, most of the new companies in the early days collapsed because there was no steady and reliable market for platinum. In addition, Russia and Canada flooded the market with platinum which came out as a by -product from nickel mining. The platinum mining industry was thus precarious in the early days characterised by persistent bursts and booms. The demand for platinum only increased substantially following the invention of catalytic convertors in automobiles (Bannon, 2012). The mining operations of platinum involve open cast and underground mining, milling, flotation, drying, smelting, converting, refining and marketing which demand the use of skilled and unskilled labour. Amplats and Implats are the

two largest producers in the world and all have major operations in the platinum belt (Bushveld complex).

Research site: Rustenburg- platinum city and municipality district

Rustenburg is the urban hub of South Africa's platinum belt established in 1851 as an administration centre for the adjoining farming district set by Afrikaner settlers. Its economy shifted over time from agriculture after the discovery of and platinum boom. A boom in platinum mining at the turn of this millennium has earned the city a new name – "The platinum city". The area is one of the most mined places in the world and has the world biggest platinum mines. It is located 120 kilometers from Johannesburg and falls under the jurisdiction of the Rustenburg local municipality which is part of Bojanala Platinum District Municipality. About 96 percent of all the platinum mining in the North West province is conducted within the Rustenburg municipality district. The other local municipalities which form part of this district are Kgetleng River, Moses-Kotane and Moretele. In terms of the local governance, the District Municipality is responsible for the planning and administration of district-wide infrastructure provision and development matters whilst the local municipality is responsible for the same functions at the lower level. The Rustenburg municipality was proclaimed in 1999 following an expansion of its boundaries to include the Royal Bafokeng and the Bakwena which used to constitute part of the Bophuthatswana Bantustan during the apartheid regime.

About 11 percent of the households in Rustenburg live in hostels, 16 percent in informal settlements, 21 percent in informal dwellings and 42 percent in formal dwellings. This translates to 37 percent of the households living in informal settlements and dwellings and over 55 percent in informal settlements, informal dwellings, hostels, traditional dwelling and shared property (SA Stats 2007). This highlights a crisis in housing service delivery in the area which will be elaborated below.

The socio-economic and political geography of Rustenburg is shaped by mining which is now the dominant economic activity in the area. Between the late 1990s to the 2000s Rustenburg was the fastest growing urban area in South Africa (SAIRR, 2013) and this was tied to the boom in platinum. The following mining companies are located in the Rustenburg local authority and this reflects that mining in the area is closely tied to the global capital and political economy:

Table 2: Mining operations in Rustenburg

Name of Mining Operation	Ownership/Head Office
Anglo Platinum – Rustenburg Section	Anglo American –Johannesburg and London
Samancor Chrome (Western Chrome Mines)	International Mineral Resources (IMR) Kloten, Switzerland
Aquarius Platinum	Hamilton, Bermuda
Impala Platinum Mine	Johannesburg
Western Bushveld Joint Venture	Johannesburg
Lanxess	Johannesburg
Xstrata	Anglo-Swiss : London and Zug
International Ferro Metals South Africa	Sydney
Royal Bafokeng Rasimone Platinum Mine	Royal Bafokeng nation : Johannesburg
Lonmin Platinum	London and Johannesburg
Wesizwe Platinum	Johannesburg

Platinum mining in South Africa is dominated by four integrated producers: Amplats, Implats, Lonmin and Northham Platinum). Anglo Platinum which operates in three sections (Rustenburg, Union and Amandelbult Sections) is the largest producer of platinum accounting for 38 percent of the world's output. The other major platinum producers are Impala, Lonmin and Aquarius. Within the Rustenburg geographical location, the main producers are Impala, Lonmin and Anglo Platinum. Impala Platinum which is the main focus of this study has the biggest operations within the Rustenburg municipality district.

Whilst the ANC-led government has made massive strides in improving access to formal housing, the indicators from Rustenburg are rather lacklustre. Between 2001 and 2007 formal housing in the Rustenburg local municipality decreased from 47 percent to 42 percent (SA STATS, 2007). This is partly explained by increase in informal settlements in the area in the same period. Informal housing has increased at a faster pace than formal housing. The increase

in informal settlement is explained by the boom in platinum which attracts many migrants into the area. However, the increase in population has not matched that of housing and other services. As a result, many have been pushed to live in the informal settlements or informal dwellings. The post- apartheid regime in the platinum sector has been characterised by a boom which has been concurrent with a rise in externalised and flexible forms of employment. The workers in these new flexible jobs have inferior benefits. Many of them are not entitled to housing and medical insurance. Moreover, their jobs are precarious which makes them unsuitable candidates for mortgage funding.

The Royal Bafokeng Nation

The Royal Bafokeng Nation (RBN) is a traditional authority which collaborated with the Afrikaner administration in the 19th century and bought land on which was discovered platinum mineral deposits in the 1920s. The RBN owns the land and the mining companies pay royalties or in some cases this is converted into equity. In addition, the RBN has set up its own platinum mining company in collaboration with Anglo- platinum. The RBN is a traditional authority in terms of Article 12 of the South African constitution and a quasi- government institution whose area falls under the Rustenburg municipality. All the Impala Platinum mining operations are located on land owned by the Royal Bafokeng Nation. Initially, Impala Platinum paid royalties to the RBN traditional authority – the owners of the land. This has been converted into equity.

The Royal Bafokeng Nation has title over 40 farms divided into 29 villages and five regions with a population of about 300 000 of which 60 percent are ethnic Bafokeng (Cook, 2008). It covers over 1200 square kilometres. People living here are considered Bafokeng subjects. It is only the Bafokeng who can own land under this jurisdiction. Phokeng is the administrative village (town) of the royal Bafokeng nation (Cook, 2008). The history of the Bafokeng is tied to the past of Southern Africa (Bozzoli, 1991). The Traditional Authority Act represents continuity in the apartheid policy of indirect rule. Capps (2010) views the Royal Bafokeng Nation as a form of tribal nationalism which undermines universal citizenship rights which underlie the South African constitution. The Chief of the Bafokeng played by the rules of the white settlers and resolved to buy land to get title after the colonial conquest. He sent his men to Kimberley to work in the diamond mines to save money to buy land for his people. This was supplemented by

the selling cattle. Black people were not allowed to have land freehold. However, the Bafokeng bought the land through the Lutheran missionaries. The land was transferred to Bafokeng ownership after the 1913 Land Act. The apartheid government came into power in 1948 and prevented freehold title for blacks. The Bafokeng registered their land in the name of the superintendent of native affairs. Despite all the turbulence, the Bafokeng have played to the rules of the game and maintained custody of this precious land endowed with mineral resources (Bannon, 2013).

However, the impression by most studies on the Royal Bafokeng implies that they are a homogenous group and there is no contestation on the land ownership. Capps (2010) challenges this thesis. He argues that the Royal Bafokeng nation is not homogeneous and the land ownership is contested by different ethnic groups within the nation. His research shows that the land was purchased at different periods by discrete clans (Capps, 2010). When the first platinum deposits were discovered in the 1920s, the land was owned by the Bafokeng. When a mining company expressed interest to exploit the mineral deposits, the Bafokeng signed an agreement with the mining company and this was overseen by the native affairs commissioner which gave them 10% percent of the company's net profit. The mineral rights are held by Royal Bafokeng Nation. The initial agreement with Impala Platinum obliged the company to pay royalties. The Royal Bafokeng did not receive any royalties until 1978 as there were no profits declared because of the recuperation of development costs incurred since Impala Platinum started mining in 1968. In 1972 the Royal Bafokeng land was incorporated into Bophuthatswana homeland. This created conflict between the Chief and the local homeland government. A 40 year agreement signed in 1999 increased royalties to 22 percent, 1 million share holding and representation in the board (Bannon, 2012).

Whilst there is still a dependence on migrant labour for the mines it is prohibited for mineworkers or anyone to set up informal settlements within the Royal Bafokeng Nation land. A number of the workers rent accommodation in Luka and in backyard shacks that have sprouted in the area. The distinction between the backyards where many of the mine workers live and the houses for the Bafokeng is so conspicuous when walking through the streets of Luka and other Bafokeng villages. Many of the Bafokeng households provide make shift accommodation as a

means to supplement their income. A random walk of the street of Luka and other villages revealed that almost all the stands had makeshift and back yard accommodation.

Most of the workers interviewed had dependents. An average worker supported a family in the rural areas of Eastern Cape as well as in a local informal settlement. Since the payment of a 'living out allowance' explained below, the number of dependents has increased. Research in 2012 reported that on average a mineworker in the area has between 8 and 15 dependents (Hartford, 2012). This means a considerable strain is placed on the low wages earned.

The demographics

Platinum experienced a boom between 1994 and 2004 and this attracted immigrants from other parts of the country and regional countries in search of job opportunities. The population of Rustenburg increased from a population of 450 000 in 2007 to 549 575 in 2011. The number of households for the same period increased from 146 542 to 199 044 whilst the average number per household decreased from 3.1 in 2007 to 2.5 in 2011(Stats SA, 2012). The population growth of Rustenburg over the past 15 years has fluctuated between 0.8 and 5 percent (Stats SA, 2012).It averaged 3.5 percent between 2001 and 2011. These figures reflect the inward migration associated with the mining boom which accounts as the pull factor that has enhanced job opportunities in the area and is one of the pull factors for migrants. The exponential rise in the population has put a strain on service delivery. However, the boom has since eased following the 2008 global financial crisis and a subdued demand for platinum globally, especially in China, which now supplements its requirements through recycling.

About 84 percent of the population in the municipality is urbanised and 10 percent live in farms (Stats SA, 2012). In terms of socio-economic indicators, the majority of the people in Rustenburg can be described as very poor despite the urban character of the population and the many mining job opportunities available. At least 50 percent of the population in Rustenburg municipality does not have an income at all, and the majority relies on social grants. At least 71.1 percent earned less than R1600 per month or had no income at all in 2007 (Stats SA, 2012). The low income suggests that employment does not guarantee a decent life.

The population of Rustenburg is predominately masculine. Men constituted 54.9 percent of the population in 2011; a decline from 57 percent in 2007. This is against a national average

dominated by women. Women constitute (52 percent) of the population (Stats SA, 2012; Stats SA, 2011). This suggests that many of the workers in Rustenburg are migrant men with families living elsewhere. Many of them are in Rustenburg for work and usually live as singles in hostels or informal settlements. Furthermore, this reflects the gendered nature of the mining sector dominated by men (Moodie and Ndatshe, 1994; Brekenridge, 1998). Gender stereotypes associate mineworker with men despite a change in the law. In the past, legislation barred women from working underground. As part of social transformation, the Mining Charter in 2002 instituted a minimum threshold for the employment of women in mining. It set a target of 10 percent women by 2009 which was revised to 2014. The introduction of women is part of the internal transformation strategy for the mining houses. The other reason why men are numerically dominant in Rustenburg is because of the pull factors attracting people to the area. In 2007 for example, 50 percent of the economic activities in Rustenburg involved mining and 61 percent of men in formal employment were in mining. For women however, only 11 percent of those in formal employment were in mining (Stats SA, 2007).

Settlement geography and spatial distribution

Housing has been part of the labour relations in mining in South Africa since the mining revolution in the country in the late 1800s. Mining operations are often remote from where most people live.

As part of its Social and Labour Plan, Impala Platinum mine has facilitated housing loans mortgages for its staff. A number of houses have been developed and allocated to workers on a rent to buy basis in a number of suburbs across Rustenburg Municipality District. The workers who can afford this form of housing scheme are usually those who are permanently employed and highly skilled and have permanently settled in this area and see a future beyond their employment. Interviews with some of the workers suggested a high take up of these houses by women workers when compared to their male colleagues. This is tied to the fact that a majority of women workers are from local communities and hence are more attached to the local communities. Their local origin makes it possible for them to afford repayment of the mortgage or loan as they only have one household. The migrants from Eastern Cape, Mozambique and Lesotho are constrained as many of them support two families. In addition, their only attachment

to the area is only as workers. They see no other attachment beyond employment. Interviews also suggested a general perception amongst the workers that the housing schemes are not for the ordinary workers.

Workers do not live in a vacuum but are members of communities tied to specific socio-economic and political contexts. In outlining the broader socio-economic and political context, the preceding chapter has highlighted the central role of the migrant and hostel system as part of the institutions of the apartheid system that was designed to maximise exploitation of black workers. The majority of mineworkers before the attainment of democracy lived in company hostels. This was tied to mode of control which worked hand in glove with the migrant labour system. At one time in the 1980s, one of the Impala hostels, Royal Bafokeng North, housed 10 000 workers who lived on 45 hectares and shared resources. At this hostel, an average of 12 men shared a room (Allen, 2006).

The hostel and migrant labour systems were part of the apartheid institutions of labour control and critical element of this ideology. As a result, after the democratic transition, the ANC government and its alliance partners were under pressure to unravel the institutions of apartheid. The NUM and the Chamber of Mines made a commitment through a collective bargaining agreement to phase out the hostel and migrant labour system. This agreement is tied to promotion of housing development and to encourage the mineworkers to live with their families at their workplaces. However, at the time this research was conducted, Impala Platinum had about 5000 workers housed in three hostels at its Northern and Southern divisions in Rustenburg despite a resolution to disband them. However, many of the hostel units are being converted to single room facilities and family units. The phasing out of hostels and migrant labour system has created a new geography. Many mineworkers have been enticed by the LOA and moved into informal settlements, back yard shacks, or rented private apartments. Some of the workers have benefited through the state's Reconstruction and Development Programme (RDP) and got houses. Those who qualify for mortgages have acquired houses in areas such as, Sunrise Park which is predominately occupied by workers from Impala Platinum.

The preceding chapter has outlined that gradual phasing out of the migrant and hostel system aimed at encouraging black workers to live with their families. This is tied to the democratic transition and the massive process of urbanisation, as the hated pass system was abolished. The

movement of people from the rural or poor economic zones to higher economic zones has been facilitated by disbandment of legislation that restricted the free movement of people during apartheid. Urbanisation in South Africa increased from 52 percent in 1990 to 62 percent in 2011 (SAIRR, 2013). Many people have been moving from the poor economic zones into Rustenburg where over 31 percent of the population lives in informal dwellings (Stats SA, 2012). This has declined from 42 percent in 2001. This process of urbanisation in the platinum belt (Rustenburg) has been in tandem with the proliferation of informal settlements. The urbanisation in this context is characterised by proliferation of squalor reflected by poor quality of the 'shacks' and the lack of basic services such as water, electricity and sanitation. Many workers shun living in the hostels for a number of reasons including lack of privacy, the need to enhance the take home pay package and for the expression of personal freedom. There are over 38 informal settlements spread across the Rustenburg municipality district (Chinguno, 2013).

This growth of informal settlements and housing in the platinum mining district raises questions including, what constitute the boundary between urban and rural. In some of the informal settlements, the boundaries between urban and rural are not so mutually exclusive. For example, in some of the informal settlements in Rustenburg some of the households keep livestock and practice what may be referred to as urban agriculture. This new pattern reflects a new geography and the new contours of class divisions emerging in post-apartheid South Africa.

The scaling down of hostel accommodation is in line with the vision of the mining houses and government to provide proper family houses to all the workers. The houses are expected to be provided by the employer, government or workers through various housing schemes. This strategy is strongly supported by the erstwhile dominant union in the sector, the NUM. The support by the union may be explained partly by the association of the hostels with the extra economic coercion and exploitation under the apartheid regime (Johnstone, 1976). However, it is ironic that hostels were the spring board for the rise of the NUM in the 1980s. On the other hand, the support by the employers for the disbandment of hostels can be aligned to a shift in the organising and control strategy from compounded to fragmented labour (Bezuidenhout, Buhlungu, 2010). This has weakened the union's mobilisation capacity as the hostels are no longer central to worker control.

The Mining Charter targeted 2014 for the conversion of all single sex hostels and provision of quality houses for mineworkers. Nevertheless this was not realised. This was designed to be effected through employers' initiative facilitating workers access to home ownership. According to Lonmin Platinum (2010), affordable housing enhances employee well-being and self-esteem. This is tied to individual ability to add value to the company. A significant development in the post-apartheid workplace regime is the introduction of the Living Out Allowance (LOA) paid in lieu of company accommodation. However, many of the workers end up in informal settlements. To be eligible, a worker usually has to prove occupation of a place outside company accommodation. This is usually a letter from the landlord approved by a commissioner of oaths. Different forms of settlement patterns may be identified in Rustenburg. The Rustenburg local authority identified the following major forms of settlement on the basis of availability of service and security of tenure:

Table 3: Rustenburg local authority forms of settlement

Formal urban settlement
Rural settlement
Tribal settlement
Informal settlement

The settlement pattern is tied to class, citizenship, ethnicity, race and labour relations; a situation that reflects continuities and discontinuities. The disaggregation of the settlement by the Rustenburg local authority in Table 3 above is too broad. Table 4 below presents a more comprehensive profile of the main settlement pattern in the platinum belt drawn from field research. The shift from the hostel to other forms of housing is tied to the shift in the mode of control and resistance. This shift from the hostel has effect on the labour relations and the collective mobilization of the workers (See Bezuidenhout and Buhlungu, 2007). Before the

democratic transition, the employer had leverage over workers in strikes as most of them lived in hostels. In the event of a strike, the employer could easily evict all the workers on strike from the hostel and repatriate them to their rural homes in line with the Group Areas Act Number 41 of 1950 and replace them with new workers. Workers are no longer dependent on the hostel accommodation and this has weakened the leverage of the employer. This has in some way empowered the workers and enhanced their independence. This presents the workers with space to defend their workplace from strike breakers during strike actions.

Table 4: Impala platinum apartheid and post-apartheid mineworker's main settlements

Apartheid[12]	**Post-apartheid**
Mine Hostels	Informal settlements: Number 8 and 9
	Hostels: Family unit and Single units
	Low density housing: Kloof etc.
	Backyard shack (Luka etc.)
	New housing schemes(Mortgages and loans): Sunrise Park etc.
	Traditional Villages Kanana: etc.
	High density : Luka, Tlhabane

It has been highlighted that all the Impala Platinum mining operations are confined within land owned by the Royal Bafokeng Nation. The Royal Bafokeng Nation does not permit the establishment of informal settlements in all areas under its jurisdiction despite the proliferation of informal settlements following the platinum boom. This principle is closely enforced by the traditional authority local structures. There is inherent fear by the traditional authority that uncontrolled expansion of informal settlements poses many challenges to the legitimacy of

[12] This is only reflecting the dominant form of settlement at the time. Workers lived in other places other than the mine hostels.

traditional authority, that is to say, there is a risk of the traditional communities being diluted by aliens. Thus the Royal Bafokeng Nation is in a broad sense, represent a gated community.

Those who live in the informal settlements are usually 'illegal' settlers and have no claim over the land whilst the local villagers through their traditional authorities have claim over the land and are entitled to royalties from the mining companies or equity. In some cases, outside the Royal Bafokeng Nation, the number of people living in the informal settlements has surpassed those living in adjoining villages. As a strategy to protect their interests, those who live in informal settlements in some of the areas have elected local municipal councillors from amongst their ranks in the informal settlements. This is quite contentious and has caused clashes within communities. The informal and formal communities organize differently and draw from different sources of power.

However, the stringent control by the Royal Bafokeng Nation has resulted in a limited number of informal settlements within its jurisdiction. We have noted that in the platinum belt, the shift by mining capital to more flexible and externalised labour has been concurrent with the rise of informal settlements. This has been despite the government's effort to expand housing provision through the RDP housing programme and the housing development and support programmes by mining houses. Some of the mining houses provide guarantees for housing mortgages and loans for their employees. It is important to note that most of the informal settlements within the platinum belt are located on private land usually a farm or land owned by mining companies. This land in many cases cannot easily be developed by the local authority before a proper transfer of ownership. In addition, most of those who live in the informal settlements do not qualify for the government low income housing through the RDP programme either because they earn more than the maximum threshold or they are not locals i.e. migrants from other countries.

Freedom Park (Number 8 and 9) informal settlement

Informal settlements have sprouted on the edges of the Bafokeng and state land. A typical case is Number 8 and Number 9 informal settlement which is adjacent to Impala Platinum shafts number 2 and 7. Freedom Park (Number 8 and 9) informal settlement is one of the biggest in Rustenburg municipality area located on a disputed piece of land that is on the margins of the

disputed Motsuenyane family estate, state and the Royal Bafokeng Nation land. According to the councillor of the area, there are more than 9 000 households living in this informal settlement and the majority of them work for Impala Platinum and its subcontractors (Interview 4, 22 May 2012, Rustenburg). Number 8 and Number 9 informal settlements have no accessible roads, piped water, electricity, sewerage system, and refuse removal. Those who live here pay R5 for 25 litres from water traders who have invaded the area. The water traders put it in drums which are transported by 'bakkies' and sell to those who live in this informal settlement as there is no other source of water.

The proliferation of informal settlements in this area is in the main a post- apartheid phenomenon. The first settlers moved here in the early 1990s following the release of Nelson Mandela from prison. There are different reasons why people live in informal settlements. For some it is a form of insurgency in line with Holston's (2008) thesis on 'insurgent citizenship'. Informal settlements represent a form of protest and at the same time an expression of freedom for some of the workers. When asked why they lived in the informal settlements, some of the workers recited extracts from the Freedom Charter. They argued that 'South Africa belongs to all who live on it' (Interview 6, 22 May 2012).This tied to the notion of expressing freedom.

Interviews revealed two narratives on the rationale behind living in the informal settlements. Firstly, some of the workers argued that they moved into the informal settlement for economic reasons. This enables them to save on rentals and enhance their low incomes with the living out allowance. Workers living outside the hostel receive a living out allowance of R1850 a month. However, other workers had a different perspective. They argued that living in Number 8 and 9 informal settlements for them was a matter of choice and an expression of freedom. According to some of the interviews, informal settlements symbolised an expression of freedom for black people after the influx control law was withdrawn. Before 1994 the mineworkers at Impala exclusively lived in the hostels and had limited attachment to the adjoining villages. The first mineworkers to live outside the hostels rented rooms within adjoining villages. The reasons justifying living outside the hostels varied. However, most of the workers related this to the need have personal privacy and freedom. They linked this to the need to have private space at the time when their spouses visit from the rural homesteads. This forced some workers to look for alternative accommodation in the villages and some subsequently relocated there permanently.

There has been a gradual rise in the demand of this mode of accommodation outside the hostels and this may be linked to work restructuring and the introduction of the living out allowance.

It has been highlighted that for some of the workers, living in informal settlements represents an expression of freedom. The hostels were designed to maintain employer control over the workers beyond the workplace including their social life and interaction. In hostels workers were restricted on their drinking habits, noise, entertainment and access for visitors. They were not allowed to live with or bring companions or other visitors. All these restrictions can simply be overcome by moving into an informal settlement. We observed that those who live in informal settlements are perceived to be the street-wise amongst the mineworker.

A history of these informal settlements reveals that they have emerged as a form of insurgent citizenship (Holston, 2008). The setting up is usually illegal and at the same time rebellious i.e. without the consent of the land owners. The land ownership regimes of the spaces where the informal settlements have emerged are significant as this informs the claims and how those concerned organise and or resist eviction. Informal settlements capture continuities and discontinuities in the life of the mineworkers. The way Number 8 and 9 informal settlements emerged has caused a number of ethnic clashes between mineworkers and the Royal Bafokeng Nation. Those who lived in the hostels were in the past divided along ethnic lines and a traditional *induna* structure controlled them. The informal settlements that emerged after the demise of apartheid reflect elements of this old apartheid geography. They do not reflect the ethnic diversity in the area but there are pockets dominated by specific ethnic groups. For example in Number 8 and 9 informal settlements, the Xhosa, Shangaan and the Sotho are the dominant ethnic groups and each group within a settlement occupy specific places. The Bafokeng claim that these people have illegally settled on their land. This is highly contested by the residents. The settlers have responded to the claim by the Royal Bafokeng by organising politically to gain leverage.

In order to understand the rationale why workers live in the informal settlement, we have to evaluate what it costs to live there. Shared company hostel accommodation costs about R220 per month whilst a single *mkhukhu* (shack) costs R300 per month. A brick walled room in the informal settlement costs R600 per month. One of the workers explained why he lived in the informal settlement:

> I have a family here and another one in the Eastern Cape. I cannot afford R3000 to pay a mortgage otherwise I will remain with nothing.... Instead sa*zi yakhela* (we built ourselves) and we are fine with that.[13]

An important characteristic of most of the informal settlements across the platinum belt is the absence of local state structures or very weak local state structures when compared with other settlements. This has resulted in the emergence of alternative informal local state structures in these areas. These often use vigilante type of violence to maintain order. Many of the informal settlements are not policed by the state. In addition, this has created a context for the emergence of alternative moral orders[14]. In Number 8 and 9 informal settlements for example, there is a local police forum which is responsible for maintaining order, monitoring and preventing crime in the area. However, some of the participants interviewed, viewed the Number 8 and 9 informal settlement police forum as a vigilant group.

Over the years the symbolic meaning attached to the hostels has shifted. In the past, as spaces they represented a centre of labour control by capital which was later captured by the trade union-the NUM. The remaining hostels at Impala Platinum provide more than just accommodation to the workers. They have banking halls, (Automated Teller Machines) (ATMs), stadiums and medical facilities and during weekends the place is a hive of activity from gathering of churches and other religious groups, burial societies and traditional dances. Hostels are still a focal point in the lives of mineworkers including those who have moved to informal settlements and other private lodgings.

Impala Platinum

Impala platinum established on 26 April 1968 as a subsidiary of Union Corporation by a group of Johannesburg investors who approached Union Corporation to form a platinum mining division. Official production started in July 1969. Platinum mining was previously dominated by British investors through Anglo America RPH. The apartheid regime adopted a policy to promote Afrikaner capital across all sectors of the economy. Afrikaner capital was perceived to be more receptive/affirmative to the apartheid policies. Thus in 1975 Union was acquired by General Mining Finance Corporation through the Afrikaner finance house Reinbrant Sanlam to

[13] Interview 7, Rustenburg 22 May 2012

[14] See Von Holdt 2013 for elaboration on the concept local moral orders

form Gencor which later consolidated and became Germin in 1989. It changed the name to the current Impala Platinum, now a subsidiary of the Implats group. The name, Impala was selected by Kgosi Edward Molotlegi of the Royal Bafokeng when Unicorp got the prospecting licence (Bannon, 2012). This shows a special relationship and how the Royal Bafokeng has been associated with the company from its inception. Impala Platinum accounts for 50 percent of Implats production output and the Royal Bafokeng Nation is Impala Platinum's major shareholder with 30 percent share equity (Bannon, 2012).

Impala Platinum is a subsidiary of Implats which is the second largest producer of platinum in the world. It mainly operates on Bafokeng tribal land through concessions whereby it holds the lease to 27 000 hectares of land. It signed its first mining lease agreement with the Royal Bafokeng Nation in 1968. This was renewed in 1999 for 40 years. It mainly focuses on two reefs, the Merensky Reef and the UG2 chromitite. It has a vertically integrated structure which links mining production, processing and the market. It currently has 15 operational shafts of which 5 have decline systems. Impala Platinum shafts can be divided into three categories – the old shafts (the 'Old Men' comprising 4, 6, 7, 7A, 8, 9 and E/F), the mature shafts (the 'Big 5' include 1, 10, 11, 12 and 14) and the new shafts (the 'Triple Build-up, 16, 17 and 20. Shafts 20, 16 and 17 are meant to replace the old shafts (Impala Platinum Fact Sheet 2012)[15].

Most of the shafts are at a depth of between 800 and 1 000 metres underground. However, at least two of the shafts are mechanised and account for 12-14 percent of the output. The concentration of conventional methods of mining means that Impala Platinum is heavily dependent on manual labour (Bannon, 2012). This position in the labour process is tied to worker structural power.

The shift in the ownership of Impala Platinum to Afrikaner capital is significant in understanding the modes of control and resistance and the industrial relations that evolved. We have noted that Afrikaner capital was more affirmative in supporting the apartheid state in maintaining racial discrimination which affected blacks at the workplace and in the broader society. In its early years Impala Platinum was supportive of a policy that did not allow black workers from organising into independent trade unions. It only shifted from this perspective after the 1991-

[15] Available at : http://www.implats.co.za/implats/downloads/2015/fact_sheets/Impala_Jan_2015_REPRO.pdf

1992 strike waves that were linked to the broad structure of apartheid. At the time the demise of the apartheid system was inevitable.

Over the years Impala Platinum has gone through major structural changes. The Bafokeng lease area was divided into three mines: Bafokeng North, Bafokeng South and Wildebeestfotein. In 1990 it had 52 000 direct workers which declined to 30 000 by 2000. This was a result of a combination of work restructuring and externalisation of work and changes in new technology which require less human labour. New and more efficient methods of mining were developed. Impala Platinum is currently constructing new deep level shaft (17 within the Bafokeng lease area scheduled for completion in the short term (Bannon, 2012) (See Map appendix 3). Shaft number 20 was commissioned in 2012 and number 16 in 2013.Number 17 is scheduled to be in line in 2017. Impala Platinum mines employ a total of 36 049 permanent employees and 15 245 contractors (Impala, 2012). It has one of the highest levels of subcontracting in platinum sector (see Table 1). The majority of the direct workforce is in the unskilled and semi-skilled job categories and 30 percent are migrants. Furthermore, many of the subcontracted workers are migrants who work and live precariously.

A report commissioned by Benchmarks Foundation (2012) focusing on the relationship of mining companies and communities in the platinum belt illustrated a 57 percent literacy level for workers at Impala Platinum. However, Impala Platinum annual report reported a 74 percent literacy level (Impala, 2012). The literacy level has over the years increased due to a number of reasons including the Adult Basic Education and Training (ABET) for the workers run by the company and a recruitment strategy targeting better educated workers. The illiteracy level is nevertheless still substantially high and poses a risk for example to health and safety. This implies that many workers cannot read and understand occupational, health and safety notices (Benchmarks, 2012).

The Impala Platinum operations are adjoined by the Bafokeng villages. This proximity to the source of labour was not always the case for many mines. When the first mining explorations started, the Bafokeng traditional chief allowed the prospectors to bring in migrant workers with mining experience, especially the Basotho. The chief allowed the prospectors to bring in new talent with experience in mining from Lesotho as those from the local communities did not have

the experience and expertise. This was the beginning of the use of migrant labour at Impala Platinum (Banon, 2012). However, when the mining operations developed it was not possible for the mining corporations to meet their labour requirements from the local communities. The people from the local communities at the time often shunned working in the mines. To close this gap, the mining corporations had to rely on migrant labour. The mining companies thus brought in migrants from the Eastern Cape, Swaziland, Rhodesia, Malawi, as well as Lesotho and other countries in the region. Kgosi Edward Moltegi supported this and argued that it was because 'my people want to work in the offices and not in the mines' (Bannon, 2012). Although the number of migrant workers at Impala Platinum has declined over the years they still constitute a significant proportion. They are still a majority in some job categories such as rock drill operators and shaft sinkers and this is likely to remain as such in the near future**.**

Work externalisation and solidarity

As part of the strategy to enhance efficiency and global competitiveness, there has been a growing shift towards subcontracting. Subcontracting represents a shift from standard employment to externalisation characterised by triangular forms of employment. In the traditional sense, it involves taking a specific function from in-house and engaging a third party (Friedman, 2005). In modern terms this involves specialised labour only, job or gang subcontracting (Webster et al., 2008). It takes many forms from labour brokering to outsourcing of specific tasks. The main aim of this form of work is to maximise efficiency and minimise cost. This is driven by the global economic changes and shaped by the dominant ideology and legislation (Theron ,2003). The rationale behind this is to maximise returns and minimise risks (Theron, 2003).

The growing shift towards more externalisation of work such as subcontracting in mining and other sectors from the 1990s has undermined worker collective power and union power (Kenny and Bezuidenhout, 1998; Bezuidenhout and Buhlungu, 2007). However, restructuring as forms of organising work in mining is not something new. Whilst in the 1920s subcontracting seemed disappearing from the core mining work, it remained in specialized mining tasks such as shaft sinking and development (Kenny and Bezuidenhout, 1999). The restructuring of mining from the 1990s however, has seen a shift towards subcontracting of the core mining activities. What is new is the shift towards subcontracting of the core mining activities. Bezuidenhout and

Buhlungu (2007) argue that subcontracting is probably the most serious threat undermining collective worker solidarity and worker power in post- apartheid South Africa. This also has negative impact on the institutionalisation of industrial relations.

Subcontracted workers have inferior conditions of employment in comparison with those in standard forms of employment with the exception of the highly skilled. Subcontracted workers have high levels of job insecurity, low and irregular wages and are less likely to be union members. This is because the enforcement of the labour regulation is much more complex. Theron (2005) argues that in South Africa the adoption of the Labour Relations Act has increased the contingent cost of employment. This according to Kenny (2007) has forced many employers to shift towards labour brokers as a strategy to externalize the cost and risk.

In the preceding chapter we have shown how the transition to democracy has been concurrent with the rise in neoliberal hegemony. This has seen growing need for companies to maximise the extraction of surplus value. At Impala Platinum one of the main strategies to attain this has been through the externalisation of work to subcontractors and labour brokers. We have noted that of the three top platinum producers Impala Platinum has the highest proportion of externalised workers (See Table 1). Services such as security, catering, cleaning, equipment servicing, and the development of new shafts have been externalised to third parties. Over the years this has reduced the number of direct employees engaged by Impala Platinum. In 1990, Impala platinum had 52 000 workers and by 2012 it had 36 049 permanent employees and 15 245 contractors (Impala, 2012). From these two figures it is clear that whilst the number of workers at Impala Platinum operations has remained steady between 1990 and 2012, what has changed is the number employed by third parties. The period had seen a growing number of externalised works. This enables Impala Platinum to maximise its profit through minimising risk (Theron, 2003).

The externalisation of work at Impala Platinum has negatively impacted how the workers of both the principal and nominal employer forge resistance. Solidarity is critical for any form of worker collective action. Externalisation of work undermines worker solidarity. The waning of worker solidarity at Impala Platinum manifested in many ways. As a result of the precarious nature of employment the trade union penetration rate within the ranks of the externalised workers at Impala Platinum was at the lowest at the time this study was conducted. Externalised workers are perceived by trade unions to be difficult to organize as they require special and atypical ways of

organising. For example, whilst the NUM had a recognition agreement with Impala Platinum it did not have the same with the individual subcontractors and labour brokers. In many of the cases externalised workers do not enjoy some of the basic rights enshrined in the law, for example the right to establish a collective bargaining framework is limited.

At Impala platinum as at many other mines, there are two forms of organising resistance; direct and indirect. Although the 2012 strike was for the employees of the principal employer, externalised workers were nevertheless not able to continue working. This arises from the expectation that externalised workers must support any strike by the workers of the principal employer. As shown in many strikes including that in 2012, the support is often not reciprocal. The workers interviewed highlighted that when the externalised workers went on strike against their employers they often do not receive any form of solidarity from their colleagues engaged by the principal employer.

Impala Platinum and the apartheid workplace regime

The exploration of the variation of institutionalisation of industrial relations and violence in strikes has to be tied to that of the socio-economic and political context. Any given context is tied to a workplace regime. The preceding chapter has outlined how apartheid was tied to the workplace regime. Apartheid itself was based on racial discrimination and repression of blacks.

Impala Platinum was established in 1968 during a decade of quiescence in the South African industrial relations following the subjugation of the black trade unions in the 1960s. At the time the South African Congress of Trade Unions (SACTU) had been elbowed into exile. Black trade unions only re-emerged in the 1970s after the 1973 Durban strikes with new strategies drawing from past experiences. However, because of the mining capital control regime based on the hostels and migrant labour system, black trade unions did not emerge in the mining sector before the Wiehahn Commission (1977) despite an upsurge in black worker militancy in other sectors, particularly manufacturing and engineering. The black trade unions only emerged in the mining sector from 1982 following the Wiehahn recommendations. This development was also tied to a shift in employer strategy from a non-hegemonic and coercive industrial relations regime to hegemonic and collaborative system based on manufacturing consent and collective bargaining.

In order to maximise the exploitation of black workers and for its survival, the apartheid regime adopted the homelands policy. The Bantustan faced resistance as they were rejected by many in South Africa and beyond. Mamdani (1996) argues that the creation of Bantustans was a form of racial despotism characterised by a bifurcated power that mediated racial domination through tribally organised local authorities, reproducing racial identity in citizens and ethnic identity in subjects. The setting up of Bantustan constituted part of the essence of apartheid doctrine of separate development in practice. In relation to the labour relations, the Bophuthatswana Bantustan regime failed in practice to be different from apartheid South Africa. Its labour relations regime mirrored that of South Africa characterised by racial despotism and extra economic exploitation of black workers. Black workers unlike their white counterparts did not have a right to belong to or set up independent trade unions. The reality was that the Bantustan did not have genuine economic and territorial integrity. The socio-economic and political factors necessitated the severe use of violence and coercion by the Bantustan regime to enforce its existence, a practice that was rejected within South Africa and beyond. Creation of Bantustans was thus a strategic move within the doctrine of apartheid racial despotism designed to contain inherent political, economic and social contradictions of the apartheid regime. The Bantustans were in no way a separate phenomenon from the apartheid racial despotism characterised by entrenched repression and extra economic coercion of black workers. In fact, the Bantustan repression may be argued to have become more severe when compared to the apartheid regime (Capps, 2010). Many political and trade union activists were detained without trial and faced repression. Capps (2010) argues that the Bophuthatswana Bantustan regime adopted a more repressive industrial relations regime in order to attract large scale investments and out do South Africa.

Impala (Gencor) Platinum was exceptional in that all its operations unlike the other major mining houses were located in what was the former Bophuthatswana Bantustan; which was designated as a black area. This Batswana homeland set up in 1961 and attained nominal self- rule in 1977. It was the only one of the ten that had a significant volume of mining operations. It comprised of seven scattered patchwork of individual enclaves located in three provinces: Transvaal, Orange Free State and Northern provinces. It existed between 1977 and 1994. After its proclamation, it established a fictitious government and adopted a constitution and other legislation. As a result, the labour relations of Impala Platinum were tied to its geo-political location. A new labour

legislation, the Industrial and Conciliation Act (ICA) was passed in 1984 (Jeffery, 1993). This new labour legislation barred any foreign trade unions from operating in the Bantustan.

During this period, the labour relations at Impala Platinum were tied to the land and the political regimes. The Bantustan regime adopted a low wage regime to attract investments. In a ploy to subvert the emergence of independent black trade unions, the Mangope regime in collaboration with mining capital facilitated the formation and recognition of a sweetheart union for the mining sector, BONUME. This union started to organise at Impala Platinum. The Bantustan regime was hostile to independent black trade unions. It thus made it illegal for any trade union to be supported or support a political party. This new legislation affected the NUM which had just started organising in the Bantustan. It banned all black foreign independent unions but ironically made an exception for white only trade unions. NUM had targeted Impala Platinum which had all its operations within the Bantustan.

The Bophuthatswana Industrial and Conciliation Act of 1984 was tied to repression and exploitation of black workers. Thus when the Impala Platinum workers staged a strike in 1986 demanding wage parity with Rustenburg Platinum Mining (RPM)[16], overtime payment and recognition of the NUM, over 25 000 out of 40 000 workers were summarily dismissed. This strike was organised mainly by migrants who had been in the mines for a longer duration compared to the locals who were still new. At the time there was convergence of interest between the Bantustan regime and capital. The Mangope regime supported a cheap black labour regime which allowed the maximum exploitation of black workers. As a result both the Mangope regime and Impala Platinum were opposed to the institutionalisation of industrial relations for black workers.

The Bophuthatswana industrial relations and the Bantustans legislation were not effective in institutionalising industrial conflict for a number of reasons (Lewis and Woolfrey, 1990). The 1984 Industrial and Conciliation Act was a transplant/adaptation of the 1959 Rhodesian labour legislation. The rationale behind the Rhodesian legislation was an attempt by the colonial regime to maintain the control of blacks under the guise of non-racism. Its adoption in Bophuthatswana posed many challenges. Firstly, it was inappropriate to the Bantustan context. It failed in reality

[16] RPM was on the South African territory.

to effectively separate the Bophuthatswana industrial relations from the South African. Hence the Bophuthatswana labour relations continued to be strongly influenced by the labour struggles in South Africa (Lewis and Woolfrey, 1990) which were tied to the broader political questions.

We have earlier noted how the Bophuthatswana Bantustan regime adopted a more repressive industrial relations regime that was designed to attract investment especially from South African capital. Impala Platinum for example which was the biggest employer in Bophuthatswana had mines that had poor ore quality compared to its neighbouring competitor, RPM which had its operations primarily based in South Africa. As a result, Impala Platinum adopted a cheap labour regime that was sustained by exploitation of black workers. Consequently, Impala Platinum went out of step with other mines in terms of its compensation regime and this in the long run generated worker resistance which culminated in the emergence of the NUM.

The Bophuthatswana regime made attempts to fictitiously institutionalise industrial conflict through formation and collaboration with sweetheart unions. The establishment of BONUME was a case in point. Although BONUME was rejected by the workers, it engaged management in collective bargaining process but without the mandate from the workers. This was more of a response to the emergence of black independent unions which in many ways threatened the legitimacy of the Bantustan. This thesis disaggregates the various forms of institutionalisation of industrial relations and conceptualises the establishment and activities of BONUME as a fictitious form of institutionalisation of industrial relations.

During the apartheid regime, the labour relations in platinum mining as in other sectors of the economy were characterised by racial despotism and the instrumental use of violence was part of the organising order. This is encapsulated in Bannon (2012: 48):

> Jonan Fritz Gencor director of operation believed that black mine workers must be ruled as if they were in the army… "It's important to remain consistent with black employees and not to vacillate. Blacks have different cultural approach. They want to know exactly where they stand otherwise they lose confidence in you…mining operations are conducted more in a military manner than other industrial activities. This is due to the relatively unsafe working environment'.

The above quote encapsulates the Impala Platinum management's perception towards black workers which in turn informed the labour relations that evolved. The Impala Platinum

management (then Gencor) was inclined towards the Afrikaner non-hegemonic and coercive industrial relations strategy. This was a time when some of the main mining houses such as Anglo Platinum were drifting towards a corporatist labour relations regime based on collaboration and consent. Reaffirming its coercive ideology, Impala Platinum management acquired armoured Land Rovers (Bannon, 2012). Moreover, it had its own paramilitary with ratel acquired from the South African National Defence Force (SANDF) at the height of the industrial conflict in the 1980s. Employer-employee relationship was not conducive and trust was non-existent. This partly explains the dismissal of 25 000 workers at one go after a strike action in 1986. The approach was based on the perception that blacks were inferior and had to be treated as such. In addition, Impala Platinum management was paternalistic and anti-union (Bannon, 2012). It collaborated with the apartheid and Bantustan state to undermine institutionalisation of industrial relations for black workers.

However, by 1987 the industrial relations at Impala Platinum were showing signs of improvement. This was apparently after management realised that repression and violence was not working in curbing worker militancy and violence. Moreover, this may also be partly explained by a change of management. Johan Fritz, Gencor director of operations who was conservative and proponent of the apartheid despotic industrial relations regime resigned in April 1986 when Keys was appointed ahead of him as CEO. At the same time Steenkamp who was pro- the Wiehahn commission headed a program of labour reform in the mining division. Impala Platinum labour relations thus shifted from the Goldfields camp that was pro- the repressive and hegemonic regime to the Anglo/JCI camps that were pro-institutionalisation of industrial relations (Moodie forth coming, 2015).

Impala Platinum and racially bifurcated workers and trade unions

In Marxist terms, trade unions on one hand represent a manifestation of workers' resistance to exploitation within the capitalist system of production and the on the other hand are a means of capital control. The preceding chapter has highlighted how the trade unions in South Africa were divided on the basis of race during the apartheid regime. At the time trade unions represented different racial groups (Wilson, 1972). The broader national context underpinned on the apartheid system had bearing on how the unions evolved and operated at Impala Platinum.

By 1983 Impala Platinum was dominated by white unions co-opted into an alliance with capital and the state. At the time Impala Platinum had at least two unions which represented white workers including Mine Surface Officials Association and the Federated Mining Union. The white unions were so powerful that they could dictate what black workers could and could not do (Bannon, 2012). However, there was always a contradiction between the interests of capital and the racial despotism which was rationalised by apartheid. In the 1970s for example, Impala Platinum was in trouble with the white workers' union after issuing blasting certificates to black workers (Bannon, 2012). Hence the union relations became characterised by racial tension and polarisation.

In 1984, the NUM demanded recognition at Impala Platinum following a very successful launch and breakthrough in gold and coal sectors. Impala Platinum declined and demanded that the NUM should sign up the majority of the workers first. Impala Platinum resisted the collective voice of black workers regardless of the fact that it had some of the worst hostel conditions in the country at the time. We have noted that Gencor, the parent company of Impala Platinum was Afrikaner dominated and one of the staunchest corporate supporters of apartheid (Bannon, 2012). Because of its stance towards mineworkers' union, the NUM declared Gencor and Impala platinum as enemies of the people (Zikalala, 1995). At that time, the NUM was more than just a trade union. It filled the void left by the ANC following its banning by the apartheid regime. It represented the legitimate voice of black people against apartheid.

Racial despotism was consolidated after the emergence of the homelands governments. For example, a National Party Member of Parliament for Rustenburg reiterated that despite his party's support for an independent Bantustan, under no circumstance were blacks to be given knowledge or access to expertise except under white supervision (Bannon, 2012). We have noted that the state established the Bophuthatswana National Union of Mine Employees (BONUME) to circumvent the penetration of the NUM into the homeland. BONUME became a yellow union that lacked shop floor legitimacy. However, most of the workers were apparently conscious of what BONUME represented and thus ignored it from the onset. They demanded to be represented by the NUM. As a result, BONUME only attracted less than 7 percent of the workers at its peak despite easy access and support from the state and the employer. The apartheid and Bantustan regimes collaborated in undermining the rise of the NUM by sponsoring yellow

unions and dividing the workers on ethnic lines. For example, African Workers Union of South Africa (AWUSA) was constituted as a Zulu union (Bannon, 2012).

The NUM faced legal restrictions in its attempts to organize workers at Impala Platinum. It could not practice as a union in Bophuthatswana since this was disguised as a separate country from South Africa by the apartheid regime. After incessant pressure to ensure industrial harmony, Impala Platinum brokered a deal in 1992 which saw the NUM getting appointed as a labour consultant for a fee equivalent to the union subscription. This also reflects a shift in the company strategy towards the institutionalisation of industrial relations. This followed a contestation characterised by a strike wave that lasted for over one year from July 1991 into 1992. This strike action was, however, opposed by the Mangope regime and hence the move by Impala Platinum in 1992 to treat NUM as a labour consultant was designed to circumvent the Bantustan laws. However, this move by defacto represented the recognition of the NUM at Impala Platinum and shift to hegemonic industrial relations based on consent and collective bargaining.

The shift by Impala Platinum from non-hegemonic to hegemonic industrial relations regime must be put into context and explained. Before the 1991-1992 strike, there was close collaboration between the Mangope regime and Impala Platinum. The repressive and anti-union industrial relations policy adopted by the Mangope regime allowed Impala Platinum to sustain a cheap labour regime. However, after the 1986 strike there was a shift in management position on how to manage the industrial relations. We have highlighted that the management shifted from a non-hegemonic system sustained by direct despotic coercion to hegemonic system based on consent and institutionalisation of industrial relations. This was consistent with the Wiehahn commission (1979) recommendations which proposed institutionalisation of industrial conflict for black workers. This marked a rupture of the alliance between Impala Platinum and the Mangope regime. The 1991-1992 strike unfolded soon after the unbanning of the ANC and other liberation movements. Mangope thus viewed this not as an ordinary strike but a political move which undermined the existence of the Bantustan. At the same time, Impala Platinum management realised that the demise of the apartheid system was inevitable and their future interest was best served best by collaboration with independent black workers union. By 1994 the NUM had consolidated its position at Impala Platinum. It had signed a recognition agreement with Impala Platinum which amongst other benefits conferred the right to appoint fulltime stewards and

union officials at a cost to the employer. This marked a shift towards an institutionalised industrial relations regime.

New gender dynamics

As highlighted earlier, mining is dominated by men and has from the onset been portrayed as such. Mining capital from the beginning preferred migrant and masculine labour (Moodie with Ndatshe, 1994; Brekenridge, 1998). Local and international legislation (some passed as late as 1991) banned women from mining (Benya, 2013). However, a Mining Charter (MRPD Act) adopted in 2004 prescribed a target of 10 percent women by 2009, later revised to 2014. It set this as a condition for the renewal of mining licences in line with the post- apartheid workplace regime which emphasises gender and racial equality. Over the past 10 years more mining houses have integrated women in line with the legislation. Lonmin (2009) highlights its support for the integration of women. It argues that the integration of women is part of its corporate social responsibility and claims women are better and more reliable employees. Angloplats has attained the 10 percent threshold for women representation whilst Impala has 7 percent and Lonmin 5 percent (Lonmin, 2010).

This has brought a new gender dimension into the mining sector. The majority of women are usually recruited from local communities and less likely to be migrants compared to men. The introduction of women brings a new culture, struggles and subjectivity. Research by Benya (2013) argues that women bring new values, challenges and 'class' orientation into mining. In many cases, Benya (2013) argues women have no role models to learn from. Men, for example, have the experience of the role that unions played in the struggle against apartheid. They have the experience of the value of the union in defending workers' rights. Men are thus attached to victories of the past unlike the women (Benya, 2013) who are new to the sector.

Women may have a different conception and expectations. They likely have no experience or attachment to the unions' past successes. Therefore women may question the significance of a union in case where there may be no tangible results. Men often perceive the union as an instrument that liberated them from the past repression and will normally ask no questions about its value. Women do not share a similar attachment. They do not live in hostels and a few reside in the informal settlements. They are thus not fully assimilated into the dominant mining culture

and come with their own struggles such as sexual harassment (Benya, 2013). The introduction of women in mining further fragments the typical worker identity and undermines worker solidarity. The introduction of women in mining poses challenge to the union as this is against the union's organisational culture that is based on sexism, patriarchy and male domination (Bezuidenhout and Buhlungu, 2007). This has effect on the institutionalisation of industrial relations. It reflects the heterogeneity that characterizes the workforce and informs the institutionalisation of industrial relations.

Conclusion

This chapter follows the preceding one in drawing the research context and locating the research site. It presents the geographical location, the union and the organisation where the primary study was conducted. The platinum belt (and Rustenburg) has gone through a number of transitions in terms of the geography, demographics and other indicators during the period reviewed by this study. The Bophuthatswana Bantustan regime resisted the development of independent trade unions through a number of strategies including the establishment of BONUME, a yellow union. This undermined the institutionalisation of industrial relations at Impala Platinum. Capital and the state worked hand in glove to maintain the status quo. This however, changed when the management shifted its policy from the non-hegemonic to the hegemonic industrial relations regime. The different perspectives on how to deal with industrial relations between capital and the state manifested in various forms, including violence. Impala Platinum management was pushing for the institutionalisation of industrial relations for black workers which was resisted by the Bophuthatswana Bantustan state. This was all for different reasons and interests. In line with the transition at the time, the NUM was subsequently recognised as the workers voice at Impala platinum

The democratic transition coincided with a number of changes in the platinum sector and at Impala Platinum. The shift in the global demand for platinum culminated in a boom which propelled the sector to the top in terms mining output. Platinum became the biggest mining sector in South Africa. The attainment of democracy resulted in a shift in some of the mining policies. Impala Platinum moved towards a new policy aimed at gradually phasing out the hostels and migrant labour system. The Chamber of Mines signed an agreement with the NUM which displaced the company obligation to provide housing through the LOA. This move resulted in a shift in the mining spatial settlement. The proliferation of informal settlements in the platinum belt has been one of the major changes. This development is also tied to the increase in externalised forms of employment designed to maximise the extraction of surplus value.

Chapter 5

Despotism, 'Appropriated Institutionalisation' and Insurgent Trade Unionism

Introduction

The overarching aim of this study as captured in chapter 1 is to explain the shifting patterns of institutionalisation of industrial relations and strike violence in a specific company and period. The two preceding chapters have outlined the context in which this was explored. This Chapter presents the first part of the empirical findings of the study. It explores the institutionalisation of industrial relations and strike violence during the final years of the apartheid regime and the transition to democracy (1982-1994) at Impala Platinum, in Rustenburg.

The industrial relations during this period of apartheid and the transition (1982-1994) must be located within the broader socio-economic and political context. The apartheid regime banned political liberation movements in the 1960s. The ANC and other political movements retreated underground. By the 1980s, the political climate in the country was fully charged. The ANC and other civic organisations such as the United Democratic Front (UDF) adopted a strategy designed to make the state ungovernable with a special focus on the Bantustans. Part of this strategy included the use of strike action as a mode of resistance from below. Many of ANC activists infiltrated workplaces and organised resistance alongside workers' committees and unions affiliated to COSATU. The workers' struggle at the workplace was thus articulated to the broader national struggle for democracy. As affirmed by Von Holdt (2003), a worker activist was also at the same time a political activist. This raised the level of consciousness and improved the organisation of workers' resistance (Jeffrey, 1993; Allen, 2006; Reddy, 2011).

This period of apartheid and the transition (1982-1994) was characterised by a despotic industrial relations regime which generated worker resistance in the form of insurgent resistance and or insurgent trade unionism. During this time the class relations were non-hegemonic. They were produced through direct despotic use of coercion. The response by the workers and the demand for industrial relations reform was tied to the broader struggle for democracy. The engagement between the despotic regime and the insurgent unionism produced various forms of violence.

This culminated in a shift towards the institutionalisation of industrial relations in two phases. The first phase was a shift towards appropriation of institutionalisation of industrial relations characterised by the inception of institutions of institutionalisation of industrial relations that were designed to control and manage worker discontent. In the preceding chapter we have shown how the Bantustan regime granted exclusive rights to BONUME as the official trade union for all the mine workers in Bophuthatswana without any formal delegation from the workers as members. Impala Platinum later realised the limitation of order attained through coercion and thus wanted to shift towards an ideal institutionalisation of industrial relations based on shop floor industrial democracy and representation. This contestation gave way to a shift towards an ideal model of institutionalisation of industrial relations. Ultimately the workers insurgency or insurgent unionism culminated in the institutionalisation of industrial relations first through negotiations and representation (committees) and finally through a trade union-NUM. This contestation over the institutions of representation was characterised by tensions and division between the company and the Bantustan regime.

The 1986 strike: Insurgent unionism and politics

We have highlighted that Impala Platinum was part of the Gencor group which was part of Afrikaner capital which was renowned for having one of the most despotic (hardliner) industrial relations. This fitted well with the apartheid ideology. Although the situation at some of the mining houses was fast transforming from the despotic *induna* system, to a more democratic shop steward system, following the emergence of the NUM, the management at Impala Platinum was apparently not ready at this point to embrace the independent unionisation of its black workforce despite the recommendations by the Wiehahn Commission. It remained stuck in denial despite the reality that the unionisation of black workers' institutionalisation and the democratic transition were inevitable.

By the 1980s the ANC and its underground networks had adopted a strategy designed to paralyse the apartheid system. This included organizing industrial actions that often articulated workers' demands on the shop floor to the broader struggle against apartheid (Von Holdt, 2003). Many of the underground activists who initiated the organising of workers at Impala Platinum had strong links to both the NUM and ANC. Some workers from Impala Platinum and others who were

later employed were part of the NUM inaugural conference in 1982 at Klerksdorp[17]. Many of them were political activists from with the communities. Although the ANC was banned it organised under the disguise of the NUM. A worker at Impala platinum explained:

> We had Steve at Number 8 and Mayoyo at Number 6. They were ordinary workers like us but their other side was that they were ANC cadres who had received the proper ideological and political education. They were assigned by the ANC to organize members for NUM. They were disciplined and trained by the ANC...they knew what they wanted and always connected the worker struggles at the workplace to the broader national struggle[18].

The NUM was quick to gain the support of black mineworker's right from its inception. Its popularity transcended the Bantustans despite the fact that some of them such as Bophuthatswana had laws that did not condone operation of foreign trade unions. In any case, the legitimacy of the Bantustans was always contested. For example, by end of 1985, Impala Platinum workers invited the NUM to organise them. This was resisted by the management and the Bophuthatswana regime which at the time did not subscribe to the institutionalisation of industrial relations for black workers. The NUM was thus from the onset not authorised in the territory on the grounds that it did comply with the Bophuthatswana Industrial and Conciliation Act (SALB 1986). The only option for the NUM was to organize through underground and informal networks.

The NUM thus resorted to organising through underground structures and networks before consolidating its position. ANC activists were planted underground to assist COSATU affiliates in organising workers at the shop floor. One of the activists, Isaac Mayoyo who later became a key NUM organiser was dismissed following the 1986 strike and subsequently re-hired. After his return to work, he organised underground structures across the shafts at Bafokeng South and was one of the principal leaders during the 1991-1992 strikes. Sipho Shabangu an ANC activist who had been organising underground at Impala Platinum's Wildebeestfontein since 1989 was also linked to the NUM. He was responsible for the setting up of underground committees at the hostels and various work stations (shafts) (Zikalala 1992). The efforts by the underground

[17] Interview Matola 13 March 2012 at Impala platinum Number 6 shaft

[18] Interview Vavi 22 February 2012 Impala platinum

activists were supported by some of the workers transferred from South African mines where they had had the experience of working with the NUM. However, the activists avoided exposure before gaining ground on the shop floor (Zikalala, 1992).The ANC thus operated inside the trade unions and other civic organisations for strategic reasons. The strong underground presence of the NUM at Impala Platinum and the subsequent improvement in the organisation of workers was linked to the broader national political struggle against apartheid. This was directly linked to the role of the ANC underground structures and networks on the shop floor and in the community.

Sequence of events and organisation of the strike

The industrial relations for black workers at Impala Platinum before 1992 were not institutionalised. The black workers had no voice. They were managed through despotism and repression of dissent despite the fact that the Wiehahn [19] commission had recommended a shift in the industrial relations strategy from coercion to negotiations and consent. However, many mining companies ignored the recommendations and maintained a despotic industrial relations regime. This was not a surprise. The implementation of Wiehahn Commission recommendations which were designed to open up industrial relations faced operational challenges as they were not consistent with the socio-economic and political facets of the broader South African society.

Nevertheless the despotic industrial relations based on repression and violence produced resistance from below. Impala Platinum workers thus presented a memorandum to the management on the 23th of December 1985 with the following three principle demands:

- Wage increase;
- Improvement in the working conditions, and
- Access, recognition and the granting of the right to organise for the NUM (Commission of Enquiry, 1992).

[19] The last of the six reports produced by the Wiehahn Commission, was on 'Industrial relations in the mining industry'. It recommended that gold mines should shift away from coercion to negotiation by recognizing black trade unions and the institutionalisation of the industrial relations.

The workers were organised by informal committees that emerged extemporaneously from the shop floor. Impala Platinum ignored the petition and carried on with business as usual. The workers were relentless and presented another petition on the 26th of December 1985 and the management once again paid lip service. The workers responded on the 1st of January, 1986 by organising a strike action which attracted 30 000 workers and lasted for at least five days. The strike affected all of Impala Platinum's four complexes and was the biggest strike since its inception in 1968. This form of collective action represented a worker insurgency from below.

Apartheid divided black workers on the basis of ethnicity. This nevertheless did not shut all spaces for black worker solidarity. Apartheid controlled workers through a form of what Mamdani (1996) conceptualises as indirect rule. The black workers were divided in the hostels along ethnic lines and each tribe was put under the charge of an *induna* representing the traditional authority. This severely undermined black workers' solidarity. The workers had competing and or conflicting identities, for example as workers against a traditional identity. The system also created a cleavage between migrants and workers from the local communities.

The majority of the workers at Impala Platinum at the time were of Tswana ethnicity. However, the leaders of the strike were predominately Sotho and Xhosa activists. The Sothos and the Tswana emerged as the natural leaders as they had been working in the mines for a longer period compared to the Tswanas who were new (SALB, 1986). This disjunction in the workers' profile and the organisation of the strike reflected the shift from migrant to local labour supply. This was a typical case in which apartheid social engineering severely undermined worker solidarity and the way they forged resistance. A worker explained this intra-worker tension:

> Although we (Tswanas) were the majority at the time… the strike [1986] was led by the *AmaXhosas* and *BaSotho* who had been in the mines for long. The problem is that they never really explained to us what was happening….. Many of us were new ...We were in the dark on what was actually happening. We did not know what was happening … they used violence or threatened us to comply. They never gave any chance to proper negotiations [....]. They only believed in violence.[20]

[20] Interview with Jojo 22 February 2012 at 7 shaft Impala platinum.

The strike was thus led by Xhosas and Sothos who had a long history as labour migrants in the mines and had established networks (Reddy, 2011). Labour from the local community is usually better educated, more proletarianised, assertive and more politically conscious and engaged. These dynamics had influence on how the workers' struggle was constructed and defended. This manifested more distinctively in the strikes that emerged in the later years. The new workers in the mines easily connected their struggles at the shop floor to the broader society and national struggle for democracy. This shift became more important in subsequent strikes that followed in 1991 and 1992

The 1986 strike was thus characterised by different genres of violence reflecting various contestations. There was violence between the elite and non-elite and within the non-elite and this served different purposes and was sometimes ambivalent. Violence between the elite and the non-elite represented contestation of different orders whilst that within the non-elite (intra-worker) was aimed at enforcing compliance and reflected divisions within the non-elite. The Bophuthatswana police fired tear smoke and rubber bullets at a mass meeting and injured at least 26 workers who were subsequently hospitalised. Forty eighty workers were arrested by the mine security and handed over to the Bophuthatswana police and later appeared before the Phokeng local court (SALB, 1986). Intra-worker violence targeted scabs and strike breakers and was meant to enforce compliance. Industrial relations for black workers at the time were not institutionalised and this rationalised the various forms of violence that characterised the 1986 strike. The violence by the workers was aimed at institutionalising industrial relations and or liberation struggle whilst that by the employer in collaboration with the state was designed to resist this process.

The strike ended reflecting a massive defeat for workers but a number of important lessons were drawn. Impala Platinum took advantage of the strike and used this as an opportunity to structure the profile of the workforce as 25 000 of the workers were dismissed summarily and replaced. The dismissals were systematic in that they targeted the underground worker activists and leaders linked to the NUM and ANC (Allen, 2006; Zikalala, 1992, NUM, 1992). This opened space to accelerate the recruitment of local labour and implementation of a new policy inclined towards local recruitment. However, the workforce at Impala Platinum at the time was already mixed ethnically as no group was dominant (Reddy, 2011). The ethnic divisions were reinforced

by the hostel system which formed part of management's mode of control. This divided and undermined black workers' solidarity especially during strike actions.

Appropriation of institutionalisation of industrial conflict: The emergence of BONUME

For years, the black workers at Impala Platinum could not freely exercise organisational rights through independent trade union representation. We have already noted that the Bophuthatswana regime facilitated the formation of BONUME, a sweet heart union that disguised as an instrument of institutionalisation of industrial relations to subvert the entry of NUM into its territory. Structures of collective bargaining were established for the mining sector with BONUME as the only recognised union (Zikalala, 1992). BONUME was unilaterally granted exclusive rights as the trade union for mineworkers in Bophuthatswana but without delegation from workers. This was designed to counter the popular rise of the NUM which had been experienced in South Africa. It was not legal for the NUM to extend its operations into Bophuthatswana as it was not registered there. At the same time accepting registration in Bophuthatswana for the NUM would have implied accepting the legitimacy of the Bantustan (Jeffrey, 1993; Zikalala, 1992). This setting up of industrial relations framework at the time represented a form of appropriated institutionalisation designed to protect the state and employer interests.

The 1986 strike was a learning curve for both the workers and the Bophuthatswana regime. The regime adopted a number of strategies to avoid similar future insurrections. New industrial relations regulations were passed including a law that banned foreign trade unions. The appropriation of institutionalisation of industrial relations was further reinforced. This was challenged by the workers and manifested as a form of insurgency that mutated into various forms of violence.

The appropriation of institutionalisation of industrial relations was based on state and capital coercion without worker consent. It was however, rejected and challenged by the workers from below. It was based on the convergence of interests between capital and the Mangope regime (the state). As noted earlier there was variation in the strategy between capital and the state in the later years before the democratic transition. Impala Platinum management abandoned the despotic/autocratic institutionalisation of industrial relations for negotiations and democratic

trade unionism and this generated tensions with the state. This represented a shift from order through coercion to consensus.

The organisers of the Impala Platinum 1986 strike apparently failed to unite and lead all the workers as a collective with a common vision. The workers' solidarity was undermined by apartheid social engineering which divided them along ethnicity. Many of the workers supported the strike action but the leadership failed to effectively communicate, educate and disseminate information to the shop floor. For example, many of the workers alleged that they were not kept abreast with the unfolding events. It was not clear whether the committee was communicating or negotiating with management and what the demands were in explicit terms. In addition, mass meetings were conducted in Xhosa and or *fanakalo* when the majority of the workers were Tswana. Many of them were new to the sector and not conversant in any of these languages (Reddy, 2011). As a result, these differences (language, ethnicity and so on) divided and undermined workers' solidarity. It alienated the leaders of the strike from the ordinary workers. The strike nevertheless left important lessons to management, workers, union and the underground political activists. One of the lessons for the union was the need for a more intensive shop floor and worker controlled organising campaign and political education before any future collective action (Zikalala, 1992). The outcome of this strike forced the NUM and its alliance partners to go back to the drawing board to come up with new strategies. For Impala Platinum management it later became clear after this strike that despotic industrial relations regime and the mass dismissals were now untenable. Impala Platinum suffered heavy decline in the level of productivity following the 1986 strike mass dismissals (Moodie, forthcoming 2015)

Striking for institutionalisation-1991-1992

The changes to the context by 1990s had impact on how the workers organised resistance and the trajectory followed by the institutionalisation of industrial relations. Firstly, the unbanning of the ANC in 1990 rejuvenated the workers' modes of resistance. Secondly, the shift in the social composition of the workforce and leadership from migrants to locals transformed the character of the strike actions and the organisation of resistance and how this linked to the broader socio-economic and political struggles. Finally, it was apparent by 1990 that the demise of the apartheid system was inevitable. This reality and resistance from the workers forced Impala Platinum management to abandon a coercive industrial relations regime for negotiations and

institutionalisation of industrial relations. This set it on a collision course with the Mangope regime which was prepared to defend the despotic industrial relations as this was tied to its legitimacy. This shift in the context influenced the trajectory of strike action and the state and capital mode of control and the resistance by the workers. As a result, strikes in 1991-1992 which were based on similar demands as was in 1986 produced different outcomes.

The rupture of state and capital alliance

We have earlier noted that the Bophuthatswana Bantustan and Impala Platinum had a common cause to maintain a repressive and cheap labour regime based on the exploitation of black workers. By 1991, the socio-economic and political context had shifted significantly. The most important changes relate to the unbanning of the ANC and the shift in the social composition of the workforce and leadership of the strike from migrants to the local Batswana. This was apparent in the 1986 strike but became more significant in subsequent strikes. The shift in the socio-economic and political context had a direct impact on the mode and how workers framed resistance and challenged the apartheid system. The ANC connected the shop floor (class) struggles to the broader (citizenship) struggle for democracy in collaboration with trade unions and other social movements in line with its congress tradition. This approach was intensified after it was unbanned in 1990. Many of the workers interviewed emphasised that 'the NUM was more than just a union[21]' in reference to the role that it played in changing the lives of mine workers and its contributions to the broader struggle for democracy.

In addition, the shift in the ethnic and national composition of the workers and leadership profile from migrants to local facilitated the articulation of the workplace shop floor struggles to the broader community and national struggles. This became more evident during the 1991 and 1992 strike waves. By 1991 the majority of the workers and the leadership of the strike were Batswana's who originated from the local communities and were conscious and closely connected to the local struggles. This facilitated the connection of the two struggles at the shop floor and the broader community. This is one of the reasons that accounts for the different trajectory between the 1986 and 1991/1992 strikes.

[21] Interview Matola at 6 shaft 12 February 2012.

Sequence of events

The following events captured significant moments that shaped the unfolding and the trajectory of the 1991-1992 strike waves characterised by various forms of violence:

- The BONUME- Impala Platinum 1991 wage agreement.
- The NUM 1991 wage agreement at Rustenburg Platinum Mines (RPL) in South Africa.
- A conversation of three workers in a beer hall reviewing the wage agreement signed by BONUME and the general working conditions sets the direction for an extemporaneous workers' meeting.
- The mass meeting that attracted over 7 000 workers.
- A lockout by management.

By 1991 the NUM was already active and recognised at some of the mines in the platinum belt in what was the South African territory. It had gained recognition status at Anglo American Corporation's Rustplats, South African division. The 1991 wage collective bargaining negotiations between Rustplats and the NUM settled for a 12-15 percent wage agreement. This increased the minimum wage for lowest paid underground mineworkers from R719 to R827 per month (Herald, 31 July 1992). We have already noted that the institutionalisation of industrial relations at Impala Platinum was appropriated. BONUME which was the instrument of appropriation signed an 8 percent wage agreement with Impala Platinum (Herald, 11 July 1991). This was below the workers' expectations and thus sparked a revolt from below. The way BONUME had conducted the collective bargaining process was not a surprise. It lacked legitimacy and workers were conscious that it was not an independent workers' voice. It was created by the Bantustan regime in collaboration with mining capital to subvert the entry of the NUM into the territory.

The 1991-1992 strikes characterized by a worker insurgency happened in series for a period more than a year. However, the worker insurgency was organised around two principal demands – better wages and representation by the NUM. The workers articulated their demands for better

wages to organisational rights. This was consistent with the demands the workers had presented in the 1986 strike. This time however, the strike was better organised.

Insurgent trade unionism

Mineworkers have very strong social networks. They share through these social networks information on working conditions at different mining houses. These informal channels of information and communication are directly tied to the labour relations. They influence the nature of demands advanced by workers in the collective bargaining process. Bars, (beer halls) within the hostels' precincts were the main recreational facilities where workers shared experiences and stories from home and beyond, usually through the strong homeboy networks (Moodie, 1994).

A discussion at a hostel beer hall at Impala Platinum Bafokeng South by three workers on the 3 January 1991 marked a turning point in the labour relations at the company. The conversation culminated in a contemporaneous mass meeting that discussed and reviewed the wage agreement that had been signed by BONUME and the working conditions which were generally pathetic. At the time, the industrial relations were based on repression and despotism and thus this opened a public discussion that was unprecedented (Zikalala, 1992; Jeffrey, 1983).

Mass meetings represent an important moment in popular worker mobilisation. Firstly they are a show of the group mass mobilisation capacity (Guha, 1999). Secondly they are a means of building worker solidarity and at the same time present a democratic platform for workers to make decisions as a collective. Many of the collective decisions during strikes are often binding to all the workers. Furthermore, mass meetings constitute part of the strike repertoire i.e. a tool of action available to the workers. Apartheid divided workers on the basis of race and ethnicity but workers in this strike forged new strategies to overcome some of these barriers. According to the local moral economy all the 'nations[22]' were expected to be represented at all the mass meetings. The leadership from all the different ethnic groups was expected to address the mass meetings as a show of solidarity. This was meant to enforce worker unity and solidarity across the ethnic

[22] The use of this term (nations) in the mining communities by the ordinary workers is ambivalent .On one hand it refers to nationality and on the other hand different ethnic groups. During the apartheid regime Bantustans which were based on ethnicity claimed national sovereignty which however was a fictitious state regime.

divide. This was quite ambivalent as on one hand it amplified solidarity, and yet entrenched the divisions. Despite measures to overcome the divisions presented by apartheid, strikes were nevertheless often characterised by ethnic clashes. *Fanakalo* was often used as the lingua franca/ common medium of communication. It united the workers as a common language and reinforced a sense of worker collective solidarity (See Chapter 7).

The workers had planned to stage a protest march at the management offices to register their grievances. The informal workers' committee which emerged after the beer hall meeting organised another mass meeting at the stadium to forge the way forward. The workers gathered singing revolutionary songs adapted from the ANC. Some of the workers dressed in ANC, NUM and SAPC regalia which at the time were banned (Zikalala, 1992). Bophuthatswana outlawed any affiliation to a foreign trade union and or political movement. This action thus symbolised unprecedented worker insurgency. Furthermore it highlighted the link between the workers' struggles on the shop floor to the broader national struggle against apartheid. In addition, it reflected a high level of workers' political consciousness. Moreover, this also represented a shift in the way workers organised resistance and framed their claims.

The mass meeting convened at the stadium attracted over 7 000 workers. It was organised and led by an informal leadership selected from the shop floor. This mass meeting was interrupted by NUM, ANC and the SACP revolutionary songs (Zikalala, 1993). The workers showed unity for a common purpose. The workers' allegiance to the liberation movement's identity showed that they were conscious that this was more than just a challenge to the industrial relations system. It was also an attack on the apartheid system. At the time the socio-economic and political context had changed and the move by the Impala Platinum workers was part of a broader struggle for democracy. This also represented a form of worker insurgency.

At the mass meeting at the stadium, contributions were open to volunteers from the floor. This was the first time that the Impala Platinum workers spoke openly about their dreadful experiences characterised by supper exploitation and repression (Zikalala, 1992). The mass meeting elected a 10 member workers committee to present their collective demands to management the following day (Zikalala, 1993). A worker explained the process:

> The committee was elected at the mass meeting … we nominated people who are strong…people with a strong conviction to our cause ...There

> was no need to vote, it was by consensus[….] We all know who our leaders are. [23]

The informal committees were worker controlled and selected through a process of popular democracy and consensus from below. A worker further explained:

> The committee was from within us... it represented us ...it never instigated any strike action…. Mayoyo never dictated the course of action…he never said we should go on strike. He listened to the masses ….the people decided the way forward[24].

This was a form of worker collective organisation associated with the rise of independent black trade unions from the late 1970's (Ncube, 1985).

Management declined to open discussions on wage increase and defended the final offer it had earlier made to BONUME. It however backtracked after realising that the collective organisation and strength of the workers at the time was unprecedented. It revised its offer and proposed to substitute a wage award with incentives. A process of collective bargaining with the workers' committees was already unfolding though this was in an informal way. This represented a transition from insurgency to the institutionalisation of industrial relations. The workers had managed to force the institutionalisation of industrial relations through negotiations and later representation by a trade union.

The workers rejected the new offer by the employer. They responded to the employer's intransigence by organising a go-slow. This was an unprecedented form of worker insurgency. This high level of worker militancy galvanized and inspired many others across Impala Platinum operations. It was followed by a series of intermittent strikes that lasted for over twelve months, culminating in the recognition of the NUM a year later.

The strike wave

The 1991 Impala Platinum worker insurgency was better organised compared to that of 1986. At the onset the workers restrained themselves from the strike. The workers at Impala Platinum's

[23] Interview Matola 22 March 2012 at Number 7 shaft Impala Platinum.

[24] Interview Matola 22 March 2012 at Number 7 shaft Impala.Mayoyo was one of the eminent workers committee leaders.

Bafokeng South responded to the BONUME collective bargaining agreement by organising a go-slow on 5 July 1991, supported by 8 000 workers. This forced the mine to shut down for a day (Zikalala, 1992). This was unprecedented and inspired other workers at other sites. The Bafokeng North workers were some of those inspired by this. This action boosted their militancy. The informal committees set across the Impala Platinum complex organised underground meetings on 14 July to coordinate action (Zikalala, 1992). The Bafokeng North workers also elected a 10 member committee at a mass meeting. More than 30 000 workers downed tools at Impala Platinum on the 14th of July 1991 (Zikalala, 1992). This was a show of unprecedented worker collective power which paralysed the company's operations.

By July 1991 wage negotiations between management and the workers' committee had started. The workers represented by an informal workers' committee presented a demand of R62 per shift against management's offer of 77 cents. The demand by the workers was to push the minimum monthly wage to R800 per month (Herald, 1991). This was comparable to the agreement settled by Rustplats in South Africa. Furthermore, the workers demanded the recognition of the NUM and the general improvement of conditions of work.

The wage collective bargaining process however, collapsed on the 14th of July and this forced workers to go on a four hour stoppage the following day. The negotiations became protracted and by 12 August 1991, the workers had reduced their wage demand to R 20 per shift across the board and management had moved its offer by R1.30 (Herald, 1991). The process of collective bargaining was already in action although it was rudimentary. On the 15 August, a total of 30 000 workers at Bafokeng North and Wildebeesfontein North staged a collective job action. They resolved to work half a day as a protest against poor wages and conditions of employment. This involved almost all the black mine workers at Impala Platinum Complex (Zikalala, 1992; NUM, 1992). The protest action was followed by an ambush at Bafokeng North hostel by unknown assailants the following day. The assailants opened fire and killed 8 workers and 26 others were injured (Zikalala, 1992). This attack, according to witnesses was not random but well calculated as worker activists were targeted in the killings.

There are contrasting narratives on the motive and who was behind the killings. The workers suspected management's hand whilst management attributed this to the ethnic clashes amongst the workers. The NUM argued that this was a desperate attempt by management to stop a strike

action that had begun the previous day. The NUM claimed that some of the assailants were interviewed and revealed they had been hired by management to kill the miners (NUM, 1992; Jeffrey, 1993; Allen, 2006). According to some, this was apparent because the assassins targeted 'our key comrades…some were killed and many disappeared[25]'. According to the Star newspaper:

> NUM media officer Jerry Majatladi said yesterday management brought about 200 'vigilantes' to the mine on Thursday to attack mineworkers in an attempt to break the go slow…..[26]

It is important to draw connections between this form of violence and the broader South African context at the time. The broader context was characterised by contestation and violence. This was during the democratic transition which was blighted by ethno-political Inkatha killings which were more prevalent in the Johannesburg and KwaZulu Natal areas (Donham, 2012).

The strikes across Impala Platinum mining Complex were not uniform but disjointed as a result of a number of factors. The arrests and suppression of union leaders affected the organisation and dissemination of information across the complex. As a result, the strike waned at Bafokeng North and South. Yet at Wildbeestfotein North and South the work stoppages continued (Reddy, 2011). Management responded by temporarily shutting down Wildbeestfotein North and South where strike action was resilient.

By the end of September, the collective bargaining between management and the workers' committee assisted by the NUM made a break through. The parties agreed on a 17 percent wage adjustment backdated to July from the initial 10 percent (Jeffrey, 1993). Although this agreement enhanced the profile of the NUM, the violent unrest persisted. This was because the conflict was connected to broader socio-economic and political factors beyond the workplace. However, the calling of the NUM by the management at the time marked a turning point in the industrial relations.

Impala Platinum management attempted to subvert the strike action by organizing works council as an alternative means to enhance communication with the workers. This was a non-union form

[25] Interview Matola at number 6 shaft 21 March 2013.

[26] The Star 1991: Impala mines strike ends.

of worker representation at the shop floor adopted by the company to circumvent the Bantustan regulations. This at the same time reflected the shift of management position to a hegemonic industrial relations regime based on collective bargaining. The setting up of the workers' committee was a realisation by the employer of need to enhance communication but at the same time was to avoid the establishment of independent trade unions and institutionalisation of industrial relations which the Bantustan regime outlawed. The works council in many of the cases was never independent from capital and state control. The worker thus rejected and/or ignored it and forced another form of institutionalisation of the industrial relations.

The works council worked against planned strike action. It made attempts to convince the workers that the wage agreement signed by BONUME reflected the final offer by the employer (Zikalala, 1992). This was nevertheless rejected by the workers. On the 17th of July 1991 about 90 percent of the workers at Bafokeng North downed tools protesting against management's suspension of one of the workers' committee leaders of the 5th July 1991 strike action. He was alleged to have been involved in acts of intimidation after the strike action (The Herald 1991). This was the first major collective action by the workers after the mass meeting.

The 1991-1992 strikes were much well organised and coordinated compared to 1986 in which workers were defeated. The informal workers' committee took a cautious stance not to repeat the mistakes committed in 1986. We have noted that the 1986 strike was characterised by deep intra-worker divisions. Before embarking on a strike, the committees started off by engaging other less confrontational forms of collective action such as go-slows, working half a shift and sit-ins to test their collective strength and build up the momentum for enhanced action. As a result, the first major strike action organised by the committee started on 15 August 1991 when 30 000 workers at Wildbeestfontein North, Wildbeestfontein South, Mineral Processing and Bafokeng North refused to work more than half a shift. This strategy was approved through workers' consensus and was inspired by the outcome of previous actions.

The 8 percent wage agreement between Impala Platinum and BONUME was not in line with the workers' expectations. This presented an opportunity for the NUM to press for recognition. The workers articulated their demand for a better wage award to recognition of the NUM (Zikalala, 1992). The NUM had made phenomenal gains for black workers in South Africa since its establishment in 1982 (Moodie, 1994; Allen, 2006). It articulated the workers' struggles on the

shop floor to the broader struggle for democracy. The unprecedented level of militancy propelled management to negotiate with the workers' informal committee which nevertheless were not officially recognised. This represented a shift towards the institutionalisation of industrial relations.

The strike and shifting context

The political landscape had shifted by 1990. The ban of political movements was lifted and Nelson Mandela was released after 27 years in prison. It became clear with each passing day that the curtain was coming down on apartheid. The structural changes in the context were also followed by a change in the management at Impala Platinum. The new management came in with a new industrial relations strategy. The new management was conscious that the curtains were coming down on apartheid. It thus abandoned the despotic industrial relations strategy for negotiations and institutionalisation of industrial relations and class compromise. This marked a shift from coercion towards consent through the process of collective bargaining. The management realised the limitation of appropriated institutionalisation of industrial relations enforced by the Mangope regime. BONUME which was an instrument for appropriating institutionalisation lacked legitimacy and popular mandate from below. Institutionalisation of industrial relations is tied to shop floor democracy and independent trade unions. This shift placed the Impala Platinum management in collusion with the Mangope regime.

The new Impala Platinum management abandoned the offensive position and started opening up negotiations with the workers' leadership. It facilitated the setting up of a workers' committee to enhance the effectiveness of worker collective representation. This marked a shift towards the formal institutionalisation of industrial relations. On the 29th July 1991, the committees from five workplaces met and amalgamated to form a central structure. Most of the 10 members elected onto this structure were originally from the local communities and predominantly of Tswana ethnic background and had links with the NUM and ANC. The committee was thus a proxy of the NUM which at the time was yet to be recognised. A worker explained:

> The management realised that the NUM had the support of the majority of the workers…they had no choice but started opening up the process for it to be recognised …they started allowing it to recruit.[27]

[27] Interview with Matola Number 6 shaft Impala 12 February 2012.

At the time Impala Platinum would have opened up to the NUM if given a choice in line with the shift in its industrial relations strategy. However, this was opposed by the Mangope regime. To subvert the sanction by the Mangope regime, Impala Platinum resolved to work covertly with the NUM. It requested NUM regional office to provide experienced union negotiators to assist the workers' committee. This was meant to circumvent the Bophuthatswana regime regulations which outlawed operations of foreign trade unions. However, Allen (2006) argues that the reason for the shift by Impala Platinum was never made clear. He suggests that perhaps what became clear to Impala Platinum management was that the rationalisation of the labour relations was inevitable. We have earlier shown how this was partly linked to a shift in management industrial relations strategy.

The Mangope regime vehemently opposed attempts by Impala Platinum management to shift from appropriated institutionalisation to a democratic form of institutionalisation of industrial relations. The regime reprimanded the Impala Platinum management after realising that it was collaborating with the NUM (Zikalala, 1992; Jeffrey, 1993; Reddy, 2011). Impala platinum management was thus forced to retract its earlier decision to formally recognize the NUM. The industrial relations turmoil thus persisted as management in collaboration with the Mangope regime made attempts to roll back some of the workers' gains. This highlights a contestation on the direction of the institutionalisation of industrial relations. The Mangope regime defended the appropriation of the institutionalisation of industrial relations. At the same time Impala Platinum management wanted to embrace a democratic form of institutionalisation of industrial relations after realising that despotism was no longer feasible. This contestation was often characterised by various genres of violence.

Impala Platinum management locked out 8 000 workers at Bafokeng North section on the 3rd of September 1991 (NUM, 1992). The lockout was characterised by various forms of violence perpetrated by management and the workers. The mine security and police used tear smoke to disperse a mass meeting. This offensive by management conformed to the Mangope regime aim to roll back the workers' and union gains. The period was characterised by clashes between the workers, police, army and the mine security, and sporadic strike actions. A union activist was dismissed at the end of October 1991 and 30 000 workers went on strike in protest (Zikalala, 1992).

A strike action does not necessarily translate to disorder. The organisers of the strikes who in the main were aligned to the NUM ensured there was order during the strikes by assigning marshals especially on the picket lines. On the 10th of September 1991 one of the marshals was killed by the police and a bomb exploded in the Sotho section at one of the hostels (Reddy, 2011). The killing of the marshal by the police resulted in the breakdown of order.

The unrest continued and between the 5th and 7th of November 1991 the Bophuthatswana regime launched one of its most serious direct offensives against the Impala Platinum workers. Its police raided Impala Platinum hostels and at least 25 senior members of the workers' committee were arrested. Many of them were severely assaulted and tortured (Reddy, 2011). Forty thousand workers downed tools in protest. Some of the workers hired minibuses to demonstrate at the company head office in Johannesburg. The attempt by management to roll back workers gains in collaboration with the Bantustan regime was strongly resisted by the workers.

On 23 November 1991 a public mass meeting was held at the Phokeng Catholic church. This was organised by a pressure group that advocated for Bophuthatswana incorporation into South Africa. It was attended by many mine workers from Impala Platinum and people from adjoining communities. The mass meeting resolved to make use of industrial action to undermine the Bophuthatswana regime. The Bantustan police relied on repression and violence as a means of control. The ANC and its alliance had adopted ungovernability as a strategy to subvert the apartheid regime. The Bophuthatswana police acted swiftly and prevented workers from attending political rallies organised by the ANC and its allies within Phokeng. This was upon realisation by the Bantustan regime that the workers' struggles at the shop floor were linked to the broader struggle for democracy.

The contestation persisted into 1992. In January 1992, Impala Platinum workers organised a sit-in and 1 800 workers were dismissed. At the same time, there was an escalation in the anti-Bantustan movement in the adjoining communities. On the 11th of January the anti-Bophuthatswana coordinating committee organised a mass demonstration in Phokeng and emphasised the importance of mine workers and community unity (Reddy, 2011). During that time class issues (struggles) and questions on citizenship merged. In August 1992 Impala Platinum signed a recognition agreement with a workers' committee that was aligned to the NUM. The management was reluctantly forced into negotiations with a democratic trade union

despite the offensive from the Mangope regime. This marked the transition towards democratic representation and the institutionalisation of industrial relations.

Forms of violence

This section presents different forms of violence and how this relates to the institutionalisation of industrial relations. Allen (2006) argues that violence was an integral element in the 1991 and 1992 Impala Platinum strikes designed to reinforce the power of persuasion. Violence during the apartheid era becomes an integral part of the ANC struggle for the incorporation of Bophuthatswana back into South Africa. This was part of the force designed to induce the Bantustan regime to the Convention for a democratic South Africa (CODESA) and to agree on the incorporation into South Africa. This highlighted how the worker struggles and resistance on the shop floor were articulated to the broader national struggle for democracy and demise of apartheid. It also highlights the importance of examining different forms/modes of strike violence. There are many ways in which violence was represented in the strikes. It shared similar repertoires in different strikes**.**

Violence by authorities – state and management

The apartheid regime mode of control was tied to repression and instrumental use of violence. Violence was used by the state in collaboration with capital to reject the shift towards negotiations and institutionalisation of industrial relations. This was exercised in collaboration with mining capital as neither could assert authority and or hegemony independently. The use of violence by the state and capital was designed to assert order. A worker who took part in the 1991 and 1992 strikes explained:

> The violence was from management… the management was violent and was supported by the Bophuthatswana regime to break the strike …they wanted to force us back to work.[28]

The agents of the state and management usually collaborated. In 1986 and 1991-1992 strikes, violence was instrumentally used to reject the transition to negotiations and institutionalisation of industrial relations system. A worker explained:

[28] Interview Jabu 13 February 2012 at Impala shaft number 7.

> The Mangope regime was more than just repressive. I remember in the 1991-1992 strikes one of the days the regime deployed the army to the hostels when we went on strike and forced all the workers to report for duty. The military surrounded all the hostels and at gun point forced workers to report for duty[29] ….
>
> The Bophuthatswana and the mine police attacked the workers with tear smoke and live ammunitions. The workers retaliated by throwing stones. They targeted some of our key comrades…some were killed and other disappeared… and we do not know where they took them to.[30]

There are a number of reasons why the Bophuthatswana regime used violence to maintain order. Its accumulation strategy was based on cheap black labour designed to attract foreign investment. On the other hand, a cheap labour regime compensated the poor ore quality at Impala Platinum (Capps 2010). The conditions of work at Impala Platinum and in Bophuthatswana were generally inferior to the mines that were located in South Africa. COSATU made reference to this when it accused Gencor, the parent company of Impala Platinum for collaborating with the Bantustan regime to create a trade union free zone where excessive forms of exploitation continued (SALB, 1986).

The violence thus reflected a contestation of different orders. The use of violence by the state was also symbolic. The Bophuthatswana regime constructed a military barrack at a point central to the Impala Platinum mining complex in recognition of the importance of the company to its economy. The military provided 24 hour surveillance and patrols across the Impala Platinum operations (Allen, 2006). A number of worker activists were tortured and others killed by state agents. This was an attempt to subvert the emergence of an independent workers' voice and the shift towards negotiations and institutionalisation of industrial relations. On the 5th and 7th November 1991 workers' committee members were arrested and tortured by the Bophuthatswana regime police. One of the workers' committee leaders, Isaac Mayoyo, was handed over by Impala Platinum management to the police. Chief Mangope wanted an explanation from him why he discouraged workers from joining BONUME. Mayoyo was suspected to be an underground ANC cadre. Mangope offered him an R 20 000 bribe to leave the territory, which he declined (Zikalala, 1992). Mayoyo was tortured by administration of electric

[29] Interview with Tsiamo 22 February 2012 at Impala Platinum number 8 shaft.

[30] ibid

shocks and simulated drowning and was only released on 21 November 1991 after pressure from the workers. The bribe offered to Mayoyo by Mangope shows that the use of violence by the regime was not working.

The arrest and torture of the committee members did not subvert NUM's resilience. The persecution of activists reflected desperation and brought to the fore the connections between workplace (class) struggles and the broader (citizenship) struggle for democracy. The attempts to bribe worker activists also highlighted recognition by the regime of the limitation of violence and repression as a means of attaining order. This was a typical case in which Mangope personally intervened in matters to do with industrial relations.

Violence against authority: state and management

The state and capital had no monopoly on the instrumental use of violence. Violence in the strikes manifested in many ways including the attack of private and public properties. Arson was one of the forms of violence. This was part of the broader resistance repertoires for the black workers during the struggle against the apartheid regime. In the 1991-1992 strikes a union office (BONUME), a hostel, bar and a shop owned by the mine were petrol bombed at different intervals. These targets were not random as this was well calculated and had symbolic value. The union office, hostels, bar and the shop all represented the employer and apartheid symbols that repressed the workers. Arson that targeted the BONUME office symbolised a rejection to appropriated institutionalisation of industrial relations. Overall, the violence against authority was designed to enforce negotiation and institutionalisation of industrial relations which was being rejected by authorities.

Intra-worker violence

The majority of the black workers supported the strike action as it was tied to the broader struggle for democracy and against apartheid. Nevertheless, the black workers were not always united as a racial group. They were not a homogenous group either. Some of the workers turned against their class and race and became instruments of the oppressor (Guha, 1999). As a result, some of the workers reported for duty as scabs or strike breakers. This invited a violent response

from those who supported the strike action. In the last six months of 1991 over 30 people were killed in strike actions (Allen, 2006). A worker explained:

> There is no house without rats and everyone knows what we do to rats ...we use Ratex[31] to finish them off. As a result all those who reported for duty when a strike was called risked being killed…If you go to work you got killed and it's usually the Sothos who were killed …..[32]

Workers in a strike action are often divided into two opposite sides. This often results in clashes. Scabs and those perceived as too close to management. Some are informers supplying information to the enemy. These are identified as *impimpis* and often risk getting killed. A worker explained:

> I remember in the 1991-2 strike I was at Number 8 hostels ….three *impimpis* were burned to death after pouring them petrol…. The police and mine security were there and could not save them ... they were identified as too close to management[33].

Worker solidarity may be undermined by the way work is organised. Apartheid divided workers on the basis of race, ethnicity, class and other division. During the apartheid regime and the transition period, racial division was more salient than class and other divisions. White workers did not join hands with their black colleagues. They often collaborated with white capital (Wolpe, 1972) as part of a labour aristocracy. This was not surprising as they were beneficiary of the status quo. Thus white workers reported for duty during most of the strikes organised by black workers before 1994. As a result of the risk posed by reporting for duty during the strike, many of the white workers reported for duty armed and this was condoned by white management. Violence was a means of enforcing discipline and contributed towards the forging of worker solidarity. In the 1991 – 92 strike, most of the victims who were killed for breaking the strike were migrants from other countries such as Lesotho and Mozambique. This reflects the significance of ethnic/national division among the mineworkers and how this shaped the way different workers responded.

[31] This refers to rat poison. The symbolic function of this is that it referred to the killing of rogue elements

[32] Interview Mandla 4 February 2012 at Number 8 hostel Impala platinum.

[33] Interview 3 February 2012 Number 6 hostel.

Apartheid and class question

Bophuthatswana was not in the real sense a sovereign state but appropriated. It emerged as part of apartheid's social engineering. It preserved white workers' privileges following the philosophy of and lived experience of apartheid South Africa. White workers constituted a labour aristocracy. They collaborated with white capital and the state in the exploitation and subjugation of the black workers (Johnstone, 1976; Davies, 1979; Webster 1978; Ncube, 1985). As a result part of black workers' resistance and insurgency targeted both the white management and workers. Race difference took precedence over class.

The white unions had special exemptions for some of the labour relations regulations. A surprising reality to those who claimed that Bophuthatswana was a sovereign state was that it's Industrial and Conciliation Act banned alien black trade unions and yet allowed the white unions to operate. This reflected the racialized Bantustan structures which were tied to the apartheid system. This exposed Bophuthatswana as an apartheid project of indirect rule which nevertheless preserved white privileges.

Workers struggles on the shop floor often reflected these differences. For example, on the 14th of October 1991 about 7 000 black mineworkers at Impala's Wildebeesfontein North at shafts 2, 5 and 10 staged an underground sit-in and prevented 50 white supervisors from leaving underground. The white supervisory personnel was held hostage underground for at least 21 hours by the black workers. In addition, the white workers' cars were stoned by the striking black workers. The police had to use tear gas to free some of the white miners (Herald, 1991). At the same time, the white workers organised meetings at Olympia stadium on how to deal with this problem. Some of the measures taken by the white workers sanctioned the reporting for duty underground armed (NUM, 1992). While this was extremely dangerous, Impala Platinum condoned this as this was thought to guarantee the safety of the white employees[34].

Violence in the 1991-2 strikes also targeted white management. A white manager at number 6 hostel who did not understand why black workers were on strike confronted them before a mass meeting. He approached the workers at the hostel and attempted to address the mass meeting. A worker who witnessed this explained:

[34] Interview Mutola 22 March 2012 Impala number 6 shaft.

> The manager tried to address a group of workers at number 6 hostel. He was an arrogant white manager who despised black workers. He was arrogant and approached the workers without due respect and was confrontational. He dismissed the workers' demands and demanded the workers to return to work unconditionally…. One of the workers from the crowd attacked him with a *Jombololo*[35].

Apartheid engineering socially constructed whites as the management and blacks as the unskilled and semi-skilled workers. As a result, the strike violence and other forms of worker resistance that emerged also took a racial dimension informed by the apartheid ideology. Race and class often intersected.

Bophuthatswana reproduced the apartheid model of 'racialized' trade unions as a result of the apartheid social engineering. White workers and their unions collaborated with white capital to maintain white control and supremacy and subjugation of blacks. White mineworkers in Bophuthatswana were represented by the Mine Staff Officials Association (MSOA) which came into existence in 1919. The MSOA was active in gold and coal where it was recognised as a bargaining agent for the white staff by the Chamber of Mines. The platinum mines were not part of the Chamber of Mines but MSOA had a 'gentleman's agreement' with the mining houses to adopt the Chamber of Mines conditions for its members (Herald, 1991). The white mineworkers and their unions thus did not have to fight exploitation as they were co-opted into the system. They enjoyed privileges even in sectors where they did not have collective bargaining recognition. The Bophuthatswana regime passed the Industrial and Conciliation Act in 1988 which banned foreign trade unions from operating in the territory. The MSOA was registered in Bophuthatswana on the 15th of January 1990. The new legislation restricted trade union activities to labour issues and outlawed engagement in politics. The MSOA became a member of the Bophuthatswana industrial council which was a collective bargaining forum. It accepted all members except those covered by BONUME (Herald, 1991). This reflected the reproduction of a racialized industrial relations regime in the Bantustan. The operation of MSOA in Bophuthatswana followed apartheid ideology despite the claim that Bophuthatswana was an independent state. Instead of advancing class interests as workers, the white unions represented a labour aristocracy. Their role was to preserve white privilege and promote the subjugation of black workers (Johnstone, 1976; Davies, 1979; Yudelman, 1983; Webster, 1978; Ncube 1985).

[35] A drill beat.

The repertoires and violence

Repertoires are sets of learned behaviour which collective action groups can draw upon at specific situations in the course of their struggle (Tilly, 1986). They are a limited set of behaviours that are learned, shared and acted through deliberate process of action drawn from past experience as successful**.** People know the rules of the game and they vary performance to meet the purpose at hand. Repertoires change as an adaptation but are linked to previous experiences, actors' daily routine and conception of justice. Changes to the repertoires may result from deliberate innovation and strenuous bargaining at the margins of established repertoires and succeed only occasionally (Tilly, 1986).

There were continuities and discontinuities in the repertoires of strike violence during both the 1986 and the 1991-1992 strikes. During the 1991-2 strikes repertoires included marches and *toyi toyis*. The workers had a number of marches for example, from shaft 1 to shaft 10. The strikes and violence during both the 1986 and 1991-1992 strikes shared a number of repertoires. Mass meetings at stadiums, hostels, and marches, assault and the killing of scabs all constituted part of the repertoires. The Stadium, for example, has become an important space of worker resistance over the years. It symbolised a place of assembly where workers converge when they were in a crisis to find a way forward. The mass meetings at Impala Platinum were usually held in the stadium and addressed by the workers' committee leadership. As a rule, decisions passed at the mass meetings tacitly bonded all the workers including those who may have dissenting views and or had not attended the meeting. As a result mass meetings are part of the process of building consensus.

A number of tacit rules apply to strike actions. A worker explained:

> Nobody would dare go to work during a strike action. If the committee and the mass meeting decide we stay in the hostel we all had to stick to this or else you would be killed[36].

Strikes before 1994 were often represented as generally beneficial for all as they embraced the broader struggle for democracy and black emancipation. They constituted part of the liberation struggle repertoire. All the workers were expected to participate and support as it was a

[36] Interview 6 13 March 2012.

collective effort and for the good of all. The use of coercion to enforce compliance was not expected in that context. Compliance to this form of collective action before 1994 was expected through consent as the strike actions were framed as good for all whilst the killing of those who defied the call to strike (scabs) was justified.

Explaining the strikes

The causes of the strikes are often multifaceted. The wage agreement between Impala Platinum and BONUME signed on 1 July 1992 which was contested by the workers for example may be viewed as an immediate trigger. A worker explained the resentment for BONUME:

> We resisted BONUME from the onset because it was clear that it was working to defend the Mangope regime and had nothing for us as workers and even the few who were part of it did not go far with it… it was there for the status quo [37].

The strike was thus both a protest against the wage agreement and appropriation of institutionalisation of industrial relations. It was also a protest against the Bantustan and apartheid system. Zikalala (1992) views the strike as a response by the workers to the 8 percent wage settlement between BONUME and Impala Platinum management. Yet the strike also symbolised the rejection of BONUME and the status quo. It thus marked a turning point in worker and broader struggles. A worker recounted some of the underlying causes of the strike:

> The strike was a rejection of BONUME and the whole Bantustan and apartheid system. We demanded representation by a union of our choice independent of management and the regime[38].

Allen (2006) dismisses BONUME as a serious collective bargaining agent. He argues that it was a Bophuthatswana regime project in collaboration with Impala Platinum, designed to subvert the emergence of independent black trade unions. He thus concludes that the 1991 wage award was imposed by the employer. This agitated the workers who compared their income with fellow workers at Rustenburg platinum mine where the NUM was active (Zikalala, 1992; Allen 2006). The workers at Rustenburg platinum had secured a better wage increase. The Impala Platinum

[37] Interview Alphaus 23 April 2012 number 8 hostel.

[38] Interview Matola 12 February 2012 at Impala 6 shaft.

workers were thus convinced that with an independent workers' union, their situation would improve.

The 1991- 1992 strike wave was also propelled by the workers' poor living conditions in the hostels. For example, at the time more than 10 000 lived in one hostel complex divided into blocks along ethnic lines[39] (Allen, 2006). Allen (ibid) defines this as 'institutionalised existence' and argues that attitudes in such an environment are easily spread and animosities generated. One of the workers explained:

> We lived in crammed hostels and the conditions were pathetic. We were divided along ethnicity... with *indunas* for the block and *izibonda*[40] for the rooms. We shared… 16 men in one room, 8 men on top and 8 men down the base[41].

The cause of the strikes and the underlying meanings were thus multi-dimensional.

[39] Interview with Impala hostel coordinator at number 6 hostel 11 February 2012.

[40] Izibonda were unofficial room leaders in the hostels.

[41] Interview Mutolas at number 6 hostel Impala platinum, 24 February 2012.

Conclusion

The chapter has explored the relationship between the institutionalisation of industrial relations and strike violence, drawing from the experience of Impala Platinum Mine in the period 1982-1994. It has shown that the apartheid era was characterised by a state that asserted its legitimacy through violence and repression. This order of violence informed the labour relations. Violence was an instrumental part of organising both order and resistance. Capital aligned itself with the state in maintaining an order of violence designed to undermine worker associational power. For example, company security, soldiers and police were deployed simultaneously to force workers to report for duty. Workers' resistance was also characterised by violence challenging the employer-state order. The 1986 strike discussed in this chapter in which 25 000 workers were summarily dismissed, is a case in point. The mass dismissal was designed to weed out militant workers and activists. It was way of rejecting the transition towards the institutionalisation of industrial relations. At the time, the class relations were non-hegemonic and were produced through direct despotic use of coercion.

The use of violence however, failed to stabilise the industrial relations. A shift in the broader socio-economic and political context after the unbanning of the ANC ruptured the state-capital alliance. Resistance by workers forced Impala Platinum to shift towards class compromise after realising that an increase in workers associational power would serve its interests. This however, was challenged by the Bophuthatswana regime which attempted to appropriate negotiations and institutionalisation of industrial relations by establishing a puppet trade union. This move was rejected by the workers as it never really served the intended objective. This contestation over institutions of representation often generated violence between the workers and capital which was in alliance with the state.

A context characterised by a despotic industrial relations regime generated collective worker insurgency. From the onset, capital and the state closely collaborated in maintaining and sustaining a despotic industrial relations regime. In the case study discussed in this chapter, the employer shifted position and abandoned the despotic industrial relations after realising that it had at the time, become unsustainable and incongruent with the changing context. An inter play of these contestations generated various forms of violence which at times were ambivalent. Part of the violence, for example by the state and capital, was to defend the status quo and reject a

shift towards negotiations and institutionalisation of industrial relations. On the other hand, the violence against authority was meant to enforce the institutionalisation of industrial relations. Intra-worker violence had more to do with the forging or undermining of worker collective solidarity. Ultimately, the workers managed to force management into reluctant steps towards representation, negotiations and trade unions.

The workers addressed the question of representation by initially organising into independent committees which were subsequently appropriated by the NUM and the ANC. These independent workers' committees were effective in articulating the workers' demands for a shift to negotiations and institutionalisation of industrial relations and the building of worker collective solidarity. The NUM was subsequently recognised and signed a recognition agreement with Impala Platinum mines after the 1991-1992 strike waves first as a consultant to the workers committee before gaining full recognition after the democratic transition. The following chapter shifts the discussion from apartheid to the democratic dispensation characterised by a social pact between the dominant union and an employer changing the organisation of production in line with the neoliberal dispensation.

Chapter 6

Compromise, Capture and Rupture: Impala Platinum 1994-2011

Introduction

The struggle for democracy during the apartheid regime was intertwined with the workers' struggles on the shop floor. Chapter 5 has highlighted how the workers at Impala Platinum articulated the struggle on the shop floor to the broader national struggle against the apartheid system. It has shown how the industrial relations and political conflict were enmeshed. As a result, many of the strikes were characterised by violence which in many ways was also connected to the broader national political struggle. The broader social, economic and political exclusion of blacks was linked to the racial repression and discrimination at the workplace and tied to the evolution of the repressive labour regimes (Von Holdt, 2003). Strike violence during the apartheid regime was partly explained by the repressive apartheid regime as owing to the lack of institutionalisation of industrial conflict for black workers (Webster and Simpson, 1989; Von Holdt, 1988; Volgman, 1990). Strikes during the apartheid regime often degenerated into factional clashes with overlapping boundaries drawn on the basis of a number of differences such as nationality, occupation, language, ethnicity, race and others. This was attributed to political tension and the employment conditions. Factions emerged from conflict over power and or distribution of resources (McNamara, 1989).

The preceding chapter has explored the contestation over institutionalisation of industrial relations and representation and strike violence during the apartheid regime and the transition period. The state collaborated with capital to maintain a despotic industrial relations regime. This generated an insurgency from below and an upsurge in shop floor associational power. This forced a reluctant shift by management towards negotiations and institutionalisation of industrial relations. This contestation was characterised by various forms of violence. This chapter follows this discussion by tracking this contestation in the new democratic dispensation. In this period, both the employer's and state's position on the institutionalisation of industrial relations shifted towards institutionalisation. The chapter explores the relationship between institutionalisation of industrial relations and violence in this new democratic dispensation.

The preceding chapter has explored a shift in worker associational power from insurgent unionism to institutionalisation of the union at Impala Platinum. This transition crystallised into an ideal form of institutionalisation of industrial relations. This was characterised by very limited instrumental use of violence in strikes. Most of the strikes complied with the principle of institutionalisation of industrial relations and collective bargaining. However, this phase identified in this thesis as a period of ideal institutionalisation, shifted to a class compromise characterised by the co-option of the union. This generated resistance outside the formal industrial relations institutions and created various forms of violence. The chapter draws on the 2009 strike at Impala Platinum which marked a turning point and shift from the ideal form of institutionalisation.

The shift to a new dispensation

The mining sector experienced a wave of violent industrial conflicts during the period of the democratic transition. The question of violence in strikes was structurally linked to the apartheid labour regime which was still in the process of waning during the period soon after the attainment of democracy. The post-apartheid violent clashes in the mines induced President Mandela to institute a commission of inquiry in 1996 to investigate the causes of violence which affected the mines and in particular Goldfields East Driefotein, Northam and Leeudoorn. The commission was chaired by Justice Myburg[42]. The boundaries and cleavages created during the apartheid regime remained entrenched and maintained despite the democratic transition. For example, the trade unions in mining in particular, remained deeply racialized and divided. In February 1996, the white right wing, Mine Workers Union (MWU) held its congress under the theme: 'white workers unite' (CT, 2 February 1996). Despite the demise of the apartheid state, the MWU resolved to exclusively remain a white enclave. It defiantly declared that race would not disappear in South Africa's industrial politics. This at the time suggested that the struggle had not been that successful in breaking the entrenched boundaries forged by apartheid.

Notwithstanding such intransigence, the industrial relations system stabilized over time following the adoption of institutionalised industrial relations regime in line with change in

[42] The Star, 'Judge heads inquiry into mine violence', 12 September 1996.

employer and state broader interests. In the platinum sector, the institutionalisation of industrial conflict was characterised by a decentralized collective bargaining process at the mining house level. This was followed by a rise in worker collective power and trade union hegemony i.e. institutional power. This chapter analyses the relationship between institutionalisation and strike violence post the democratic transition drawing from the experience of Impala Platinum between 1994 and 2011. During this period, the industrial relations shifted from the despotic / autocratic to a highly institutionalised industrial relations system based on collective bargaining and union democracy.

Institutionalisation of the union

The labour relations in the platinum sector have for a long time been influenced by the trends in coal and gold, the two mining sectors with a longer union history. In the preceding chapter we have highlighted that Impala Platinum had a tacit agreement with the white unions to match the conditions applicable in the gold sector which were settled by the Chamber of Mines collective bargaining forum. Impala Platinum was not part of the Chamber of Mines. By 2009, the industrial relations at Impala Platinum were well developed. It was highly institutionalised and supported by a very strong trade union, the NUM. At the time, at least 70 percent of the workers were members of the NUM which was the majority union and the biggest in the country.

The NUM at Impala Platinum consolidated its position and displaced the *induna* system that was part of the base for apartheid system, with a shop floor democracy. It set up an organisational structure at Impala Platinum organised around three branches: North, South and Processing/Service .Each branch had a five member committee: chairperson, secretary, vice chairperson, vice secretary and a treasurer who were all elected by the general members every three years. At the shaft level, shop stewards received and processed grievances of the members and educated the members on the union policies and the importance of becoming union members. Shop stewards were elected at the shaft level and served a three year term. The committees of each branch made up the central committee and were the negotiating team of the union at Impala Platinum. The union central committee reported to the Rustenburg regional office and Johannesburg NUM head office respectively. Impala Platinum was one of the first companies in South Africa to have fulltime shop stewards (Zikalala, 1992; Allen, 2006).

The recognition agreement and reinforcement of institutionalisation

The history of what is referred to as recognition agreement is tied to that of the South African industrial relations. A recognition agreement is an accord between a trade union and an employer that confers organisational rights to the trade union and at the same time constrains its operations. Its history is traced back to the apartheid regime. During the apartheid regime, black workers were not legally recognised as employees and therefore their trade unions had no legal status. They had to forge space for recognition through shop floor organisational strength expressed through the ratification of what became known as recognition agreements. This institutionalised black trade unions but outside the formal industrial relations system. Part of this historical legacy has been adopted and legislated through the Labour Relations Act number 66 of 1995. The South African legislation confers organisational rights to a trade union that is sufficiently represented but imposes no duty to collective bargaining (Bendix, 2010). This however, may be attained through a recognition agreement between a trade union and an employer.

The recognition agreement represents the highest level of institutionalisation of the union. It can be argued that the adoption of this agreement was designed to protect the interests of the mega unions which were affiliated to COSATU, an alliance partner of the ruling party, the ANC. One of COSATU's founding resolutions is to promote a principle of one union one industry and one country one federation (COSATU 1985). This position naturally gained the support of the ANC and informs the current labour relations regime. We have to be mindful that the institutionalisation of industrial relations is intertwined with the politicisation of the union (Korpi and Shalev, 1979).

Over the years the NUM at Impala Platinum evolved into a sophisticated (union bureaucracy) instrument of the process of institutionalisation of industrial relations. It won unprecedented organisational rights and institutional power and systematically consolidated its position as the dominant union. Thus on the 23rd of July 1997 it signed an agreement with Impala Platinum to elevate the recognition agreement by including a threshold clause in terms of Section 18 of the Labour Relations Act 66 of 1995. This new agreement created three bargaining units for unskilled workers, artisans and miners, and senior staff. The agreement pegged a 35 percent

minimum recognition threshold for each of the defined bargaining units. This agreement had a negative impact on some of the former white unions that were still to reform and embrace non-racialism because they could not meet the prescribed threshold at different bargaining units.

The NUM further consolidated its dominance at Impala Platinum by reviewing the recognition agreement in collaboration with Impala Platinum on the 28th of March 2007. The minimum threshold for the granting of organisational rights was reviewed to 50 percent plus 1, for each of the bargaining units. This was designed to protect and promote the mega unions. This protected the interests of both the trade union and the employer. The adoption of this 'protectionist' industrial relations policy was not a surprise considering the role of the NUM and COSATU during the struggle for democracy. Moreover, as noted earlier the institutionalisation of industrial relations is intertwined with the broader socio-economic and political discourse.

The recognition agreement between the NUM and Impala Platinum conferred the union the right to appoint fulltime shaft stewards, union coordinators and branch committee members at the cost to the employer. It also prescribed the entry grades for all union officials. The agreement prescribed that upgrading of union officials upon election. For example, shaft stewards were upgraded to grade B4; branch committee members to C1 and the house coordinator to C4 if their previous grades were lower. During the time the field research for this study was conducted (2012) the NUM had the following fulltime officials at Impala Platinum.

Table 4: Impala Platinum union officials and grades

Union Position	**Grade (Paterson)**	**Total**
Shaft stewards	B4	79
Union Branch officials	C1	21
Mining House Coordinator	C4	1

Source (Recognition and procedural agreement between the NUM and Impala Platinum).

The institutionalisation of industrial relations at Impala Platinum closed the gap between the union and the employer. However, some viewed this as a form of co-option. The NUM was represented in a number of other subsidiary collective bargaining forums that were assigned specific mandates which included the following:

Table 5: Impala Platinum collective bargaining forums

Name of subsidiary forum	Statutory or other
Transformation	Statutory
Health and safety	Statutory
Future forum	Other
Housing and accommodation	Other
Employee benefits	Other
Employee wellness	Other
Central forum- Branch and shaft committees	

Source (Recognition and procedural agreement between the NUM and Impala Platinum)

The attainment of a recognition status is tied to a number of benefits and privileges for the union and its officials. A recognised union is entitled to the provision of the following by the employer: office space, telephone, computers/laptops, office furniture, internet and email, and other incentives. Moreover, it is also entitled to a check-off system and organisational rights including access to the workplace and time off for trade union officials.

Impala Platinum strikes 1994-2011

We have noted that Impala Platinum was part of the mining capital that resisted the adoption of the recommendations by the Wiehahn Commission designed to open up the industrial relations to black workers. These recommendations were not radical but reflected a shift in the mode of control they were nevertheless not consistent with the broader socio-economic and political context. However, when it became apparent that change of the structure was inevitable, Impala Platinum abandoned its hardliner stance. It shifted towards accommodation and recognition of black trade unions. This represented a shift from non-hegemonic and coercive mode of control to hegemonic based on consent and collective bargaining.

The democratic transition thus culminated in the reinforcement of institutionalised industrial relations regime. The institutionalised management of industrial conflict was expected to result in the loss of salience of strike violence and industrial conflict in general in line with the global experience and the pluralist industrial relations theoretical perspective (Shorter and Tilly, 1971;

Synder and Kelly, 1976; Taft and Ross, 1969). The institutionalisation of industrial relations is tied to the development of institutions designed to manage industrial conflict through collective bargaining. In industrial relations theory, conflict may be controlled by institutionalisation. This assigns a key role to the development of institutions to regulate and manage conflict. At Impala Platinum, the consolidation of the NUM into a dominant union began just before the attainment of democracy after a protracted struggle. It developed into an important institution of industrial relations. The period after, the democratic transition, was characterised by the consolidation of the NUM institutionalisation and political influence and a general decline in industrial conflict.

Most of the strikes in this period emerged within the institutions of collective bargaining (see Table 6). They were mostly protected and organised by the NUM which commanded unquestionable legitimacy. The institutions of industrial relations were therefore effective at the time. This was a phase characterised by an ideal model of institutionalisation. The union enjoyed popular legitimacy and participated in the process of collective bargaining which set the rules of the game. Some of the workers interviewed acknowledged that indeed the NUM at some point worked in line with their expectations. From this experience, they claimed it had both the characteristics and vision of what an ideal union should be.

The upsurge of the NUM's political influence was at the backdrop of its gradual alienation from the shop floor and intra-union contestation over power and control. This shift may be explained by an imbalance between organisational and institutional power. The institutionalisation of industrial relations at Impala Platinum was ideal at some point between 1994 and 2009.The following list of strikes at Impala platinum during the period 1994-2011 although not exhaustive highlights strikes captured from the interviews and archival sources:

Table 6 Reported strikes at Impala 1994-2011

Date /Year	Nature of the strike action
1996 Wage dispute	About 75 percent of Impala Platinum workers voted for a strike following an impasse over wage negotiations. This followed weeks of a protracted collective bargaining process. The union was demanding 8.5-12% wage award against the employer's offer of 7.44%. The strike by the 28 000 workers lasted for 5 days. The strike only ended after an 8.5% wage deal across the board. Other demands included R65 per month increase for the living out allowance (LOA). Workers wanted this to be increased to R 400 per month. At the time about half of the workers lived off company premises.
March 2003 Dispute over funeral benefits	Strike was over a dispute on funeral benefits. This later shifted to the pay out of the employees' provident fund benefits. It was unprotected. The employer claimed that the workers were misinformed and in addition many of the workers were highly indebted. This culminated in a vote of no confidence in the NUM branch officials and a new union leadership was elected.
23 June 2004 Work restructuring	About 1 800 rock drillers (RDOs[43]) went on strike over fear of displacement by mechanisation which was being introduced by management. The strike was unprotected and the employer dismissed all the RDOs who were on strike and selectively re-employed a proportion of them.
2004 Wage dispute	This was a two day unprotected strike over the wage agreement. This strike only affected the Northern shafts.
September 2007 Wage dispute	This was a general strike over the wage award which lasted for nine days. The employer was offering 7.5% which was rejected by the NUM.
2009 Miners' strike over upgrading	The miners went on a strike action demanding job grade upgrading.
September 2009 Wage dispute	Impala Platinum workers went on a strike action over a wage dispute. The NUM had initially agreed on the final employer offer of 10% for one year. However, it failed to convince the workers. The union reneged and workers went on strike action.

[43] The rock drill operators (RDOs) are defined by the machine they operate. They are responsible for operating the drill machine for making holes for rock blasting. For a detailed job description see Stewart 2013 .This is a recent job title. At many of the mines they are still commonly referred to as 'machine boys', an old name for rock drillers.

The 2009 strike: The watershed

We have noted that the strikes at Impala platinum between 1994 and 2009 were mostly conducted within the framework of institutionalised industrial relations regime. They were mostly organised by the union (NUM) and were procedural and protected in terms of the industrial relations regime. This was consistent with the institutionalised industrial relations. An important question engaged throughout this thesis is what happens when the process of institutionalisation which is designed to manage and regulate conflict fails?

A strike at Impala Platinum in 2009 marked an important shift in institutionalisation of industrial relations, and strike violence. In the other prior strikes, there were already manifestations of the NUM being challenged by ordinary shop floor worker insurgency (See Table 6). The 2009 strike emerged from the breakdown of the wage collective bargaining process. Negotiations have been ongoing a few months earlier and reached a deadlock. The workers downed tools on the 17th of August 2009. The parties failed to agree on the wage award, transport and housing allowances and the duration of the agreement. The negotiations collapsed with NUM advancing a 14 percent wage award against 7-8 percent from the employer. At the time, the consumer price index was at 6.7 percent. The rate of inflation (CPI) formed the basis of the employer's argument. This is the general trend in the country's industrial relations. In collective bargaining most employers base their argument on the CPI. This constitutes part of the language of the game.

The NUM was pushing for a one year agreement against the traditional three years because of the economic uncertainties at the time whilst the management wanted to maintain a multi-year agreement to ensure stability and to minimise risk. Impala Platinum argued that the NUM position 'was outrageous and untenable[44]'. The basis of the employer's argument was that the demand was not in line with the CPI. The employer's general line of argument was that any wage increase above the CPI would be inflationary and detrimental to the South African Reserve Bank's inflation targeting policy. This is in line with orthodox economics. An Impala Platinum manager argued in support of this perspective asserting that"14 percent is double the consumer

[44] Interview 6 February 2012 Number 6 hostel.

inflation-all other wage agreements in South Africa have been between 9.5 percent and 10 percent[45]". Bob Gilmour, the company spokesman commented on the union's opening demands:

> This is totally unacceptable. It's more than double the inflation rate. We are not going to negotiate on these terms[46].

Management often defended its offer on the basis that the proposed wage award was above the CPI and drew a comparison with the general trend and agreements in other sectors. The union's position on CPI and management's argument were very consistent with the principle of institutionalisation of industrial relations. This fitted into the pluralist principle of institutionalisation of conflict and negotiations .In this case, the union began to take on the role of being "reasonable", which inevitably brought it closer to the management perspective. It is significant to note that this principle of pegging wage increase to the CPI pay lip service to apartheid wage gap (See Chapter 3).

The NUM, which had by the time this strike unfolded turned into a very sophisticated union and instrument of institutionalisation, acknowledged the arguments presented by management and conceded. It was thus forced to review its position and called off the strike. It was convinced that management's position given the economic context was reasonable. However, as a union the NUM failed to conduct extensive consultation with its members on the way forward. As a result, the decision to call off the strike was rejected by the shop floor. This also represented a rejection of institutionalisation of industrial relations. The NUM was subsequently forced to revise its position. In addition, the workers wanted the agreement to address housing and transport allowances which were not covered in the proposal by management. One of the workers declared during the strike:

> Our strike is indefinite until we get what we want... we can go on for weeks or even months we don't mind...we will survive[47].

The NUM was thus forced to concede and adopt the workers' popular position. However, this was not sincere but a ploy to manage a crisis and to regain control. The NUM later turned against

[45] Implats, NUM meet to halt strike: http://www.fin24.com/Companies/Implats-NUM-meet-to-halt-strike-20090831 acessed 24 May 2015

[46] Mail and Guardian 27 August 2009.

[47] Lesiba Sishoka NUM spokesman.

the workers' position and frantically attempted to convince them to accept the suspension of the strike. The management declined to engage the union on the matter and elected to apply for a court interdict. The position of management was in line with the principles of institutionalisation of industrial relations i.e. it was sticking to the rules of the game. The application for a court interdict by management was dismissed by the court because the strike was in terms of the law and all the workers were thus protected from dismissal. This court decision emboldened workers militancy. Although the NUM was opposed to the strike its hands were tied as it had to project a pro-worker position. The strike further spread to Marula, a subsidiary of Implats in Limpopo province.

During the strike NUM members were disgusted by their union leadership because of lack of consultation and its affinity with management. A number of the workers interviewed alleged that the NUM was alienated and out of touch with their daily reality. They alleged that it had become indifferent to its general membership. The members alleged that they were not fully consulted and lacked participation in important matters of the union. Workers' expectations for a bigger share of profits were high and yet the NUM seemed oblivious to this.

The process of collective bargaining, in line with the pluralist industrial relations perspectives is a means of managing industrial conflict. It is one of the processes designed to manage class conflict. However, this process does not discard class conflict inherent in the employment relationship (Purcell, 1993). As shown in this case, the position of both labour and capital were diametrically opposed and this was deeply entrenched. As a result, the collective bargaining process subsequently collapsed albeit that the union position was in line with that of management.

The NUM applied for a protected strike in terms of the Labour Relations Act Number 66 of 1995. The threats of strike action induced management to revise its offer and to at least address two of the main demands by the workers. Firstly, it conceded to the union demand for a one year agreement. Secondly it revised its offer to at least 10 percent increase for all the grades. Collective bargaining is premised on striking compromise between opposing parties. The NUM was thus forced to revise its position in line with the principles of collective bargaining. Its new position on the wage increase was that it was prepared to accept at least a double digit. However,

it turned out that the NUM membership was apparently not well consulted on the matter and did not agree on this. Nevertheless this position was apparently adopted by the union leadership without adequate consultation of members[48].

The point that the NUM leadership may have resolved to end or suspend the strike without extensive consultation of its membership is not unprecedented and not atypical of how trade unions respond[49]. The NUM, under leadership of Cyril Ramaphosa and James Motlatsi, often made critical decisions without consulting the membership including issues on wages and collective bargaining. Moodie (forth coming 2015) argues that the variation is that at the time there had not been any revolt from below against such unilateral decisions endorsed by the leadership. Moodie (ibid) cites the 1987 strike as a typical example when the NUM secretary general Ramaphosa and president Motlatsi decided to call off the strike before consulting the membership. The team of Ramaphosa and Motlatsi was able to strike deals with management which they conversely were able to sell to their members without serious objections. Ramaphosa was able to strike deals on behalf of the members and Motlatsi was able to go out and sell this to the members'[50].

The contrast in this 2009 strike is that the NUM leadership failed to convince the members the merits of their decision. This may be attributed to members' frustration with their leadership over lack of consultation on other previous critical decisions. The problem was the suspicion that the NUM leadership was now too close to management. In line with the industrial relations theory, the problem of the union alignment with management is envisaged. It is expected that as a union develops and become bigger it becomes an instrument to build consensus and often becomes less connected to the shop floor (Webster and Adler, 2000). On the other hand this reflects the limits of institutionalisation and collective bargaining. In this case, it became clear that whilst the NUM was the vehicle for institutionalisation of industrial relations its position was not consistent with that of the workers on the shop floor.

[48] Strike halt work at Implats : The Mail and Guardian 25 August 2009

[49] I draw this from several conversations with Professor Dunbar Moodie on his several work visits at the University of the Witwatersrand 2012-2014

[50] This is also based on discussions with Professor Dunbar Moodie during his several visits to SWOP at the University of the Witwatersrand in 2012-2013.

The NUM and Impala Platinum were committed to the institutionalisation of industrial relations conflict. However, this was rejected by the shop floor workers who challenged the decision by their union. The variation in the position of the NUM and that of its shop floor members created a new crop of grass roots informal leadership and worker insurgency. The workers' position on the way forward was not homogenous. Some were against the strike and yet others supported it. Nevertheless, the majority were for the strike. To redeem its position and to gain control, the NUM called for a vote across all the branches to pass a collective decision on whether or not to take the final offer presented by the employer. It was apparent that the NUM leadership was opposed to a strike but could not sell this to their members. The purpose of conducting a strike ballot in such contestation is not just about getting the mandate from the membership. It is also about a show of power for the union. Moreover, it is one of the means to boost worker collective solidarity (see Chapter 7). A worker explained:

> During a strike action we normally have mass meetings in the morning at 7am every day. At these meetings we would get feedback from our leadership. Everyone is expected to be present at these mass meetings as this is the moment where we collectively make decisions that are binding on everyone. If you do not attend people will suspect that you are a *gundwane* (scab) and in some cases those who missed the mass meetings will get warning slips underneath their doors[51].

The dispute was referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) which made attempts to resolve it through the process of mediation and conciliation but to no avail. The workers resolved to call for a strike. A meeting called by the NUM endorsed a strike action despite that this was against the position of the union leadership. After this vote, the NUM leadership had no choice but to follow the Labour Relations Act regulations for the strike to be protected. Many of the workers were aware that the NUM leadership was not so keen on a strike. For many workers a vote to go on strike also represented the rejection of the NUM leadership at that time. The NUM leadership had initially conceded and accepted the management's revised offer before it had consulted its membership. The NUM leadership was only forced to be in line with its membership's decision on the strike after it failed to sell the deal to the members. The NUM leadership viewed the offer by management as reasonable which

[51] Interview with Makola 19 February 2012 Impala number 6.

nevertheless was rejected by the members[52]. The workers interviewed highlighted that this variation reflected that the union leadership was disconnected from the workers' daily reality.

The strike action went ahead as planned. Management made a new offer soon after the strike had commenced. The NUM extemporaneously suspended the strike to review the new offer. This was consistent with its role as an instrument of institutionalisation. This was however, rejected by most of the workers and the strike persisted. At least 10 000 mostly underground workers rejected the call to end the strike. Impala Platinum management and the NUM presented different views on the cause of the strike. According to the Impala platinum spokesman[53]; "It seems the strike action is due to a bit of mis-communication between the union and its membership". Management was conscious that there were internal contestations within the NUM. On the other hand, the NUM argued that, "About 10000 workers at Impala platinum in Rustenburg mines and smelters are on strike. They are angry that the company offered the pay increase late in the negotiations and some are asking for 13 percent"[54]. The NUM claimed that the strike was inevitable as management only revised its offer a few hours before the strike was due[55]. This strike action was thus a challenge to both the NUM and Impala Platinum management. It was a rejection of the process of institutionalisation of industrial conflict. The rise of the NUM to a dominant national union in the mining sector preceded a rise in internal factionalism at the different levels of the union. The NUM at Impala platinum was not an exception. Before 2009 there had been a number of intra-NUM contestations aligned to factionalism. This was linked to some previous strikes. At the national level, this factionalism was best epitomised by the fall out between Archie Palane and Gwede Mantashe[56].

The Impala platinum 2009 strike happened simultaneously with another strike at Aquarius-Murray and Roberts[57] in Kroondal, the eastern side of Rustenburg town, over similar demands.

[52] The Mail and Guardian 04 September 2009: 'Striking Implats miners attack leader'.

[53] Gilmour Mail and Guardian 25 August 2013.

[54] NUM spokesman Lesiba Seshoka The Mail and Guardian 25 August 2009.

[55] Mail and Guardian : NUM meet Impalts over wage offer.

[56] Archie Palane was the NUM deputy Secretary General and apparently popular enough to take over as the NUM General Secretary but did not have the support of the outgoing Secretary general Gwede Mantanshe.

[57] The Aquarius Murray and Roberts 2009 strike resulted in the dismissal of over 9 000 workers and over 2 000 were never reinstated.

We can draw a number of parallels between these two strikes. In both strikes, management and the union closed ranks and agreed on a deal to end the strike. This was consistent with the institutionalisation of industrial relations. The problem is that this form of compromise was rejected by the workers. In the two cases, the union failed to convince its members to accept the offer by management and to end strike action. Interviews with some of the workers highlighted that many of the workers were convinced that the NUM had been compromised and co-opted by management. In the two cases the strikes were against institutionalisation and NUM.

Institutionalisation, strikes and forms of violence

Violence in a strike action is often connected to the broader socio-economic and political context. In addition, this is often tied to important meanings and symbols. For example, arson is generally viewed as a simple and strong way of conveying a message. The selection of violence targets in strikes is usually well calculated. For example, during the apartheid regime worker violence often targeted symbols identified with the apartheid system. As highlighted in Chapter 5 the BONUME office at Impala Platinum was set alight during the 1991-1992 strike as it symbolised the apartheid system. The period reviewed in this chapter (1994-2011) was characterised by various forms of strike violence and repertoires. In the following section we explore the various forms of strike violence that characterised the period.

Intra-union violence: attack of NUM vice president

As highlighted, the 2009 strike at Impala Platinum was protected in terms of the Labour Relations Act Number 66 of 1995 and consistent with the principles of institutionalisation of industrial conflict. However, the NUM turned back mid-stream and accepted the employer's revised offer without consulting its general membership. It thus called off the strike unilaterally. This was an unpopular decision on the shop floor. The NUM vice-president, Piet Mathosa (now current president) was thus tasked by the national executive to go down to explain to the ordinary membership the rationale behind the union decision and to convince them to accept the offer by management.

The NUM at both these levels lacked capacity to deal with the problem due to intra-union factionalism. The NUM vice-president thus visited Rustenburg to address the workers who were

on strike. His aim was to convince them to call off the strike and accept the revised offer presented by management. Over 5 000 workers converged at the Number 6 stadium for his address. He outlined in his address why the workers had to accept the offer presented by management. According to a number of workers, they read this as an attempt by the union to articulate management's position. The workers claimed that the union was now talking on behalf of management. They viewed this as a form of co-option.

The workers were thus not convinced by the union's plea to call off the strike. There was a split– one group was against the strike and the other for it. The Impala Mining House Union coordinator sided with those who supported the strike. He opposed the calling off of the strike which was against the union head office. The workers remained resilient and dismissed the plea by the NUM vice-president. The union house coordinator saw this as an opportunity to out manoeuvre a rival faction. He thus sparked a revolt in the face of the vice-president. The house coordinator ignored all protocols and took to the podium and addressed the workers immediately after the vice-president's address. He aimed to incite the crowd. He achieved this by declaring: 'whether you like it or not everyone is going to report for duty and go down the shaft from the night shift today[58]'. He was aware that the workers were opposed to the decision to call off the strike. This indeed provoked the workers who responded by violently attacking the NUM leadership, including the vice-president with stone missiles. According to the workers interviewed, this was all linked to intra-union power struggles by competing factions within the NUM. It was aimed at advancing the interests of a faction that sought to control the Impala Platinum branches.

The NUM Vice-president, Piet Mathosa was severely injured in the attack and almost lost his life. He lost his left eye and was in hospital for several days. According to some of the eye witnesses, the violence on this day was not just random but selective and directed at specific targets. For example, it was apparent from the way the attacks were executed, that the NUM vice-president was a prime target. A NUM shop steward explained:

[58] Interview Matola.

> The workers had a plan before hand to attack the union leaders. We did not know this. It was planned. This was clear with the way things happened …. It was well coordinated[59].

The attack on the vice-president may be explained as an expression of dissatisfaction with the leadership by the rank and file and a rejection of the NUM and institutionalisation of industrial conflict. The mining house coordinator who was at the centre of this mayhem took voluntary retirement soon after the strike and only re-emerged at Impala Platinum as a subcontractor. This strongly suggests that some of the union factions may have tacit support from management (Mamkoottam, 1977). The coordinator thus shifted from being a union activist to a business owner with the support of Impala Platinum.

Intra-union factionalism and breakdown of institutionalisation

The development of factions within a trade union may serve a number of functions. We can draw a number of lessons from the experience of Impala Platinum. The workers interviewed reflected from their experience and highlighted that factionalism manifested in all the union elections at different levels. Once a person assumed a position of power in the union's structure with the backing of a faction, it became very difficult for the person to be removed and or voted out. Not surprisingly then, most of the NUM representatives at the Impala Platinum branches who were in office in 2012 had been in leadership positions for more than a decade. This was not because elections were not conducted at the end of each term. Every union position is for a fixed term which may be renewed through elections. In addition, union leaders may be re-called if need be before the end of the term. However, at Impala Platinum, workers interviewed indicated that union leadership was not easy to change. This was explained by the entrenched existence of factions within the union. These factions appropriated union positions and access to resources as rewards.

After the NUM consolidated its position as the dominant union, the contestation between various factions started showing. The NUM Impala Platinum branches were the biggest in the country and thus internal contestations were not a surprise. The factions that evolved at Impala Platinum were primarily centred on the contestation over power and control of the union. This manifested

[59] Interview Gwala 20 January 2012 Rustenburg

as patronage in the distribution of favours and privileges by the competing factions. Different factions competed to control union privileges in recruitment, allocation of housing, promotion and others. The contestation between the various factions often involved the use of various forms of violence. The factionalism at Impala Platinum also involved competition over union careerism and professionalization and had very little to do with policy or ideological differences. Its focus was the distribution of rewards.

Competing union factions often instrumentally used violence to achieve their ends. The workers at Impala Platinum went on strike for ten days in 2003. They were demanding a pay out from the provident fund. This strike was organised by the NUM and was consistent with the institutionalisation of industrial conflict. However, it turned into internal violent factional fights within the union. During this strike, the Northern branch chairperson was assaulted by members of a rival faction whilst in a meeting, giving feedback to the workers. At the end of this strike, the NUM branch leadership was kicked out and an interim structure was set up. The new interim structure normalised the situation and called for the union branch elections. A conference was held to elect a new leadership. Factionalism within the NUM after the democratic transition undermined its service delivery and organisational capacity.

The issue of factionalism raises a number of interpretations ranging from different power blocks to patronage and self-interests (Mukwedeya, 2015). Factionalism may be a result of ideological disagreement, personal conflict or generational difference (Boucek, 2009). The existence of factions may be a reflection of differences in interests or principles (Koller and Basedau, 2005). It is always a feature within trade unions but what changes is the type and forms of how this is organised and how it manifests. Factions within are intra-union groups whose members share a common identity and purpose. They act collectively to achieve specific goals (Zariski, 1960: 33 in Boucek, 2009: 468). Factions within a trade union often express their rivalry at events and important moments of the organisation (Mamkoottam, 1977). At Impala Platinum, strike actions often became the arena where the different factions expressed their power. The conflict between different factions within the NUM at Impala Platinum was conspicuous at a number of events and different levels of the union from the shop floor branches to the national structure.

The Mantashe and Palane contestation

The factionalism at union branch level according to interviews with some of the workers was also tied to national leadership contestation within the union. Some of those interviewed argued that this was tied to tribalism. The violent attack of the NUM vice-president during the Impala Platinum 2009 strike for example was explained by some to be the result of factions fighting over power and control of the union. This also manifested in the contestation between the then NUM Secretary Gwede Mantashe and his deputy, Archie Palane over control of the union. This often raised questions on ethnicity. A manager explained:

> The NUM was at the time dominated by the Xhosas – who are Ngunis. The Nguni (Xhosa) felt that Palane who is Tswana should never gain control of the union. They wanted the union to be controlled by a fellow Nguni tribesman. They did not have problems with Ramaphosa because he was from the minority Venda who are few and traditionally not mine workers. [60]

According to interviews with some of the workers, the faction led by Gwede Mantashe opposed the 2003 strike whilst the Palane faction supported it. Palane was poised to be the next Secretary General of the union following the expected move of Mantashe to the ANC. However, the Mantashe faction is alleged to have lobbied for the amendment of the NUM constitution at the 2003 congress to prevent Palane from taking over as the secretary general. Palane's stronghold was the platinum belt. The 2003 NUM congress amended the criteria for the election of the national office bearers. The new amendments to the NUM constitution prescribed that candidates for National Office were to be members of the union at the time of nomination. This technically barred Palane, the then deputy secretary general from standing as candidate for the Secretary General election as he was never a member of the union but an official (worker). This subsequently forced Palane[61] to leave the NUM unceremoniously. The contestation between Mantashe and Palane may also be viewed as a contestation for hegemony between gold (and coal) and platinum sectors. The NUM was founded in the gold sector and later spread to coal

[60] Interview 23 February Human Resource Impala platinum..

[61] Palane left the NUM soon after the congress and joined the corporate world as a manager. At the time when this research was conducted he was Head of Corporate Affairs and Transformation for SAMANCOR -a chrome mining company near Rustenburg.

well before the platinum sector. Thus it was not a surprise that a shift in the power base of the union to platinum sector faced resistance.

The way the faction that was opposed to Palane manipulated his elimination was not welcomed by many workers in the platinum belt. Many of them attributed this to tribalism within the union. This resultant tension divided the union into two acrimonious factions across different levels of the union. The violent attack of the NUM vice-president during the 2009 strike was apparently a sequel to Palane's departure from the NUM (Interview 14: 22 May 2012). The different positions of the two factions remained entrenched and manifested in the 2009 strike. As highlighted above, the clashes between the factions was tied to ethnic tensions predating the presence of the NUM at Impala Platinum.

Casualisation/externalisation, strike violence and institutionalisation

Chapter 4 has highlighted the increase in the levels of externalisation of work in the platinum sector in line with the neoliberal doctrine designed to maximise the extraction of surplus value by externalising risk. At the time this research was conducted, Impala Platinum employed 32 909 directly and 13 717 indirectly through third parties (labour brokers and sub-contractors). This means that over a third of the workforce at Impala Platinum is not employed directly. The externalisation of work through subcontracting and labour brokering erodes the basis of institutionalisation as this reduces the support base of the union. Moreover, this undermines worker solidarity. As a rule, a strike at Impala Platinum would involve those employed by the company directly. However, this is interpreted differently. Moreover strike actions often have own unwritten rules. According to some interviewees, one of the rules is that a strike against the principle company must be supported by all workers including those externalised (labour brokers and sub-contractors). There are sanctions for violating this rule.

Externalised workers risk dismissal if they fail to report for duty during strikes of principal company workers, on the one hand. Yet the tacit strike rules expect them not to report for work. As a result, this causes discord in the way the externalised workers respond to a strike action. A number of them reported for duty during strikes and many of them were assaulted by fellow workers who accused them of undermining the strike. A lot of the violence targeted strike breakers and many of them were externalised workers. A worker commented:

> In the 1980s we all spoke with one voice as black workers ...we all knew that any *gundwane* would be killed and that was justice but now the very same scabs *(gundwane)* now also have rights (*amalungelo)*[62].

The above claim suggests the ambivalence of democracy. Democracy has in a way empowered some and at the same time disempowered others. In a context characterised by fragmentation and alienation, there are always those willing to support a strike action and those opposed. Violence against fellow workers in such context is always justified. A worker explained:

> Going to work during a strike action is going against a collective decision… a strike is always a collective decision …and whoever violates a collective decision deserves to be punished. Going to work when others are on strike sends the message to the employer that not all my people are against me and hence he naturally becomes more resistant.[63]

A number of the violent attacks on strike breakers at times resulted in loss of life. The scabs were targeted by the strike informal committees 'which aimed to keep the workers united' (Interview 9: 15 March 2012). These committees which varied in the way they organised used violence covertly and overtly to enforce compliance and to paralyse the operations. Violence in this context was used to stop those who intended to report for work. It thus became a means of forging worker collective solidarity. A worker explained:

> Anyone who attempts to report for duty when we are on strike is an enemy of the people and must be assaulted to stop him from going to work. We beat them with *sjamboks*… the reason why we go on strike is to stop production so the only way to ensure this happens is to close off all the ways to work… and we can't do this without the *sjamboks* ….[64]

Another worker explained the rationale behind the violence against dissenters:

> Killing is not the motive. The aim is to stop production but sometimes strikes are joined by the unemployed and the criminals who take advantage of the situation.[65]

[62] Interview Boyi, Rustenburg 14 March 2012

[63] Interview 12 February 2012 Alpheus

[64] Interview 17 February 2012 Mandla

[65] Interview 07 March 2012 Doctor

The workers for subcontractors and other externalised workers are expected to support a strike action and show solidarity even when they may not stand to directly benefit. However, this is not mutual or reciprocated. For example, a number of the externalised workers went on strike several times against their employer and none of these strikes was supported by the Impala Platinum workers. This suggests that the solidarity by the externalised workers is not voluntary but is tied to coercion or the threat of violence and intimidation. This nevertheless forges another form of solidarity conceptualised in this thesis as a violent solidarity.

In a strike the stakes are usually very high for both the dissenters and those who support the action. The democratic dispensation is underpinned on the freedom of choice and expression. However, a strike as an act has its own rules which sometimes infringes on this democratic right. The moral economy of strikes resents scabs and strike breakers. The Impala Platinum workers responded to strike breakers and scabs by organising into groups that barricaded roads for those against the strike who. This form of violence is often inherent and part of the unwritten strike rules and repertoires.

The extensive substitution of direct employees through the use of third parties has impact on the institutionalisation of industrial relations. The principle of institutionalisation of industrial relations is tied to a strong union and employer(s). The power of the union lies in its capacity to disrupt production. At Impala Platinum, one third of the workers are employed indirectly through third parties. The union at the time of the research had not been very successful in organising many of the externalised workers. A strike usually divides workers into two opposite camps. It demands workers to stand together in solidarity. However, solidarity as shown in the case study may become elusive because of the way work has become fragmented. As a result, the strikes between 1994 and 2011 have seen a growing number of scabs and strike breakers.

Arson as a strike weapon

Arson was one of the forms of violence that characterised the strike actions between 1994 and 2011 at Impala Platinum. This refers to the intentional use of fire to destroy property which may be perpetrated by an individual or a collective. Arson as a form of violence in strikes is tied to a number of factors and may help explain the social factors and circumstances tied to the strike action. Chapter 5 has highlighted how arson constituted part of the broader resistance repertoires

for black people against the apartheid regime. Historically, in Europe and the Americas, arson was used as a weapon by peasants and slaves during uprisings (Guha, 1988). It is important to note that the target is often not just a random exercise but is attached to important meanings.

In a number of strikes between 1994 and 2011 scabs and strike breakers were the common victims of arson. A number of *mkhukhus* (shacks) that belonged to suspected strike breakers in the informal settlements were petrol bombed. Two cars belonging to suspected strike breakers were set alight fellow workers at Number 7 shaft two days into the 2009 strike. The NUM which was the dominant union dissociated itself from these acts. Its spokesperson labelled the perpetrators 'criminals disguised as workers'[66]. This form of violence was a manifestation of the vertical (intra-worker violence) within the union. It is inconsistent with the institutionalisation of industrial relations. It thus reflects a break down in the institutionalisation of industrial relations.

There are a number of reasons why various parties may opt to use this mode of violence. It is attached to underlying meanings and symbolism. The use of arson as a weapon of strike violence within and across classes has different meanings. This form of violence amongst the workers usually targets those identified or suspected as scabs or strike breakers. The aim of this form of violence is to enforce compliance and forge other forms of solidarity. On the other hand, violence across class, for example, the burning of the employer's property may be a form of vengeance against what the workers perceive to be unjust. Arson as a mode of strike violence may be preferred as it is simple and effective and is tied to underlying meanings and symbolism (Guha, 1988).

Consolidating political influence/institutional power and decline of union shop floor influence/ organisational power

The period after the democratic transition was characterised by a shift by the NUM into an efficient vehicle of the institutionalisation of industrial relations after it attained full recognition. This evolution culminated in what many of the workers interviewed viewed as a form of co-option of the NUM into the system and its alienation from the shop floor. The transition to democracy marked a shift in the nature and character of strikes at Impala Platinum. Although the structural framework linked to apartheid did not immediately disappear after 1994, the period

[66] The Mail and Guardian 26 August 2009.

marked a dis-engagement between the workers' struggles at the workplace and the political struggles in the broader society. This marked a change in the nature of demands and strike repertoires. The transition from insurgency to ideal institutionalisation suggests that the system was indeed working. Drawing from the thesis by Shalev and Korpi (1979), we may link this to institutionalisation and the political shift to a democracy that gave birth to a new political position of the trade unions after their alliance with the ruling political party, the ANC. Shalev and Korpi as highlighted in Chapter 2, acknowledge the significance of institutionalisation but give more salience on the shift in the political position of labour as the key determining factor.

A typical trade union operates within a continuum contesting the employer hegemony and exploitation of workers and striking compromises (co-operation).As a result this poses a paradox. During apartheid, the NUM was presented as a trade union for unskilled black mineworkers. This shifted after the democratic transition. A change in the composition of the workforce has had a direct impact on the nature of the demands presented. For example, the shift from migrants to local recruitment forged closed gap between workers struggles on the shop floor and in the broader society. The workers have become less homogenous after the democratic transition and hence the nature of their demands has shifted. A typical example is the introduction of women in mining which has created a new set of demands. The change in the composition of the workforce profile may undermine workers' solidarity. In the past, the workers forged solidarity as unskilled black mine workers.

'The shop steward today is the future human resources manager tomorrow'

Shop stewards are at the lowest level of the union representatives. Their duty is to recruit members, receive and process grievances and educate members on union policies and on the importance of becoming union members. At Impala Platinum, they are elected by ordinary members for a period of three years. At the onset, shop stewards were elected from ordinary workers and were embedded in the shop floor struggles. This however, shifted over the years. The union consolidated its position and shop stewards were elevated to the first level of supervisors and entitled to special allowances. The NUM shop stewards at Impala Platinum enjoyed a number of incentives and privileges, creating a new 'elite' status. For example, shop stewards took the responsibility for the allocation of company accommodation. In some cases,

they had to be consulted before decisions on recruitment of low skilled grades. The shop stewards thus became men of power and ceased to be ordinary workers. The union gradually became indifferent to its members' affairs and the participation of ordinary members in the union declined. The union's gain of political power happened at the back drop of loss of influence on the shop floor. A worker explained:

> The union now is all about individual benefit and promotion...the union takes bribes if you want to get a job or to jump the housing queue. Our branch secretary here was promoted to a house coordinator and a shop steward at the Central shaft was promoted to an HR officer[67].

The bureaucratisation has seen many of the union leaders getting promoted to management positions. A manager argued:

> The next HR officer may be from the shop steward committee...they make the best HR officers because they know the rules of the game. A lot of the HR managers at the moment are from the union. The reality is that the moment they get used to this office environment they would not like to leave this and go back to the shaft…. So when you are talking to the shop steward you must know that this may be the next HR manager or officer[68].

Shop stewards who at the time of being interviewed had just been promoted to management but yet to take up the position explained:

> Many of the former stewards have moved into management side …they are now in different levels of management…many in the HR department are former shop stewards. We encourage Comrades to move up the ladder if they have the qualifications…This is part of the transformation. I have on many occasions recommended comrades to move up.… I sit in the promotion committee and many times I have recommended comrades to move up[69]."

[67] Interview 16: 15 February 2012 at Shaft Number 6.

[68] Interview 20: 25 February 2012 with HR Manager at Number 7 shaft.

[69] AMCU made the same claim during the 2014 platinum strike .It refused to negotiate with management representatives and demanded to negotiate direct with the three mining houses CEOs.It claimed that the management representatives were all ex-NUM officials: 'AMCU willing to move on wage demands, wants to negotiate directly with CEOs' : amcu-willing-to-move-on-wage-demands-wants-to-negotiate-directly-with-ceos-2014-02-20

The above remarks suggest that the union is also a source of recruitment for management. On the ground, the reality of the matter was that institutionalisation locked up the NUM in the management system and simultaneously disconnected it from the shop floor. A worker explained:

> Shop stewards do not really understand our daily reality as mine workers. To start with, they do not live with us in the informal settlements where the majority of the ordinary workers live. Most of them live in the more affluent suburbs with our managers.[70]

From its inception, the NUM was viewed as a collective voice for those outside the hegemonic power structures. However, this position changed following its attachment to the rules and procedures (bureaucratisation), co-option and alienation from the shop floor. Shop stewards committee and union branch officials became associated with power and influence. In the past, union representatives were the voice of the ordinary shop floor workers. During the apartheid regime, union leaders were the main targets of state and employer violence and repressive machinery.

The shift in union position after the democratic transition and its institutionalisation, has promoted career unionism and opportunism. A number of workers interviewed highlighted that many of those who put their names for election into union positions were not concerned about the collective interests of the workers but personal benefits. As a result, union elections at all the levels became very hotly contested and sometimes violent. The motivation usually is the desire to go up the union hierarchy (the branch, region and national offices) and into national politics and government. The union has thus become a platform for elevation to political office and subsequently into government. In addition, the interviews with workers and management claimed that the union post the democratic transition constitutes one of the sources of the new elite

Interactions with a number of informants through participant observation showed that the alienation of the shop stewards was a much broader problem. Although the shop steward position has become full time, it is nevertheless not for a lifetime. The mandate has to be renewed frequently. If a shop steward fails to retain his/her post in the democratic process, the expectation

[70] Interview 24 February 2012 with Paul at Number 7 shaft.

is to revert to the previous job position. The experience at Impala Platinum suggests that it is difficult for most of the shop stewards to revert to their previous jobs after losing the mandate through the democratic process. Most of them feel alienated and fail to take up their previous jobs. In response to this, the NUM and Impala Platinum amended the recognition agreement and gave option to union officials either to revert to previous positions or to be seconded for a learner ship programme if there is no suitable vacancy or to take up a voluntary retirement package if they so wish. To the ordinary workers, this meant that once a person is elected into union position he/she is no longer part of them. This alienated the union from its membership. A worker explained,

> The union is no longer there for us anymore as it was in the past. It's there just to guarantee management that we won't revolt against the exploitation.[71]

Many of the workers interviewed were conscious of the source of the problem. A worker remarked:

> Democracy has indeed divided us ….before then management knew that once the black people –the NUM say we are going on strike everything would hit a stand still. Now we have many unions and blacks are not united in one union.[72]

The NUM was institutionalised into the industrial relations system and this brought with it many problems. It shifted from just being an instrument of workers' resistance into a means of elite formation (Buhlungu, 2010) and managerial control. This reflects the paradox of trade unions (Buhlungu, 2010).

[71] Interview Matola 23 March 2012 Impala platinum ,Rustenburg .

[72] Interview Vuyo 27 March 2012 Impala platinum, Rustenburg.

Conclusion

This chapter discusses the relationship between institutionalisation of industrial relations and strike violence post the democratic transition, drawing from the experience of Impala Platinum between 1994 and 2011. It tracks the transition from a period of insurgent unionism to ideal institutionalisation and its subsequent rupture. The period between 1994 and 2009 was generally characterised by effective institutionalisation of industrial relations. In this period, the NUM evolved into a formidable instrument of institutionalisation of industrial relations. Most of the strikes during this period were characterised by limited violence. The union was highly institutionalised and this worked in reducing the level of violence. The 2009 strike marked a turning point in the way the workers organised resistance. This was a response following the NUM shift of position from class compromise to what the workers perceived as class capture.

The post- apartheid era resulted in the forging of new institutions designed to deal with industrial conflict through the manufacturing of consensus amongst social partners through the process of negotiations and compromise building. Institutions that fall into this category in the post-apartheid labour relations regime include the NEDLAC, CCMA, bargaining councils, labour courts and so on, that came into force or were strengthened after the 1994 democratic transition. The idea underpinning the new industrial relations regime is the development towards a corporatist industrial relations regime characterised by the central coordination of relations between capital and labour through a tripartite alliance. The institutionalisation of industrial conflict is a component of this broader democratic transition which is based on negotiations.

Institutionalisation undermines structural power by limiting the freedom of the parties. For example, it limits the freedom of the union to go on wildcat strikes and at same time constrains management's prerogative in operation decisions. Institutionalisation of industrial relations for the employer secures stability and for the union limits the employer level of control. It is thus clear that institutionalisation of industrial conflict is not necessarily about domination but may result in mutual benefit for the parties.

A change in the NUM post the democratic transition was the emergence of factions centred on control of resources. The shift of the NUM from class compromise to class capture was characterised by a number of changes. The members became frustrated with leadership because

of the lack of shop floor consultation and the union's shift closer to management. New forms of violence emerged. Intra-union violence that emerged was linked to the co-option of the union.

This chapter demonstrates that at a certain point institutionalisation of industrial relations was considerably effective as it reduced and managed violence in strikes. However, this overtime shifted towards co-option. The shift of the NUM membership against union leadership and the factions that developed from the contestation is linked to institutionalisation and the new forms of conflict and violence. The central argument of this chapter is that democracy crystallised the institutionalisation of industrial relations and consolidated union hegemony (institutional power).However, on the other hand this weakened the union at the shop floor (by the loss of organisational power).

Chapter 7

The Resurgence of Insurgent Trade Unionism: Impala Platinum Strike 2012

Introduction

The preceding chapter has explored the variations of institutionalisation of industrial relations and the relationship with strike violence after the South African democratic transition. It has shown how the industrial relations shifted from non-hegemonic and despotic to hegemonic and institutionalised industrial relations regime. Trade unions which serve as the vehicles of manufacturing worker consent evolved and became very powerful institutions within the industrial relations. This process forged the structural base for a class compromise between capital, state and labour. The industrial relations at the national level thus became characterised by a social contract between the social partners. This kind of arrangement is designed to ensure stable industrial relations in general. The forging of institutional base for class compromise is critical for the consolidation of the democratic capitalist state (Buchanan, 1994).

This chapter examines the variation of institutionalisation and strike violence in a context where the structural base for a class compromise faced relentless attacks and subsequently collapsed. It draws from a strike at Impala Platinum in 2012. First, this strike represents one of the major strikes at Impala Platinum organised outside the NUM-COSATU-ANC-SACP alliance umbrella. The strike sparked what culminated into a platinum rolling strike wave in 2012-2013, which peaked following the Marikana massacre at Lonmin Platinum on the 16th of August 2012. Most of the strikes in this wave were characterised by violence, workers presenting 'uncompromising demands' and an unprecedented level of worker militancy. This strike is an important reference point in understanding strike action and violence and the shift in institutionalisation of industrial relations after the democratic transition. This undoubtedly has been one of the most violent strike waves post the democratic transition and thus important in accounting for the variation in strike violence and institutionalisation of industrial relations.

Secondly, this strike is also significant as it culminated in the rupture of institutionalised industrial relations and the rejection of the NUM in the platinum belt. The NUM at the time was the dominant union and vehicle of manufacturing worker consent in the platinum sector. It has

since been displaced by the rival AMCU in this sector. This has reconfigured the industrial relations in the platinum belt and mining sector in general.

Thirdly, this strike unfolded at a time when this research project and fieldwork were in progress at Impala Platinum. The researcher was on the ground gathering data to address questions on the variation of institutionalisation of industrial relations and strike violence. This presented opportunities for a close ethnographic observation. The 2012 strike at Impala Platinum is thus a significant case for investigating the relationship between institutionalisation and strike violence and the breakdown.

Chapter 5 has discussed how the apartheid class and race relations were maintained through a non-hegemonic system based on direct despotic use of coercion. This collapsed following the demise of the apartheid system. This necessitated a shift to a hegemonic system that maintains and sustains class relations through class compromise. This has been explored in detail in Chapter 6. This class compromise is a product of strategic engagement between the state, labour and capital (Buchanan, 1994). This chapter investigates the relationship between institutionalisation and strike violence in a context where class compromise has collapsed or is rejected by the workers drawing from the experience of Impala Platinum strike in 2012.

The first part of this chapter accounts for the sequence and important lead events that preceded the strike action. This is followed by a narrative of the strike and an analysis of a number of themes linked to the research problem. The main themes discussed in this chapter include the rejection of the NUM and collapse of institutionalised industrial relations; the organisation of dissent outside the institutions of industrial relations, and the crisis and the forging of worker collective solidarity.

The sequence of events

The following chronology of events is important in explaining the unfolding of the strike and themes explored in this chapter:

- 2010 – Miners[73] set up a committee independent of the union (NUM) to advance their interests in improving their conditions of employment which they claimed were not in line with the market. This committee organised regular meetings every month at the hostels. The line management at the shaft subsequently opened up informal negotiations with the miners independent committees outside the formal collective bargaining structure. There were about 1 600 miners at Impala platinum at the time of the strike in 2012.
- In 2011 management proposed to the NUM to exclusively review the remuneration of the RDOs. This proposal was apparently rejected[74].
- October 2011: Impala Platinum signed a three year wage agreement with the NUM. The parties agreed on multi-year arrangement of 8-10 percent that was to be reviewed in 2014. Impala Platinum pleaded that it was financially incapacitated for any further wage increase.
- At the end of 2011 Impala Platinum awarded an 18 percent retention allowance exclusively to the miners outside the collective bargaining process. This was allegedly in response to the dictates of the labour market. At the time most workers had failed to meet the set production targets and were not eligible for bonus pay-outs. Other workers only got news about this development after the Christmas and end of year's festive season.
- In January 2012, the RDOs set up an informal committee outside the NUM structures to advance their interests. This was a way of responding following the implementation of the retention allowance to the miners.
- On 12th January 2012, RDOs went on wildcat strike demanding a retention allowance similar to that awarded to the miners. The strike was poorly coordinated and temporarily suspended after three days.
- On 17th January 2012, the RDOs at shaft Number 14 presented a petition to the shaft management and subsequently downed tools 3 days later, demanding a retention allowance.

[73] The term miner refers to underground miners that are responsible for supervising the blasting of the rock. All the miners must have a blasting certificate in terms of the Department of Minerals mining regulations.

[74] After the strike the NUM vehemently reject that such a proposal was ever tabled.

- Management got a court interdict that sanctioned the dismissal of 3 000 RDOs who were on an unprotected strike[75]. All the dismissed workers were subsequently evicted from hostels.
- On 27 January 2012, RDOs called a mass meeting to explain why they were on strike. At the meeting, they pleaded for support from other workers. Over 17 200 workers later heeded the call. The independent workers' committees were reconstituted to include other workers. The committees took charge of the coordination of the strike action.
- 27th January 2012: a court interdict sanctioned the dismissal of all RDOs who were on a wildcat strike.
- 29th January 2012: the first reported cases of assault and intimidation targeting strike breakers by fellow workers. The main targets were workers who were on the way to work in the early morning hours.
- 30th January 2012: Impala Platinum dismissed 17 200 workers who were on strike. All the workers who lived in company hostels were evicted.
- 14th-17th February 2012: Impala embarked on a process of re-engagement of some of those dismissed. All those re-engaged were to suffer a decline in their rights and privileges .For example they were to be placed at the lowest pay in the grade; no leave for a year; new service entry date which was to apply to pension benefits and they were to be issued with a final discipline warning. This process was selective and challenged by the workers.
- 16th February 2012: a worker employed by a subcontractor at Impala Platinum was attacked by fellow workers. He was stripped naked and assaulted in the early morning hours by fellow workers who were hunting down strike breakers. He died in an ambulance on the way to hospital.
- 20th February 2012: The South African Police Service opened fire on workers who were on strike at Number 6 hostel and alleged to have been attacking those who were not on strike. One worker was killed and seven injured and admitted in

[75] Unprotected strike is one that is not procedural and not in line with the industrial relations system.

hospital. Police claimed they were returning fire after the workers started shooting at them.

- 24th February 2012: A contractor was found dead near Number 8 hostel bus platform. He was attacked and killed by fellow workers on strike who were hunting down strike breakers.
- 29th February 2012: The strike ended after 5 weeks of unrest.
- 20th March 2012: The NUM branch officials were violently evicted from office at all the shafts and work stations at Impala Platinum by a worker insurgency and were replaced by independent committees.

The prelude to the strike

The strike started soon after the Christmas and end of year festive break. It was preceded by an unprecedented number of unscheduled Occupational Health and Safety (OHS) stoppages. These are stoppages sanctioned for failure to comply with the minimum OHS standards and are commonly referred to as Section 54 safety stoppages[76]. As a result, most of the workers failed to meet the production targets and were thus not eligible for the usual bonus pay out which is tied to productivity. Many of the workers faced serious financial constraints during the festive break. Many had to go to their rural homes without the usual groceries for the festive holidays[77]. A significant number of them are migrants and normally pay such visits once in a year.

The strike was initiated by RDOs[78] at shaft number 14 after leaked classified information confirmed that management had awarded an 18 percent retention allowance to miners[79] . The RDOs are defined by the machine that they operate. Miners are employees in charge of the underground work teams and responsible for the rock blasting and the general supervision of a work team. The RDOs were disgruntled that their union, the NUM, had rejected a proposal put forward by management to review their remuneration. At the centre of their demands were

76 Section 54 safety stoppages: These are stoppages sanctioned by the Department of Mineral Resources mine inspectorate for failure to comply with the Health and Safety Act.

77 Interview with Johan Theron Impala Platinum Human Resources Executive.

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grievances over poor wages and the general conditions of service. Furthermore, they rejected representation by the NUM. They claimed that the NUM had become too close to the management, alienated and out of touch with reality.

A number of lead events are important in explaining the unfolding of this strike action. In the interviews with both the workers and management, two important events were cited as having influenced the trajectory of events. First, it was Kumba iron ore share scheme pay-out which had made headlines a few months before the end of 2011. Second, the decision by management to exclusively advance a retention allowance to miners was the last straw that broke the camel's back. The following section presents a brief narrative and analysis of these two events.

Kumba Envision shares pay-out

Kumba iron ore announced in November 2011 the first pay out of its employee's share ownership scheme, 'Envision', which was established in 2006 following its unbundling from Kumba resources in the same year. Its 6 209 employees below management level were awarded unprecedented capital redistribution. The employees who had been with Kumba from its inception in 2006 received up to R576 045 before tax. This was part of the BEE and capital redistribution (Anglo, 2011). The employees had an option to convert the capital redistribution either into cash or share equity. The majority of them opted for cash pay-out. Many companies have similar employee share schemes but this was a record in terms of the net value transferred to the ordinary shop floor workers. Impala Platinum has a similar employee share ownership scheme which at the time paid out an average dividend of R 2000 per employee after 5 years. This was being challenged by the workers who felt short-changed.

Many workers and management interviewed believed that the decision by Impala Platinum workers to embark on a strike in 2012 was partly influenced by the disparity in what they received as pay-out for their shares and what Kumba had paid out to its workers. A worker from Impala Platinum explained[80]:

[80] Interview 21: 07 April 2012.

> How do we explain that ordinary workers like us at Kumba like us got more than R500 000 from the employee share ownership[81] scheme and at Impala Platinum we only got an average of R2000?[82]

The Impala Platinum management argued that the ordinary workers were not financially literate and thus mis-interpreted this as a form of injustice[83].This was apparently one of the triggers of the Impala Platinum strike in 2012.

The question of retention allowance

Impala Platinum uses the Paterson job grading system which is common at most mining companies. This is presented as a scientific and objective way of evaluating jobs. It profiles jobs on the basis of the level of decision made in task performance. Jobs are graded into a hierarchy of five bands with sub-grades within the bands. It became the dominant job grading system in mining from the mid-1960s (Stewart, 2013). Miners perform what are referred to as routine decisions in the C band in grade C1 which is the first level for supervisory grades. The RDOs were graded in the prescribed/ routinised decisions level band A and grade A4. This falls in unskilled level. The miners are crucial to the mining labour process as they make critical production decisions. They lead work teams and oversea the drilling and blasting. The RDOs execute the drilling task usually following instructions from the miners[84]. The Patterson system grades miners at a higher level when compared to the RDOs. One of the weaknesses of the Patterson system is that it pays lip service to the job conditions such as harshness and danger, two key characteristics of RDOs' work.

Ordinary workers do not usually subscribe to the perception that the Patterson job grading system is scientific and objective. The miners only attained their new status following a strike in 2004 contesting their erstwhile semi-skilled position. The elevation to skilled level was an outcome of a struggle. This reclassification of miners questions what skill is and how it is

[81] This refers to the employees' share ownership scheme.

[82] Interview 07 Februray 2012.

[83] Interview Johan Theron Impala Human Resources Executive.

[84] For the detailed account of the RDOs job description and history in mining in South Africa see Stewart 2013.

measured and rewarded (Figart 2001). This indeed, was one of the questions raised by the RDOs during the strike in 2012.

Impala Platinum claimed that at the time it was experiencing a very high miner turnover which had accelerated in the last two years. The miners' turnover lost to competitors was over 25 percent. This was because of a reward system that was not in line with the market[85]. Miners were classified as skilled in the same grade band with artisans in terms of the Patterson job grading system. The miners' position, according to management, carries statutory responsibilities. A miner position requires the individual to have a mine blasting certificate issued by the Department of Mineral Resources. Impala Platinum's human resources policy is tied to a reward system that aims to be within 10 percent of the sector benchmark. Impala Platinum management claimed that at the time, it had managed to achieve this target except for the miners[86]. This was cited as part of the reason linked to the high miner turnover which management was desperate to address. Impala Platinum thus resolved to award the miners an 18 percent retention allowance.

Stewart (2013) argues that the RDOs historically occupied a central role in the mining labour process. Moreover, they earned respect and status amongst the black working class above the rest of other similar underground jobs (Stewart 2013). As a result their remuneration and conditions of service were subject to differential treatment from other workers. As a result, they often were paid more than their supervisors, the 'boss boys' (Stewart, 2013; Moodie, 1994). They were for example not affected by the maximum average system[87] (Moodie, 1994). Moodie (1994) and Stewart (2013) give in-depth accounts of why the RDOs occupied such an important status.

The adoption of the Patterson job grading system distorted the traditional hierarchy by placing the RDOs below other similar underground jobs (Stewart, 2013; Moodie, 1994)[88]. Stewart (2013) argues that since the introduction of the Patterson job grading system, the RDOs have sustained various forms of resistance to (re)establish a long standing tradition and to restore their

[85] A number of informants highlighted that Impala platinum had a better staff development programme than most of its competitors but a weak reward system .This perhaps explains the high turnover.

[86]Interview Johan Thereon Impala Human Resources Executive.

[87] Maximum average system refers to a system which placed a ceiling on the black mine workers' wages between 1913-1965 see Moodie 2005

[88] The job grading systems (including the Patterson system) gained popularity in the US and Europe as methods of determining pay after the World War 2 .This was designed to reduce the power of unions by shifting pay determination from collective bargaining to job evaluation (See Frigate, 2001).In South Africa the Patterson system gained popularity from the mid-1960s (See Stewart, 2013 and Moodie, 2005).

status as the ‘kings of the mines’. The nature of their work characterised by dangerous working environment naturally promotes a sense of high collective solidarity and close bonds (Stewart, 2013). As such, RDOs are associated with the formation of informal structures to advance their special interests outside the conventional trade unions. In platinum, these informal structures preceded the recognition of the NUM in the sector and their primary aim is/was to restore their status. A similar structure emerged at Amplats by 1985 (Stewart, 2013).

The miners’ job category was a preserve for white workers during the apartheid and colonial regimes. They are amongst those that benefited the most from the Patterson job grading system. Nevertheless, the miners were not satisfied by their new position after the job evaluation. Many of the miners are ex-RDOs. They thus organised drawing from their RDOs’ traditional ways of organising. They demanded to be differentiated from the other workers on the basis that they possessed scarce skill on high demand on the labour market. They established an independent committee outside the union to advance their interests. Although this committee was informal it was well coordinated. It conducted meetings every month in the hall at Number 6 hostels for a consecutive 24 months before it claimed any tangible outcome from its efforts. The organisation of dissent by the miners outside the union represented a disapproval of both the union and the institutionalised industrial relations.

Moreover the miners used the Section 54 stoppages as bargaining chip. They drew on this as a source of structural power within the labour process covertly and overtly to advance their individual and collective interests. The role of miners in work teams is tied to critical OHS responsibilities in line with the Health and Safety Act. At the work team level, miners take charge of the OHS responsibilities. The last six months of 2011 were marked by a very high level of Section 54 stoppages. These are stoppages sanctioned by the Department of Mineral Resources (DMR) mine inspectorate for failure to comply with the Health and Safety Act number 85 of 1993. Impala Platinum failed to meet its 2011 production targets and this was partly as a result of such stoppages. The management interviewed highlighted that there was an apparent relationship between a rise in Section 54 stoppages and the time the miners raised grievances over job grading. This had been ongoing for a number of months prior to the stoppages. The management attempted to resolve this by engaging the NUM, which at the time

was the dominant and recognised union at Impala Platinum[89]. Management claimed that it had engaged the NUM on a proposal for a retention allowance for miners. The NUM apparently did not oppose this claim. However, the NUM refuted this after the unfolding of the strike. A branch steward committee member of the NUM explained:

> To our surprise management through the company media announced this retention allowance exclusively for miners a few weeks after we had concluded a two year wage deal. In the wage negotiations, management had pleaded poverty and we had to consider many issues including the inflation targeting. We thus settled for 10 percent per annum for the two years in line with the context that prevailed then.[90]

However, management maintained that at the time the miners' retention allowance was proposed, the NUM had not raised any objections. One of the NUM shop stewards concurred:

> When management exclusively offered the miners the 18 percent retention we were not supposed to remain silent. We should have seen that this would cause problems and divide the workers. Miners are covered by the bargaining unit and hence the decision by management undermined the grading system as a whole.[91]

It was only after the strike that the NUM was clear that it was opposed to the proposal as this undermined the collective bargaining process. It blamed the management for the strike and claimed that this was calculated at undermining and dividing the workers.

Management on the other hand claimed that the retention allowance was only implemented after an extensive consultative process of all concerned including the NUM. The proposal according to management was presented to the NUM well in time for discussions[92].The NUM however, dismissed the proposal and advocated for a uniform percentage wage increase across skill or job grade. RDOs as shown earlier have a history of differential treatment from the rest of the workers because of the nature of their work and the structural position they occupy in the mining labour process (Stewart, 2013; Moodie, 1994).The institutionalised industrial relations system and job evaluation process disturb this historical logic.

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[89] Interview Johan Theron Impala HR executive.

[90] Interview, NUM shop steward 26 May 2012, Johannesburg.

[91] Interview, 26 May 2012 Johannesburg.

[92] Interview Johan Theron Impala HR Management Executive.

It is important from the onset to note that the decision by the employer to advance a retention allowance to the miners outside the collective bargaining confirmed the recognition that the institutionalised industrial relations system was dysfunctional. It had lost capacity to guarantee industrial relations order.

The strike and rupture of institutionalisation

Most of the workers got information about the retention allowance awarded exclusively to the miners when they returned from the Christmas and New Year holidays. The exclusion of other workers raised discontent within the shop floor. The RDOs emerged as most discontented over this issue. They had always perceived their skills as scarce and the backbone of the mining operations and yet the employer paid lip service. At the time there was a general shortage of RDOs in the platinum belt. Most workers felt that the compensation for RDOs did not commensurate with the risk involved. It is thus shunned by many young men and women. It is generally a difficult job to find replacement for most mining companies. Moreover, those already in employment are aging. The average age for RDOs in 2012 was 50 in 2012 (Hartford, 2012). The RDOs have profound structural power because of their position in the mining labour process. They responded to the decision to exclude other workers from the retention allowance by organising a wildcat strike (unprotected/unprocedural) which kicked off on the 12th of January 2015. This was poorly coordinated and was later temporarily suspended before it fizzled out. However, informal organisation of the insurgency continued underground.

On the 17th of January 2012 the strike resumed at shaft number 14 which is the biggest platinum mine shaft in the world .On this day over 3 783 workers who were coming in for the morning shift lead by RDOs converged on the surface before descending to their work stations. This evolved into an informal discussion on the retention allowance and the general poor conditions of work. This followed after they got the news that the miners had been awarded a retention allowance. The informal meeting resolved to confront the line (shaft) management to present demands. All the RDOs at the shaft approached the shaft manager collectively, demanding a retention allowance. One of the RDOs who were part of the group explained: ‘we wanted

management to pay us the retention allowance as well…we are also skilled and scarce just as the miners[93]'.

The RDOs had heard that management had proposed a retention allowance exclusive for their job category but was opposed by the NUM on the basis that it was to disturb the collective bargaining process and undermine worker collective solidarity. One of the RDOs explained:

> Impala Platinum wanted to award us a special allowance as RDOs but the union (NUM) blocked this saying this will cause a strike. What is this? It's just as good as we don't have a union. *I* union *ibulala amalungelo ethu [*The union was trampling on our rights[94]].

This was the general perspective about the union on the shop floor. Most of the RDOs interviewed were convinced that the NUM had blocked Impala Platinum from extending the retention allowance to them. The NUM's objection to the retention allowance raised eyebrows. The RDOs were aware that the same union had approved the retention allowance for the miners and this aroused their feeling of displeasure and belligerence. These claims may have been unfounded but this informed the discourse amongst the ordinary workers. The NUM at the branch and shaft levels at that point was dominated by a leadership drawn from the miners' grade and very few were RDOs and other grades. For example, both the South and North branch chairpersons were all ex-miners. To the ordinary workers on the shop floor, this explained why the union had approved a retention allowance for the miners and yet declined for the RDOs.

The shaft management requested for more time to consult their superiors following the collective claim making by the RDOs. It promised to give feedback within three days. In the meantime, they advised the workers to consult the NUM which was the recognised union. However, the RDOs were from the onset unequivocal that the NUM was not to be involved. A number of reasons explain why they rejected the NUM. One of the RDOs explained:

> We did not want the NUM to be involved because it no longer represented our interests. It was compromised by management. It only

[93] Interview 28 June 2012.

[94] Interview 23: 27 April 2012.

> served the interests of management…. It was only there to legitimise our exploitation[95].

This was a general claim by most of the workers interviewed. They argued that the NUM had turned into an instrument of manufacturing consent and was disconnected from the shop floor daily reality. This view gained resonance given the position of the RDOs in the NUM at the time. The RDOs were hardly represented in the branch committees. Most of the union branch officials and shop stewards were from higher grades. Historically, the RDOs occupied a position of power and authority amongst mine workers (Stewart, 2013). Yet they faced alienation in the new dispensation. Over time, the pre-existing social arrangements which placed RDOs at the top of the hierarchy were disturbed. Theoretically, this may be explained by that as the union grew in building hegemony and became sophisticated election into leadership became more based on educational attainment. A worker explained:

> Only those who are educated and can speak good English are elected into leadership. We strongly consider that they must be able to sit on the table and speak good English with a management which is white. They don't speak *fanakalo* at the negotiation table… its only English. Hence most of the NUM leaders are highly educated[96].

This valorisation of education disenfranchised many of the RDOs most of whom were illiterate and did not speak English[97]. As a result, this insurgency was also an attempt by RDOs to assert their power and gain recognition.

The shaft line management at Number 14 shaft proposed to the RDOs collective to appoint representatives to facilitate engagement as it was not feasible to engage them en masse. The RDOs proceeded and elected a five member committee (that assumed the identity five *madoda*) which took lead in advancing their interests. This development filtered fast to other RDOs at other shafts and work stations through informal networks, cell phones and other social media. An NUM shop steward explained:

> They advised other RDOs at all the other shafts that it was working for them at 14 shaft hence encouraged that they should also try it. It was like

[95] Interview: 23 March 2012.

[96] Interview 40: 20 May 2012.

[97] Interview with Malaila.The Benchmarks 2012 report highlights very high illiteracy level at Impala platinum (60%).

> they were celebrating a breakthrough. They instructed them to make similar demands.[98]

The RDOs at Shaft 14 remained defiant and only conceded to go underground to work after assurance by the shaft management that their grievances were being addressed. To put pressure and keep the morale and militancy high, they embarked on a go slow whilst awaiting the feedback from management. Information on this defiance spread across to other Impala Platinum operations and the following day all the other RDOs at other work stations presented similar demands to their respective shaft management. In addition, the rejection of the NUM was unequivocal and uniform across all the work stations. With time, the level of organisation and coordination of the mobilisation improved and an informal leadership began to emerge.

Following the decline in l productivity in the previous year attributed to an unprecedented increase in the frequency of Section 54 stoppages, management did not want this action to put a dent on output. Initially the NUM was unmoved by this development. According to informants, the NUM thought it 'was just angry members' and would soon be under control. The NUM indifference was also tied to poor service delivery, internal factionalism and contestation particularly between the different levels of the union. A regional official reflected on how the strike unfolded:

> I think there was a vacuum... a vacuum between the members and the leadership. I would accept that our service to the members was poor and this indeed is a very hard lesson. AMCU thus capitalised on this and filled this vacuum. To tell the truth we as the region we did know of this problem. We were caught by surprise when we heard about the strike in the media. Our comrades at Impala never indicated there was such a big problem. To us they pretended all was well... yet it was not.[99]

Gradually, the organisation of the strike action by the independent committees improved. A mass meeting was organised at Number 6 hostels stadium to explain the reasons behind the strike and to convince the other workers to join in. The demands were revised and refined to a monetary value. They wanted a minimum pay of 'R 9000 per month for RDOs after deductions. They were

[98] Interview 34, 26 May 2012, Rustenburg.

[99] Interview 35: 26 May 2012 at NUM congress in Johannesburg.

prepared to face dismissal for anything less' [100]'. The RDOs were articulating a different language from the NUM. They for example, emphasised wage adjustment based on real monetary value instead of the usual percentages. The management, NUM and many of those who subscribed to the principles of institutionalisation of industrial relations viewed this as rebellious and outrageous. In a language that was aimed at defending the status quo, the NUM argued that the demands by the RDOs were untenable as this translated to R 15 000 per month including other allowances. The NUM and Impala Platinum had earlier in October 2011 settled for a two year wage deal of 8-10 percent which was in line with the inflation targeting.

Management failed to respond to the RDOs within three days as was promised and this raised the level of militancy. This action was not spontaneous but was led and coordinated by a cohesive leadership that emerged from below as a form of insurgent unionism. The RDOs elected what some of the workers referred to as interim committees at all the shafts. These structures took charge on the coordination of the strike. The strike was from the onset framed as a RDOs' issue and at this point, all the other workers had not joined[101]. However, production came to a halt immediately because of the absence of the RDOs who occupy a strategic position in the labour process. The management, in collaboration with the NUM made several attempts to convince the RDOs to abandon the job action but to no avail. Management thus applied for a court interdict which sanctioned the firing of all the 3 000 RDOs who were in an unprotected strike[102]. Management wanted to assert its position and defend the institutionalised industrial relations framework which the RDOs were rejecting. A management executive commended: 'We have not as yet received any formal demand from the workers through the NUM'[103]. The language used by the management was for defending the institutionalised industrial relations. This however, was challenged by the workers:

> Our biggest enemy is the union. *I* union *iyantengeka (*The union can be corrupted) .We have left it... we have replaced it with a committee. We

[100] Interview 30: 03 March 2014 ,Rustenburg

[101] The other workers were doing maintenance work when the RDOs embarked on a strike action and before the other workers joined in.

[102] In South African industrial relations unprotected strike is one that is not procedural i.e. outside the rules of the industrial relations and hence workers are not protected from dismissal.

[103] Impala platinum CEO David Brown comment on the strike : http://www.iol.co.za/business/companies/implats-strike-continues-1.1229222#.VkkbV9WUdeI

> have all resigned from the NUM but the employer is insisting that he can only talk to the NUM. How can this be when the NUM does not have the support of the majority of the workers?[104]

The management was well aware that the strike was not organised by the NUM and yet ironically expected the workers to present their demands through the same institution that they were rejecting. This was in line with management aim to defend the institutionalised industrial relations framework. Some of the workers interviewed argued that the union had never worked for the good of the workers but has always been an instrument to manufacture consent. A worker explained:

> NUM was never for us even in 1994 even when Ramaphosa was still there. It has never served the ordinary workers. All the guys in the office are just there for their own individual benefit not for us. Their ultimate desire is to go up the hierarchy and move to the region and then national HQ. They all want just to move up and that's it …nothing is for us[105].

Interviews with some of the workers suggest that a section of the workers within the NUM has always been sceptical of the institutionalisation of the union from the onset. As a result what was unfolding for some was not a surprise.

Management response

This strike action was not procedural in terms of the Labour Relations Act Number 66 of 1995. Management thus applied for a court interdict which declared the action illegal and sanctioned mass dismissals. The court interdict notice was clearly displayed at the entrances of all the workplaces but ignored by most of the RDOs. Management made frantic efforts to enforce the rules of the game but this was rejected by the workers and RDOs. The court interdict sanctioned the firing of the 3 000 RDOs who failed to report for duty by the 27th of January 2012. After the dismissals, the management embarked on a recruitment drive of new RDOs and rehiring of those who defected from the strike but as new employees[106]. From the 14th to the 17th February 2012, Impala Platinum embarked on a process of re-engaging some of the dismissed workers. The re-

[104] Interview 14: RDO 19 February 2012, Rustenburg.

[105] Interview 13 February 2012.

[106] Despite recruitment policy which gives first priority to the locals Impala platinum was forced to send out recruitment teams to the Eastern Cape and Lesotho, which are the traditional sources of mine recruitment, to get RDOs during the strike.

engagements were to be at the lowest pay in the grade, no leave for a year, and there was to be a new service entry date which was to apply to pension benefits. All those re-engaged were to be issued with a final discipline warning. This process was selective and resisted by the workers. Employers in mining traditionally use mass dismissal as a strategy to gain concessions from the workers and suppress discontent. This constitutes part of the employer's means to subdue workers collective dissent.

The management and the NUM frantically made attempts to resolve the situation and find a way forward. The NUM was forced reluctantly to agree to have the members of the workers' committees on the negotiating table initially just as observers. Although the members of the workers' committee were observers in the collective bargaining process, they were the only ones that the workers would listen to and able to give feedback. The NUM representatives were barred from addressing the workers and some of them were attacked in report back meetings by shop floor members. This marked a shift of power to the independent workers' committee.

The hostel system of accommodation has traditionally been part of management's tool of controlling workers (Bezuidenhout and Buhlungu, 2010). Workers who lived in the hostels and were on strike were evicted from their residences. In this case, only a few of the workers lived in the hostels. The demise of the hostel system in some way has empowered the workers. The majority of the workers now live in private accommodation which is not controlled by the employer (see Chapter 4). Empirical evidence from this research suggests that this has empowered the workers to sustain long industrial actions as there is no fear of eviction. In addition, the fact that the majority of the workers live in informal settlements adjacent to the mining operations presents opportunity to defend their jobs through threats of violence against any form of replacement labour. One of the workers declared:

> We will not give up... even if they fire us and hire other people... we will make sure they will not get access to work. They will not have access to that platinum …. We will deal with them[107].

Thus, according to many informants, the proliferation of informal settlements adjacent to the mining operations has empowered the workers by enabling them to defend their jobs from being

[107] Interview 31 ,16 May 2012.

taken when they are on strike. This study thus views the informal settlements that have spread across the platinum belt as permanent picket lines.

Organisation of the strike

This strike action was not spontaneous but a result of conscious mobilisation and organisation by the workers but independent of the institutions of industrial relations. It was initiated by RDOs who have a history of setting up informal collective structures outside the union formal structures to advance their interests. We have noted that the RDOs have historically exhibited high levels of solidarity and militancy outside formal union structures. Stewart (2013) argues that this is linked to their occupational culture which comes from working as a group in a dangerous working environment (Stewart, 2013). A number of interviews affirmed that RDOs have a history of setting up independent structures and leadership that 'lie dormant when all is alright but only come to life when there is a problem'[108]. This is also consistent with the argument by Stewart (2013). A manager at Impala Platinum explained:

> It's more like a seasonal union. It's a structure that comes to life to resolve a problem… for example in this case it came to life for the R9000 demand…when all is well you may never notice this[109].

The committee thus only came to life after the RDOs got information on the retention allowance for miners. The informal committee from the onset was in charge of organising and coordinating the strike action and negotiating on behalf of the workers. It offered an alternative form of worker representation independent of the union and industrial relations system. This move articulated workers' agency. The RDO committees were reconstituted when the other workers joined the strike after the mass meeting held on the 27th of January 2012. One of the workers explained:

> If you speak a lot at the mass meetings people will see that...you are strong and you will not fear the white man then we will select you to be our leader in the committee.[110]

Another worker concurred:

[108] Interview 21 : 08 February Mine Manager, Rustenburg

[109] ibid

[110] Interview 12: 21 May 2012, Rustenburg. The word white man here refers to management.

> We select our leaders at the mass meetings. If you are able to talk assertively at mass meetings it's a sign that you have the courage and will not sell us to the whites[111].

A least 70 per cent of the RDOs were members of NUM when the 2012 strike action started. The interim committee adopted a structure similar to the NUM shop floor structure. It elected a central committee and separate ones for each shaft. The committees constituted five members (Chairperson, Vice-chairperson, Secretary, Deputy Secretary and Treasurer). The committees from each shaft constituted the branch committee from which five members were selected as the branch committee and negotiators. It is important to note that the RDOs' independent committees have for a long time co-existed with the union shop floor structures.[112] Informal institutions either re-enforce or undermine the existing formal structures. In this case, a resurgence of the committees and its growing strength signalled the breakdown of the institutionalisation of industrial relations at Impala platinum. The rejection of the NUM by the RDOs represented the rejection of institutionalised industrial relations regime. The committees later assumed the 'five *madoda*' identity drawn from past experience in the platinum belt. This form of representation first emerged in the late 1990s at Amplats Platinum. Amplats workers elected a committee outside NUM to represent them in negotiating adjustment of allowances and pensions benefits in 1996 (NUM, 1998) following the unbundling of Johannesburg Consolidated Investment Company Limited **(**JCI.) This committee presented five main demands and this is how it got its name. The Amplats five *madoda* committee later evolved into a union called Worker Mouth Piece Union (WMPU) which later collapsed. This concept also represented a new vision of worker militancy, power, bravery, honesty, good faith, incorruptibility and independence. A worker opined:

> The five *madodas* are our stars. They are brilliant. They will definitely deliver.[113]

However, the five *madoda* concept is also imbued with sexism that characterises the mining sector. At the South branch only one of the five *madoda* committee members was a woman. This committee was thus referred to as the 'five *madodas* plus one *mfazi'* (woman) committee.

[111] Interview 15: 21 May 2012, Rustenburg.

[112] See Stewart 2013 for a detailed account of the history of the RDOs and how they organized outside the traditional union structures.

[113] Interview 33: 11 May 2012, Rustenburg

An important contrast of the new committee against the NUM shop floor structure was the way the leadership was selected. The NUM leadership was generally drawn from the most educated amongst the workers[114] whilst those for the committees such as the chairperson of the South branch were barely literate[115]. This also suggests that the NUM order which aligned education with good leadership was being challenged. The workers revoked this and elected leadership they felt was in touch with their daily reality.

The response by the RDOs to challenge the decision by management on the exclusive retention allowance to the miners was ambivalent. On one hand, the RDOs organised outside union structures to challenge social hierarchy exclusively as RDOs and emphasised differentiation. The RDOs were nevertheless conscious of the importance of worker collective solidarity. This was later shown as they later embraced the other workers into the struggle through persuasion and coercion. This suggests that workers may challenge hierarchy and yet at the same time subscribe to a hierarchical system.

The way workers responded suggests that a strike action is often shaped by past experience and or popular struggles. In addition, in the face of formidable challenges, workers mobilise around representatives they view as genuine and incorruptible, hence *the five madodas*[116].

The 'violence' committee and order(s) of violence

The strike raised questions on worker collective solidarity which is important in sustaining any strike action. From its beginning, the strike was exclusively about RDOs, emphasising occupational solidarity. It was thus not unusual that other workers did not support it from the start. The other workers, as highlighted earlier, later joined in and supported the strike. There were however, a number of defections within the ranks. At a mass meeting held on the 18th of February 2012 at Number 6 hostel, the independent committee raised concern about the high levels of defections. This problem was more prevalent in the North than in the South branch. The

[114] NUM Secretary General Frans Baleni made reference to the same point on BBC Hard Talk in 2012 after the Marikana massacre : http://www.youtube.com/watch?v=FiDmo-eQlss

[115] Interview with Manager Number 7 shaft.

[116] Informal committee elected to advance grievances outside industrial relations institutions.

committee thus resolved to give more attention to the North branch. A special committee was also constituted to instil discipline and ensure that all workers complied with the strike. This special committee ensured that routes to work stations were monitored and sealed to secure the strike action and to keep the workers united. One of the members explained how they operated:

> We normally had two meetings. The first one was the ordinary for everyone at twelve noon. Nothing much was discussed but that we had to stop people going to work. Then there was a special meeting which started here under that tree and ended very late at about ten in the evening. In this meeting we agreed to launch an attack on Number 6 (North branch) where many people were said to be reporting for duty. In the previous week the committee focus was on Number 8 [South branch] but it's now o.k. Every committee member from Number 8 [South branch] will come to assist this side. We formulated the strategies on the offensive. We will start the offensive at three am [morning]. We have to stop everyone from reporting for work. [117]

The special committee took charge of policing the strike and enforcing worker collective solidarity. Most of those who made up this committee were young men who volunteered to enforce and maintain worker unity. This committee conducted its own meetings separate from the general mass meetings, usually after or before the general mass meetings. Some of the meetings were held in the evening to formulate strategies. A member of the independent committee explained the role of the special committee:

> *'Abafana* are responsible for mapping the future strategy of the strike. The special committee meets every day usually after the mass meeting'. [118]

A worker further justified the existence of the special committee:

> *Abafana* (the boys) want to keep us united as one force against management but there will always be sell-outs. *Abafanas* have to ensure that everyone is on strike. Their job is to make sure we remain united'. [119]

It was apparent that this committee was also responsible for meting out violence to the dissenting. This committee which we may refer to as the violence committee was constituted at this point because the maintenance of worker solidarity became fragile. It thus deployed violence

[117] Interview 12 February 2012, Ratanang Hostel Number 6.

[118] Interview 20: 19 February 2012 ,Rustenburg

[119] Interview 25: 26 February 2012, Rustenburg.

to enforce group solidarity. Moreover, it reinforced the independent committees. Violence was thus part of organising order in this strike.

Mass meetings

Mass meetings during the strike action as described in the excerpt below served many purposes. They constitute part of the strike repertoire and a tradition of worker resistance. The first mass meeting is usually critical in the selection of the key leadership, formulation of grievances and defining the course of action. In addition, it also helps in preparing the workers for the ensuing confrontation. It was at the first mass meeting during the 2012 Impala Platinum strike that an interim/independent committee which assumed the role of the negotiating team was formally selected. The mass meetings provided a platform for making collective decisions. It was the platform where the interim committee would give feedback to workers and map strategies on the way forward. It was also a show of force that symbolised workers' collective power and solidarity. As one leader said,

> We need to come up with a plan that will help everyone… we need to act united ….....because some comrades are cowards'.[120]

Mass meetings at Impala Platinum are usually conducted in the stadium at Number 6 and Number 8 hostel complex for the North and South branches respectively. This is an important space which the employer regulates access to and how it is used. Access is usually sanctioned if the meeting is organised by a recognised trade union. The 2012 strike was unprotected and was not organised by a recognised trade union but independent committees. The workers were barred from converging within the usual and other spaces within the employer's premises because of the status of the strike. The mass meetings had to be conducted outside the employer's premises. These meetings were sometime disrupted by the police and classified as illegal gatherings. This raises the issue of challenges in organising workers outside the institutionalised industrial relations framework. Working within the institutionalised industrial relations system confers rights including access to space for the purpose of organising but this also comes with restrain.

During the 2012 Impala Platinum strike the mass meetings at the South branch were conducted near Simunye Number 8 hostel on the open space between the bus pick up point, Freedom Park

[120] Mass meeting address by committee member 03 February 2012, Number 6 Impala.

and Number 8 and 9 informal settlements whilst at Number 6 they converged outside the hostels near the taxi rank. The locations of the mass meetings served a number of purposes. First, the meetings were held at places that were conspicuous and easily accessible to most of the workers. These spaces are within sight from many points. Second, the convergence of so many workers also served as a show of collective power and to intimidate the strike breakers or potential scabs. Moreover, these meetings served as a measure of the level of worker mobilisation and support. They measured the level of support of the strike and identified those who were for and against the strike action. The support to a strike action is usually reflected by the level of attendance at mass meetings.

The interim committee organised two mass meetings that were usually scheduled daily at the same time, at 7am at both the North and South branches throughout the course of the Impala Platinum 2012 strike. The changes in the way the mass meetings were conducted reflected how the organisation of the strike was improving. The following extract from the researcher field diary of the 18th of February 2012 captures events at one such typical mass meeting:

> I have attended many mass meetings both at the South and North branches during the strike. Today arrived at Number 6 hostels just after 7.am and workers were still gathering and awaiting to be addressed by the interim committee. I was told by some of the workers that usually mass meetings are held on the ground inside the hostels complex. However, because the strike was unprotected and not sanctioned by NUM (the recognised union), the workers had to converge outside the hostels perimeter fence, near the bus platform. To get access to the hostel complex everyone had to be searched unlike when there is no strike action. The gates were manned by Protea-Coin security guards. They were assisted by a Protea-Coin special riot team. Security around the hostel complex had to be reinforced apparently to protect those who wanted to report for duty. A new razor wire was erected to reinforce the perimeter fence and all the other unofficial entrances were barricaded. At NUM mass meetings workers usually put on conspicuous red 'strike regalia' which is tied to the revolutionary history of the union movement in South Africa. The absence of this here was conspicuous. The situation on the ground was so tense. Almost on a daily basis there were reports of workers assaulted on their way to or from work. The meeting was coordinated by the independent committee (five *madoda*s). The language of communication at this meeting was *fanakalo*. One of the committee members was roving through the crowd and shouting through a portable public address system. He praised the workers bravery but warned that those who were abandoning the struggle would be punished. Some

> workers were singing and shouting slogans awaiting the address by the committee. The meeting was then opened with a prayer. The first person to address started with a slogan: '*pansi nge* NUM [down with NUM].This was followed by a song in isiZulu: '*Ngizayi bulala kanjani le Impala ne NUM':* loosely translated 'how can I kill this Impala and NUM'. In this context Impala implied an antelope and the workers posed and danced to the song in a traditional hunting formation ready for the kill. Violence was implied in the performance. The workers were very clear that their enemy was not just the employer but also the NUM. The main speaker on this day was rather brief. He indicated that management was not conceding to their demands and asked the crowd for a way forward. The workers unanimously passed a decision approved through an ovation to continue with the strike. But in such a context it was apparent there is no room for dissent. At the end, the interim committee gave messages of solidarity before dismissing the workers for the day. At the end, the mass meetings turned into a ritual of songs and dances to maintain and rejuvenate worker solidarity.

New songs in a strike from the South African experience often signal new struggles. The poor attendance of women at mass meetings during the strike action was conspicuous. This was interpreted as lack of support for the collective action by women. A worker explained:

> It's easy to see who is not on our side. At the mass meeting we will see who is coming and who is not. If we see you not coming we will put a small note under your door written 'tomorrow we want to see you at the mass meeting or else....' If we don't see you the next day we will know that you are a scab and we will deal with you.[121]

The above excerpts highlight the concurrent use of persuasion and force in the mobilisation of workers. In addition, the dissenters who were often victims of intra-worker violence were also identified at the mass meetings and the form of punishment also mooted.

Dress code constitutes a fundamental element of distinction (Gramsci, 1960). Chapter 5 highlighted that some of the workers dressed in ANC and SACP regalia which during the apartheid regime were banned. The workers identified with the struggle against the apartheid regime. One way of showing this was through the wearing of union and political party regalia. For the unions affiliated to COSATU, the red regalia symbolise the workers' undying fighting spirit. In this strike, the workers initially did not identify themselves through any colour or dress code. This was a sign of defiance and rejection of the NUM. This also affirmed their

[121] Interview, 14 May 2012, Rustenburg

independence from any trade union at the onset of the strike action. However, as AMCU gained a foothold, its green regalia started emerging and subsequently became the new form of identity.

NUM and failure to manufacture consent

The 2012 Impala Platinum strike exposed the crisis of the NUM in the platinum belt. At the time the NUM was the biggest trade union in the country. The unpopularity of the NUM was encapsulated in the following message on a placard raised by a worker at a mass meeting during the strike:

> We are victims of the NUM. Rustenburg mines are striking because of the NUM. They look for their own bargain. Selling people for position is their habit. NUM must be buried alive. Be for court. It is painful for us .Two have already gone. Government must see what to do with both parties. [122]

A worker interviewed during this strike claimed that the NUM 'worked for and was always on management side.'[123] Additionally, the alienation of the NUM from the shop emerged as one of the reasons for its rejection. A worker explained:

> The problem with the NUM is that we are being represented by people in very high grades who earn very high salaries and were awarded high salary increases. At my shaft one of the NUM committee members is a safety coordinator and the other one is in rock engineering. They are in good jobs and get a lot of money. They have just bought new cars.[124]

The allegations against the NUM bordered on an intersection of growing social distance from its membership, poor service delivery, rampant corruption and collusion with management. Yet the Impala Platinum management was from the beginning of the strike, confident that the NUM still had legitimacy and capacity to take charge and control the situation. It later became apparent that the NUM was in a paralysis which undermined its capacity to take charge. For example, it became clear that the NUM representatives were not in a position to confront and address the workers. The workers turned hostile against the NUM. For example, NUM shop stewards were physically attacked at a report back meeting at Number 6 hostel during the strike. This incident

[122] Mass meeting placard 12 February 2012.

[123] Interview 12 February 2012.

[124] Interview, 21 February, Ratanang Number 6 Hostel.

was witnessed by the researcher. The workers wanted to be addressed only by the interim committee. At this point the committee was the only structure which had legitimacy and control of the shop floor.

Management soon realised that things were no longer the same. It became apparent that NUM had lost currency. It was clear that it was not in control of what was happening. Nevertheless, management made several attempts to engage with the NUM in an effort to resolve the issue. The move by management was clearly an attempt to bring back and or keep the NUM in the game. The workers on the other hand were hostile and ensured this would not happen. Whilst management was making attempts to keep NUM in the game, on the ground it faced unprecedented rejection. A number of NUM shop stewards were assaulted whilst attempting to take charge of the situation. The entire NUM structure at Impala Platinum was demobilised and shunted into a paralysis. Many of the NUM shop stewards went underground as they faced threats to their lives. A number of NUM shop stewards and the former shop stewards defected and rallied behind the interim committee. Some of them were elected into the leadership positions of the interim committees. The workers position against the NUM was unequivocal.

The attempts by the NUM to take charge of the situation at the point of action failed dismally. The violent threats made it impossible for the NUM to organise meetings at work places. In an attempt designed to (re)connect with the workers, the NUM distributed fliers with messages of appeal to the workers to return to work and allow the union to resolve the dispute. It was however, mysterious how the fliers were distributed as the context at the time was just too volatile and hostile for the NUM. A worker explained with spite:

> There is no more NUM here. They must be all in hiding. I heard the chairperson is hiding at his rural homestead in Eastern Cape. May be they dropped these fliers from the air. We have seen helicopters hovering in the air .Perhaps NUM used them to drop the fliers because no one from NUM can come and address a meeting here. They all know this.[125]

Ultimately, the rejection of the NUM represented that of the institutionalised industrial relations. The NUM was no longer in a position to deliver what the workers expected and hence had to be forced out. Management on the other hand from the onset wanted to defend the position of the

[125] Interview, 18 February 2012 at Number 6 hostel, Rustenburg.

NUM as it had been in the past when the trade union had been effective in manufacturing consent amongst the workers. The rejection of the existing rules and procedures including the instrument of institutionalisation of the union reconfigured the industrial relations at Impala Platinum.

NUM and violence against institutionalisation

Impala Platinum had the NUM's biggest branch at the time this strike started (See Chapter 4). By 2000 the NUM had already affirmed its hegemony at Impala Platinum and beyond in the platinum belt. The NUM had fulltime shop stewards and a total of about 110 fulltime union officials paid by the employer. The employer provided services to the union in line with the recognition agreement. This includes the provision of office space and equipment. The NUM evolved into a formidable and sophisticated actor in the labour relations. It played a significant role in the recruitment and the allocation of company accommodation. It elected hostel coordinators who took over the role of *indunas* in the allocation of hostel accommodation (see Chapter 4).

The NUM faced various forms of rejection and violence during the strike. For example, three shop stewards were brutally assaulted at a mass meeting whilst giving feedback to the workers and were hospitalised. They were accused of attempting to 'hijack a revolution'. This was after one of the workers at the meeting interjected in *fanakalo* as one of the shop stewards was giving feedback in Tswana and Xhosa:

> Who gave you the mandate to negotiate the R 9000 without sanction from our committee? Comrades I think the best is to kill these guys so that management will know that we don't need the NUM. The NUM has failed us and it must go. *Thina hayikhona funa lomuntu we NUM. Hayikhona! Thina funa lo sikhethile. Thina bulala loyinja. Hayikhona funa yena* [We do not want this NUM person here…not at all! We want the ones we selected (committee*).*We will kill this dog... we don't want it here][126].

The code switching to *fanakalo* in this case symbolised a rebellion and reclamation of power by the ordinary shop floor workers. *Fanakalo* was used in this strike as a language of disruption and or insurgency. The rejection of the NUM at this meeting was unequivocal. Before this mass

[126] Interview 13 March 2012 Number 6 hostel with a worker who lead the attack of NUM leaders at a mass meeting.

meeting, the NUM notices for feedback meetings had been violently ripped off all notice boards and replaced by those issued by the interim committee for the same business. The notices from the committees unlike from the NUM had no logo and were simply hand written on plain paper. Whilst the NUM faced rejection it was clear that the majority of the workers embraced the committee and viewed this as charting into a new direction. The interim committee conducted a similar feedback meeting at the same venue two days later after the attack of the NUM officials and this was well attended with no incident of violence.

After the strike, all the NUM offices at Impala Platinum were violently shut down by the workers. Many of the NUM representatives disappeared and went underground. The threat of violence against union representatives was real. A worker explained:

> Manenze[127] cannot be seen here. He knows we are after his blood. They say he is hiding in his rural homestead in the Eastern Cape. If we know where he is, we will hunt him alive[128].

The new committees closed the offices in military style and handed the keys to management. They alleged that the NUM no longer had any membership at Impala Platinum. The NUM representatives at Number 8 shaft attempted to resist the eviction. They re-opened their office the following day after the forced closures. They were attacked by a group of workers commandeered by the committee and one of the NUM OHS representatives was shot and hospitalised.

Whilst the ordinary NUM officials faced violence on the shop floor, the Chief Executive Officer of Impala Platinum had addressed the workers a few days before the strike under heavy police guard. His podium was barricaded to prevent attack. The NUM national executive and COSATU general secretary who addressed the workers during the strike also had similar security and police escort. This form of violence symbolised the rejection of the NUM and was an attack on institutionalised industrial relations. The workers aimed at destroying the NUM order. The violence paralysed the NUM shop floor structures. Impala Platinum apparently attempted to protect the hegemony of NUM from start of the strike. One of the managers explained the justification:

[127] Manenze was one of the NUM branch officials at the South branch.

[128] Interview with a worker 18 February at number 6 hostel.

> It's easy for us to have one big union. It makes the labour relations easy. We only have to negotiate and agree with one union. Having two or three unions complicates the matter. It makes it difficult to come up with consensus. Some may demand 5 percent and the other 10 percent. However, workers challenged this position. This forced Impala to open up its doors to union competition[129].

This is in line with the thesis by Wright (2000) who argues that there is a point when increase in working class power potentially benefits the interests of the capitalist. In this case, Impala Platinum was protecting its own interest by defending the NUM. The challenges faced by the NUM were indeed not surprising as they are typical problems that any trade union encounters as it matures. Buhlungu (2010) draws from this perspective and identifies challenges faced by trade unions post- democratic transition in South Africa as a paradox of victory.

A number of studies have identified many of the problems faced by NUM. Several longitudinal studies commissioned by the NUM and conducted by the Society, Work and Development Institute (SWOP) at the University of the Witwatersrand identified many of the problems highlighted by the workers interviewed during the 2012 strike wave[130]. This includes the problems of union social distance and poor service delivery. Research at the time was able in time to identify the challenges and short comings of the NUM. However, its dramatic demise in the platinum belt was never envisaged. These studies were spot on in identifying the challenges the NUM was facing at the time but remained optimistic on the persistence of its hegemony (see Bezuidenhout et al., 2005; 2010).

Forging collective solidarity

Although the action by the RDOs had halted production at almost all the shafts, they were conscious of the limitations of their action without the support of the other workers. They were conscious of the importance of worker collective solidarity. They thus adopted divergent means to attain this. After a meeting at the hostels, a group RDOs on strike decided impromptu to block buses at the hostel pick up point and barred the picking up of workers to and from work. They attacked the buses with stone missiles and anyone who defied their orders to join the strike. They cautioned other workers not to report for duty and threatened violence. In the end they managed

[129] Interview, 11 May 2012, Rustenburg.

[130] Bezeuidenhout et al., 2005; 2010 SWOP Reports on state of servicing in the National Union of Mineworkers Union.

to bring the majority to their side notwithstanding the violence. A worker who was initially not on strike explained:

> We continued going to work after the RDOs embarked on a strike but they later indicated in no uncertain terms that anyone going to work would be an enemy...would be declaring war against them. So we had no choice but to join the strike.[131]

The RDOs simultaneously used coercion and persuasion to draw the support of the other workers. They politically appealed to the other workers to join the strike but at the same time this was backed by threats and violence. For some workers, being part of the strike was not a result of coercion but persuasion and self-conviction. A worker persuaded to join the strike explained:

> They would come to the bus platforms and make pleas to the other workers... 'One vision one team with pride'. So we had no choice but to support them because they convinced us through the slogan: 'an injury to one is an injury to all' [132]

The slogan is drawn from the company vision which underlines the importance of team work and the trade union slogan which emphasises collective solidarity. The RDOs thus adopted and appropriated management vision and trade union rhetoric and conjoined this to forge worker solidarity. The coercion to forge worker solidarity was both covert and overt. A worker explained:

> When they meet you.... they will tell you openly that anyone going to work is declaring a war. At times if they suspect that you are defying their call they would write a small note and push it under your door. This may be at the hostels, RDP or informal settlements. The note will have a message that 'we want you at the mass meeting tomorrow or you will know what will happen to you... or you go to heaven'.[133]

It is common practice for the workers in the mines to compare their remuneration and conditions of service. The RDOs had a high sense of relative deprivation (exploitation) and this was one of the factors which propelled the strike. A worker explained:

[131] Interview with Panel Operator, Gaborone, and 21 May 2012.

[132] Interview 11, 01 March 2012, Rustenburg.

[133] Interview 21, 21 May 2012 Rustenburg

> I am a winch operator and earn R 2 700 per month. RDOs get R3 100. But surely how can this be when other mines which are way smaller in operations and production output such as Lonmin, Murray and Roberts and BlueScope pay those at the same grade as me R 9000 a month. Why …why….why? Yet we all know that Impala is the second biggest producer of platinum in the world with over 45 years' experience. The bosses are getting all the money whilst we are living in abject in poverty.[134]

The majority of the workers ultimately joined the strike through either coercion or persuasion. This culminated in a worker struggle against management and the NUM for the improvement of conditions of service. The workers were challenging and rejecting the employer and union order based on the institutionalisation of industrial relations. Management initially attempted to resolve the issue by sticking to the industrial relations framework i.e. the standing rules and agreements. Hence when the RDOs presented their demands, the management referred them to the NUM. They argued that this was the only channel through which their grievances could be resolved. Management declined negotiating with the workers' committee from the onset as this would have undermined the hegemony of the NUM. Management argued in a communiqué to the workers:

> The manner in which these issues were raised was unacceptable... [as] there are structures and procedures within the organisation for raising these issues...any engagement outside NUM would be breach of recognition agreement.[135]

The management's position was to defend the institutionalised industrial relations framework. On the other hand the strategy by the workers was not just violence but a combination that included mass meetings and the expansion of the independent committees.

From insurgency to a new trade unionism- five *madoda*s to AMCU

AMCU was not involved at beginning of the strike action. It had not made any major foot prints in the main platinum mines except at Lonmin Platinum, Karee shaft in Marikana. The strike was thus organised by independent workers' committees representing an insurgent form of trade

[134] Interview 16: 18 February 2012, Rustenburg.

[135] Impala platinum management strike bulletin 19 February 2012.

unionism. AMCU came into the arena during the strike action. It capitalised on this as an opportunity for a breakthrough.

The management and the NUM were initially not keen to give space to the committee. However, the pressure from the ground forced them to embrace the committee. We have noted how the committee was initially accepted as an observer at the negotiating table. However, the NUM faced rejection on the shop floor. It was violently barred from addressing mass meetings and to give feedback. The committee and the NUM later exchanged roles on the negotiating table. The committee became the voice of the workers and the NUM assumed the role of an observer. This was explained by one of the committee members:

> We are prepared to talk to management through NUM. However, we had to use the NUM because of the law which only recognized it as the legitimate voice for the workers. But this shifted we made them the observer on the table and the committee assumed the negotiation role.[136]

Interviews with informants and participant observations indicated that AMCU only came into the picture during the strike after the mass dismissal of the RDOs:

> We don't belong to the NUM anymore. We now have an interim committee which is taking us to a new union. A new union is knocking on the door already…. It's on the horizon.[137]

The mass dismissal of the 3 000 RDOs represented a crisis and workers sought a number of remedies. This included using informal networks to consult *sangomas* and the use of *muti*. Mineworkers have a very strong homeboy social network across the platinum belt. Some of the RDOs at Impala Platinum were advised through their networks at Karee Platinum (Lonmin) 'to try a new union called AMCU to resolve their problems'. They heard about the good work of the union which was lauded above that of the NUM. The RDOs who were the main leaders of the committees thus consulted AMCU which offered to help on condition they became its members. As a result, AMCU organisers were spotted by the researcher at some of the mass meetings and events signing up workers during the strike. The NUM suspected that some of the workers at

[136] Interview 18: 21 February Number 8 Hostel

[137] Interview 27: 6 March 2012 Sibambanane Hostel Number 8.

Number 14 shaft where the strike action started had links with AMCU way before the strike. An NUM official recounted:

> AMCU came in during the strike but they were quick such that during the strike they were already the ones who were assisting in formulating strategies and advising workers and committees not to listen to management and NUM. We did not realise this initially but were just surprised by the level of arrogance and belligerence exhibited by our members[138].

Before the rise of AMCU, the NUM had evolved into a sophisticated industrial relations institution. Its engagement with management initially was in line with the industrial relations regime based on making compromises through collective bargaining. However, AMCU and the committee came in with a new militant and uncompromising discourse which appealed to the workers. At shaft number 7 for example, the independent committee which was alternatively referred to as the '*five madoda'* accused, one of the human resources officers of sexual harassment and demanded his expulsion. They further accused him of failure to have 'a succession and staff development plan'[139]. The matters went through an inquiry in line with the standing rules and disciplinary procedures. The Human Resources Officer was absolved and reinstated. However, the *five madoda* disregarded the findings of the inquiry and insisted that he must be either be transferred or dismissed. In the hearing, the *five madoda*s threatened and insisted: 'whether he did it or not he must leave or else you don't want him alive'. The *five madodas'* order was premised on disruption and rejection of the NUM institutionalisation order. This was also captured by one of the workers:

> The *five madodas* do not negotiate …*isebenzisa induku [they use violence]* at all the times. They refuse to be bound by the CBA. They will say it was done by the NUM and they don't have anything to do with it…they will make their own CBAs when the time is ripe[140]…

In another incident a worker narrated how the *five madodas* were offended by a late mine lift (*khetshi* in *fanakalo*) at the end of the shift:

[138] Interview 35: 26 May 2012, Johannesburg.

[139] Interview 37 at shaft 7 Rustenburg.

[140] ibid

> The *khetshi* came late and the *five madodas* were upset …when it got there they wanted to assault the *khetshi* driver. The *five madoda* are violent …they believe in the use of violence in everything. They fix problems through violence[141].

Worker insurgency displaced the institutionalisation of industrial relations with the *five madoda* order which thrived on the instrumental use of violence. The order of institutionalisation of industrial relations was disturbed.

As noted earlier, the post- apartheid industrial relations regime is based on industrial democracy and institutionalisation of industrial relations. There are incentives tied to working within the institutionalised industrial relations system. For example, it is only a trade union that may organise a protected job action. As a result, the workers at Impala Platinum were forced towards a re-institutionalisation of industrial relations after the demise of the NUM. This shift started with some incipient process of new institutions in the form of AMCU. However, AMCU was ambiguous as it was still driven by insurgent suspicion of institutionalisation procedures and processes.

Genres of violence

The strike was more than just a demand for a wage increase but also the rejection of institutionalised industrial relations and the NUM. This was displaced by the *five madoda* order characterised by various forms of violence. We can draw a number of themes from these genres of violence. For example the crisis of worker collective solidarity; the intersection of violence; strike violence as a means of forging collective solidarity and the use of violence to enforce and reject an established order. These are explored in the following section. It is important to note that the high level of violence was also matched by a high level of worker organisation and solidarity. However, this started outside the institutionalised industrial relations regime. In addition, the use of informal networks and contemporary technology to organize dissent was very critical.

[141] Interview 28 February 2012

Intra-worker violence

On the 16th of February 2012 a worker at Number 4 shaft North branch was attacked on his way to work by a gang of strikers. He was stripped naked and assaulted and left for the dead. He later died in an ambulance on the way to hospital. Later on the same day the strikers went on the rampage and clashed with police. They wanted to shut down two of the shafts adjacent to Simunye hostels (Number 8 hostels) to stop strike breakers from getting access to the workplace. Several workers and police officers were injured in the clashes and some were hospitalised. Violence escalated after the morning routine mass meeting. Many of the workers defied the call to return to work and organised into groups that attacked anyone suspected to be defying the strike action. At the South branch for example, the police had to deal with as many as 5 000 workers who were threatening to close off shafts number 2 and 4. The strikers blocked all access roads to the area with boulders and set tyres alight on the tarmac. Ordinary life in some of the neighbourhoods adjacent to some of the shafts came to a standstill. All schools in the Freedom Park area which is near Simunye hostels were closed and some of the children joined the mass gathering of workers and public transport stopped servicing the area.

On the 24th of February 2012 a Zimbabwean migrant employed by a subcontractor at shaft number 5 was found dead on the tarmac a few meters from Simunye (Number 8 hostel) bus pick up point. He lived at Number 9 informal settlement where he rented a shack. He met his fate after leaving his shack early in the morning to catch a bus to work at Ratanang hostels pick up point. The first bus for the morning shift was at 3am. He was attacked as he approached the bus platform by a group of fellow workers who were hunting down scabs commonly referred to as *amagundwanes* which in *isiZulu* means rats but in strike lingua franca is a pejorative way of referring to scabs. He was stripped naked and assaulted before being hacked to death. His lifeless body was abandoned on the tarmac and picked up the following morning.

Many of the strike breakers were assaulted and some killed as punishment for defying the strike action. Many of the informants including some who were victims concurred that violence was the price strike breakers should be prepared to pay. According to management, the violent assaults of strike breakers were usually in the early morning, the time just before the first shift.

These assaults started in the first week of the strike after all the other workers joined the strike[142]. The first reported case of assault was that of a 62 year old Jairos who worked as a helper at number 2 shaft. This happened two days after the other workers had joined the strike. He was attacked on his bicycle by a gang of fellow workers in the early hours of the morning a few metres short of his work place. He described his assailants as young men who predominantly spoke Xhosa and Sotho.[143] Jairos was of Tswana ethnicity. He was attacked with sticks, axes and knobkerries, accused of betraying the strike action. He sustained severe injuries from the attack. He suffered a fractured skull and lost one of his eyes. Similar attacks of workers reporting for duty and cases of destruction of property escalated as the strike progressed. The public in all the neighbourhoods dominated by Impala Platinum workers was alerted of assailants targeting anyone suspected to be reporting for duty in the early hours of the morning or with the intention to.

Some of the victims of the violence that targeted strike breakers were interviewed during the field research. Most of them ironically supported the strike action although they have defected. Furthermore, they also highlighted disgruntlement with the NUM which they claimed had failed them. They surprisingly acknowledged that the assault on scabs was indeed justified (local moral orders). They argued however, that they defied the call for the strike because their 'hands were tied'. The strike was not protected hence many of them lamented that they could not stand losing their jobs. Most of the informants interviewed argued that the employer was in a position of power. This highlighted the contradiction between individual and collective interests.

Violence against strike breakers was common. We have noted that the strike breakers were referred to as *amagundwane* (rats*)* which is pejorative and tied to symbolism. They were presented as undesirable elements that had be stamped out. The other workers generally condoned the assault and killing of scabs. At least three workers suspected to be scabs lost their lives and over 50 were assaulted in this strike. Most of them were on their way to work. Informants interviewed argued that violence against strike breakers was designed to enforce and

[142] In the next major strike action over wages organised by AMCU which commenced on 23 January 2014, Impala platinum suspended the night shift possibly as a way to avoid similar violence.

[143] The strike was associated with Xhosa and Sotho from the onset. These are the two ethnic groups that constitute the majority of the RDOs who initiated the strike action.

respect the will of the majority. It was thus from this perspective, a legitimate remedy. This was captured by a committee member in a mass meeting address:

> Why would you want to go to work when the majority has resolved not to? Who are you out of everyone else… majority rule...so we use…we use violence to show others that it's wrong to go to work when the majority resolved not to…violence against scabs is the rule of the majority… majority is the rule![144].

This form of violence was not random but was selectively directed at specific targets to achieve specific goals. In a strike action, it is often difficult to identify the enemy. Initially it was not clear how the strike breakers were identified. A worker explained:

> The first shift starts at 1AM in the morning but at the moment we are all on strike. If you are found around that time walking with your PPE (personal protective equipment) that's enough proof that you are a *gundwane*[145].

Another worker shared a similar perspective:

> It's very easy to distinguish a person who is a *gundwane* from someone who is not. First if we see you with a complete safety clothes especially with *makaraba* (safety hat) the chances are very high that you are a *gundwane* and must be given *ratex*[146].

In analysing strike violence aimed at dissenters, it is important to review the objectives of such forms of violence. A worker explained:

> We all know that anyone attempting to go to work during a strike will be committing suicide...will be risking getting killed. We all need the money and everyone must support the cause[147] .

The objective of the violence as highlighted above falls within accepted moral orders. A strike action usually has its own moral orders, for example the accepted way of dealing with

[144] Interview 60:08 June 2012, Rustenburg.

[145] Interview 29: February 2012 at Rustenburg.

[146] Interview 32:26 February 2012

[147]Interview 53: 14 May 2012, Rustenburg

transgressors. The different perspectives on how the strike breakers were identified highlights that this may have been an arbitrary process.

A strike action is characterised by contestation. The decision to strike is usually passed by a majority following a collective consultative process and a mass meeting. However, there may be opposition to the strike action because of a number of reasons. In any strike action, there is always a risk of some of the workers turning against the collective decision and acting as the instrument of their employer. This reflects a contradiction between the individual and collective interests amongst the workers and may be a result of fear of the unknown or fear of change. This in a way reflects a reversal of solidarity to betrayal (Guha, 1988). Most of the informants interviewed argued that strike breakers undermined workers' collective solidarity. Workers who betrayed the popular collective action were attacked by their fellows. The killing of strike breakers by fellow workers during the 2012 Impala Platinum strike as shown earlier, represented a 'brother sacrificing a brother' for the sack of solidarity (Guha,1999). Violence in this case was a means to correct the contradiction (Guha, 1988). It has been shown how the strike committee policed the strike and instrumentally used violence against those who defied popular decision to strike, usually passed at a mass meeting.

A number of informants maintained that some forms of violence were acceptable. For example, the killing of strike breakers was viewed as a legitimate punishment of collaborators. This highlights the polysemic nature of violence and its slipperiness. However, violence may not be the only sanction against the breach of solidarity. Guha (1983) identified a number of non-violent sanctions in his classic exploration of peasants' insurgency in India.

The attack of *amagundwane* is a manifestation of the crisis in worker collective solidarity. On one hand it was an attempt to forge worker solidarity and yet also reflected a crisis. The strike was organised by workers employed by Impala Platinum and the demands were directed at the principal employer. However, a lot of the work is now externalised (see Chapter 4). As a result, at least 30 percent of the workers at Impala Platinum are employed by third parties. The general trend is that whenever the workers of the principal employer embark on a strike action all operations will come to a standstill. This is in line with the trade union maxim 'an injury to one is an injury to all'. All the workers are expected to support the strike and there is no discrimination on the basis of the contract of employment.

Collective worker solidarity during this strike was not always reciprocal. Third party workers as was expected supported the strike action. Some were killed and others assaulted for breaking the strike. Yet the strike raised no issue concerning their predicament. Most of the third party workers are in a dire situation in terms of the working conditions. In addition, workers for the principal employer traditionally do not support strike actions by subcontracted workers. According to informants, a number of subcontracted workers have downed tools several times in the past and there has not been any form of solidarity from the workers of the principal employer. This highlights a crisis in solidarity and many raises questions. Solidarity is a source of strength that ties workers together as a collective (Fantasia, 1989). The relationship between third party employees and principal employees has been characterised by domination and covert antagonism. This can be overcome by building a community of interest and realisation that interests can be advanced collectively (Hyman, 2002). This raises the question of how intra-worker violence relates to the question of institutionalisation. What we see here is that when this order implodes, what remains is violence.

Violence by the state: Police shooting

The shooting of workers on strike by the police constitutes part of the strike violence repertoire. Drawing from the Weberian perspective, the state has monopoly over the use of legitimate violence within a territory. In the South African context however, this is often contested.

The 2012 strike at Impala Platinum was an unprotected strike. As a result, the workers had no right to gather and be protected by the police. Impala Platinum mining operations are adjoined by some local communities where many of its workers live. As a result, an unprotected strike raises the question of public order. As a result, the SAPS classify unprotected strikes as a public order issue. At both the North and South branch, workers were involved in running battles with the police. The police wanted to disperse the workers as they defined their gatherings as illegal. These clashes often resulted in various forms of violence.

On the 19th of February 2012 the SAPS confronted a group of about 150 workers armed with assorted traditional weapons prowling near the Number 6 hostel perimeter fence at about 3am. This is an open veldt divided by a footpath that connects Number 6 hostels to Luka suburb. It is

used by many of the workers to access Impala Platinum bus drop off and pick up point at the hostel. This group which included members of the strike committee was on the lookout hunting for strike breakers otherwise known as *amagundwane*. The police ordered them to retreat immediately. They refused and this caused a standoff. They ignored the police order to retreat and advanced towards the hostels. The police responded by opening fire. Nine of the workers in the group were injured – 3 seriously and one was killed on the spot. The injured and dead were picked from the veldt and ferried to Impala Platinum hospital. Police claimed they used excessive force and live ammunition in this case because the group was dangerously armed and was not cooperative. According to the police, this group refused to disarm even after several appeals. A police officer interviewed argued that the workers were armed and this compelled them to respond with live ammunition. According to this claim this was after several attempts to restrain them from advancing to the hostels.

The police further claimed that the workers had consulted a *sangoma* who had prescribed some *muti* which convinced them that they would be invincible. The claims by the police were refuted by informants who were part of this incident. A number of participants interviewed indicated that the group of workers shot by the police was not armed but had some traditional weapons. The shootings happened after the police Minister had issued a decree banning use of live and rubber bullets in crowd control. This followed serious injuries and deaths sustained by some victims from rubber bullets. Nevertheless, the South African police used rubber and live ammunition in this strike.

The intersection of violence(s)

The police pushed all the workers from Impala Platinum property and cordoned off all the work stations. Groups of workers attempted to break the police line and were repelled. As many as 5 000 workers were engaged in running battles with the police in the South branch. The police used tear smoke, water spray and fired warning shots. How should we understand the meaning of this form of violence in this context and how this relates to the institutionalisation of industrial relations? Arson has historically played an important role in initiating and extending subaltern struggles (Guha, 1988).

After failing to break through the police line, one of the groups of workers *toyi toyed* into Number 8 and 9 informal settlements and this culminated in the looting of foreign owned *spaza* shops[148]. The attacks were selective. They targeted shops operated by the Chinese, Bangladeshis, Somalis and Ethiopian migrants. Zimbabweans and Mozambicans who also operated similar shops in the same neighbourhood were not affected. In some of the attacks, cash was ransacked. One of the shop owners explained how this happened:

> It was a group of workers joined by the unemployed youth from this community. They came in the morning after their mass meeting. After they started this everyone from the community joined in. It was a free for all…. We had to run for dear life and watched them from a distance looting my shop. I know some of them …they are my customers …some are my friends. I don't know why but …I don't blame them they were hungry…they had been on strike for a month and did not get any money[149].

The *Matshonisa* shopping complex which housed a number of shops including a supermarket and a bottle store near Number 8 hostel bus pick up point was also looted in similar fashion and subsequently set alight. A total of 56 shops in the area were affected by this form of violence.

This is important in explaining variation in strike violence. First, the violence shifted from workplace to the community. This is an important contrast from other strikes in the past. Second, the selective nature of the violence on the basis of nationality and citizenship raises a number of questions. The people who attacked the *spaza* shops were from the local community and many of them known to the victims. These *spaza* shops were attached to the local economy and are very important to the local community. This raises questions of why this happened given the history of community characterised by worker-community solidarity. As suggested by some of the informants, the reason why this happened was because the Asians were perceived as not that well integrated into the local communities compared with the African migrants from for example, Mozambique and Zimbabwe who also operated similar businesses. Although the Asian business

[148] Spaza shop is an informal convenience shop in a township usually run from home residential premises: http://en.wikipedia.org/wiki/Spaza_shop

[149] Interview 39: 12 April, Rustenburg.

people constituted part of the community, they did not participate in some of the community activities and meetings.[150] One of the shop owners concurred:

> We are here for business but we try to be part of the community but we have so many differences …religion and culture…we don't easily mix …we don't marry their women for example. [151]

The attacking of foreigner's *spaza* shops reflects an intersection of insurgency and criminality. Part of the reason for this attack was economic. On the other hand this also represented a form of insurgency by the workers aimed at reconfiguring the industrial relations system. It was violence aimed at calling for the attention of the powers that be (about the state of things) (Von Holdt et al. 2010). Interactions with workers showed that the strike was not getting the media and national attention that the workers expected. This act was thus based on a mutuality of interests between criminals and worker insurgent citizenship. This further raises questions on the distinction between insurgency and criminality. In addition, this case study shows that violence may have multiple meanings. This highlights the ambiguous nature of strike violence.

The African migrants (Zimbabweans and Mozambicans) were spared because they were perceived to be fellows on the margin (the exploited). In addition, the African migrants become invisible because of similarities in language, culture, race and others. Some of the interviews suggested that this form of violence was also tied to race. Those attacked were identified as different partly on the basis of their skin colour. Boundaries were constructed on the basis of race to distinguish insiders and outsiders.

Arson as a weapon of strike

Chapter 5 and 6 explored arson as a weapon in strike actions and its underlying social factors and meanings. In the 2012 strike at Impala Platinum, arson was limited as a weapon of strike action. A number of arson cases though, were noted. It is significant to note that the target for this type of violence is often not random but very selective. The Number 8 and Number 9 police satellite post, a shopping complex owned by Impala Platinum but mainly leased to Chinese

[150] Interview with Lungisile Joy Number 8 Impala Platinum.

[151] Interview 39: 12 April, Rustenburg).

businesses and several other stalls of informal traders at the bus terminus at Number 8 hostel were some of the main targets of arson during the 2012 Impala Platinum strike.

Strike actions usually became a matter of public interest given the number of people involved. The number of workers in this strike posed a threat of violence and disturbance of public order in the adjoining communities. Over 500 police officers were involved in maintaining public order during the 2012 Impala Platinum strike. Interviewees highlighted that although there was a satellite police post in Number 9 informal settlement, crime in the area had remained high and prevalent. A murder or mysterious death is reported every week in this neighbourhood of less than one square kilometre in area. The satellite police station was isolated with no proper lighting. As a result, it was not fully operational as the policemen felt insecure.

We have noted that, mass meetings and picket lines constitute part of the critical means of worker mobilisation and consensus building that can make or break a strike action. They constitute an overt means of showing collective power and solidarity by ordinary workers. At the South branch, the police had barricaded all access to the employer's premises and pushed the workers into Freedom Park and Number 8 and 9 informal settlements. The police used brutal force in an attempt to crush the strike action. A worker explained:

> The satellite police post was not just for maintaining order…. It became a centre of repression during the strike…. They assaulted anyone found near the shafts and other work stations. It was more like forcing us to report for duty. We left the mine premises but the police followed us even in the informal settlements and kept on attacking us with rubber bullets, water and tear smoke. They were attacking us like in the apartheid style….. it is like they were saying '*hambani emgodini'* [go down and work]…. and we had no choice but to fight back.[152]

This frustrated the workers on strike and a group resolved to attack the police satellite station. As one of them said, 'It was started by a few people … they started throwing stones and finally someone threw petrol bombs and set it alight'. Respondents gave a number of reasons why the police satellite station was attacked:

> This police post never really served us as a community … we never had security at all …this place has no lights at night such that it was not safe

[152] Interview 31: 24 March 2012, Rustenburg.

> to move at night. The policemen were hardly there. It was always locked. They just came in like tourists. When crime is committed people here don't call the police… we do without them. This is an informal settlement…. It was not a police post; it was just a place holder like a zero… the question we asked was why they put it here when those in Freedom park a formal settlement did not have.[153]

This form of violence brings to the fore the intersection of the workers' problems at the work place and in the community. This also represents a protest and condemnation to the failure to provide quality service by the police. The satellite police station was thus targeted as it represented state authority and an order that was being challenged by this form of insurgency. This strike rejected the institutionalisation of industrial relations and the erstwhile dominant union, the NUM. This established the rules of engagement within the industrial relations. The collapse of this system was replaced by various forms of violence asserting different forms of orders.

Politics of language and solidarity

The empirical evidence from this study suggests that the relationship between violence and solidarity is ambivalent. The prevalence of violence amongst the worker may suggest lack of worker solidarity. However, violence was used by the ordinary workers as a means to forge collective solidarity. This section explores the question of solidarity and the language that was used in this strike and the underlying meanings. The argument presented here is that language played a critical and ambivalent role in the violence that characterised the strike. It was important in both the forging and erosion of worker solidarity and this informed the trajectory of the strike action.

The main local language in Rustenburg and most parts of the platinum belt is Setswana. However, the dominant languages amongst the migrant workers are Sesotho, isiXhosa and Shangaan. This is tied to the history of the mining industry in South Africa (see Chapter 4). Mine workers are traditionally from the respective ethnic groups. The workforce in South African mines has traditionally been an amalgam of different ethnic groups from diverse parts of the country and the sub-continent. They speak different languages. A pidgin language – *fanakalo*, a mixture of Xhosa, Zulu, and English developed in the mines as a means to facilitate

[153] Interview 39: 12 April ,Rustenburg.

communication across various ethnic groups and languages. Over the year's *fanakalo* developed into the mining *lingua franca*. It became not just a means to communicate with the white bosses. It was used at work, training and at hostels. It thus became the common language amongst the workers from the different ethnic groups.

We observed through participant observation that at mass meetings and other gatherings, the NUM and AMCU used quite distinct languages and sometimes surprisingly to the same groups of workers. NUM meetings were usually conducted in Setswana or isiXhosa with interpretation in English whilst the interim committees exclusively used *fanakalo*. This raised a number of questions. Understanding the variation in the use of language in this context is important as language was used to mediate the violence which characterised this strike action.

After the attainment of democracy, the NUM which was the majority union in the mining sector, resolved with the ANC, to eradicate *fanakalo* as it was perceived to be part of the 'legacy of apartheid'. They led a campaign for the language to be ultimately eliminated from the mining sector. The NUM argued that *fanakalo* 'should be banned because it was crafted by white mining managers who hated African languages' (NUM, 2012). It further argued that *fanakalo* worked against the career development of black workers. The NUM proposed that migrants from other parts of the country or continent must make efforts to learn the local languages as a means to integrate into the local society. As a result, mining companies are making attempts to teach all workers English. One of the NUM officials explained:

> *Fanakalo* is not a language... it is a command language that is not explicit as a language and thus cannot be promoted. It's just a command for work...like *faka lapa beka lapa*... that's all. For us blacks it symbolizes inferiority. It makes us inferior beings. If you speak *fanakalo* you are perceived to be uneducated. It is a language of the uneducated[154].

Another NUM branch shop steward affirmed this perspective:

> We have 11 official languages in South Africa. We don't need *fanakalo*. We all understand each other's languages. If you speak Sotho then you can understand all the other Sotho[155] languages: Tswana, Pedi. The same

[154] Interview 51

[155] Most of the indigenous South African languages are divided into two broad categories: Sotho and Nguni. The languages in each of these groups are mutually intelligible.

> if you can speak any of the Nguni languages then it means you will be able to understand Zulu, Xhosa and others in this group[156].

However, despite the massive campaign by the mining companies and the NUM, *fanakalo* remained a resilient and a popular language in mining. A worker who disagreed with the NUM and its partners on language explained:

> The aim of NUM is to do away with *fanakalo* and make everyone learn English or Setswana. This is not possible. Many of the workers do not speak these languages. They still prefer *fanakalo*. They use it because it is a common language that brings us all together irrespective of your ethnicity[157].

Independent committees which were later co-opted into the ranks of AMCU had a different perspective on *fanakalo* as a language. A worker explained:

> During the strike the committee used *fanakalo* to build unity and solidarity amongst the workers. We are a diverse group and many of us are illiterate. *Fanakalo* to us means togetherness and common understanding. It is the communication of the hard work... language of the hard worker[158].

This experience shows how language can be used to achieve different ends consciously and otherwise. For the interim committee, language became a means of building worker solidarity. Another worker explained the significance of *fanakalo*:

> The committee used *fanakalo* because they are in touch with what's happening on the ground. They are not like the NUM. They are in touch with the reality. They know what is happening. The committee is made of people who are coming from within our ranks... they are part of those doing the hard work. They know what is happening... they know what the workers want[159].

Language can be a very important tool that can either unite or divide people and may also mediate violence. The NUM strategy was a top to bottom approach apparently designed to enhance the assimilation of the ethnic minorities and improve social cohesion. However,

[156] Interview 45.

[157] Interview 38: 15 May 2012, Rustenburg.

[158] Interview 40.

[159] Interview 49.

informants highlighted that this was not feasible. This was partly because some of the minority felt marginalised and collaborated with the NUM as a coping strategy. On the other hand, the interim committee and AMCU used a bottom up approach and appropriated *fanakalo* to forge worker solidarity on the shop floor.

For most black Africans in the mines, English is not a first language. It is usually the educated amongst the blacks who can speak English. In mining, for example, the majority of the non-managerial workers are illiterate. At Impala Platinum for example, 60 percent of the workers are illiterate (Benchmarks, 2012). In this case there is a relationship between the language used and the social hierarchy. English language is thus perceived by the ordinary workers as a language of the elite. It represents elite culture and at the workplace, authority and power. The NUM which used English and Setswana and isiXhosa had better educated union representatives. On the other hand most AMCU representatives were illiterate and hardly spoke English[160]. However, this generally reflected the profile of the ordinary workers. An informant commented on the attitude of AMCU's *five madoda* representatives on language:

> These guys hate anyone who speaks English, they don't like it. They say it is the language of sell-outs. They always say English is the language of the mutton eaters – *mavila ngidla*. They see all the educated as part of the elite[161].

Language is not only in words but also symbols. A number of symbols used in the strike are important in understanding the various responses. A number of workers at some of the mass meetings had knobkerries or represented this by sticks and umbrellas. A knobkerrie for Sotho and Xhosa men is tied to some cultural meanings within their belief system. It symbolizes the initiation into manhood. A strike action represents contestation and the knobkerrie symbolises resistance and insurgency. One of the workers commended: 'This is a strike and it's a war ….no man will go to war without a weapon… you have to be armed.' The slogans and songs at the mass meetings also reflected the nature and targets of the violence. Songs and slogans which conveyed messages that condoned violence were popular at some of the mass meetings. For example, one of the songs had a rhythm with the following phrases: *'Phansi nge* NUM: Down

[160] Interview with Malola

[161] In these context mutton eaters refers to the elite.

with the NUM', *'Ngizoyibulala kanjani i*NUM? [How can I kill the NUM?]' These songs and slogans helped frame who the enemy was and forged worker solidarity.

Drawing from Bourdieu (1990), the experiences highlighted above illustrated that language is not just a means of communication but an instrument of power. Language used in a given context in a way highlights the respective position of the participants in social space (Bourdieu, 1990). In this case, English represented the language of institutionalisation of industrial relations (order) and *fanakalo* a language of de-institutionalisation (dis-order) and disruption.

Muti, sangoma[162], violence and the strike

The violence that was associated with this strike was closely tied to the use of *muti* and *sangomas*. The NUM general secretary commented on this subject:

> One of the tools which are used strongly is *muti*…. One of the myths is that if you don't toe the line, especially if you are a man, if you defy them you might have bedroom problems at home. We are taking it seriously as part of the tactics of this union as our members are telling us about the use of *sangomas* and *muti*[163]).

Whilst for many researchers it is easy to dismiss and or ignore *sangomas* and *muti* this was taken seriously in this study to understand the role this play in strike violence. In the process of collecting data, the researcher came face to face with the significance of *sangomas* and *muti*. First was an encounter with a *sangoma* during the 2012 Impala Platinum strike. This is captured in the following excerpt from the field notes:

> Today I have interviewed the interim committee at shaft number 6 hostels. The day has been very difficult as my key contact at number 6 was not on duty. I nevertheless made attempts to interview some of the workers and committee members at the North branch. One of the leaders of the interim from another shaft was suspicious about my inquiry. He was not convinced that I was a research student. As a result he became hostile and threatened me with assault and alleged that I was an NUM

[162] A word used to describe different types of traditional healers in Southern Africa, including diviner, herbalist. Sangomas perform various forms of traditional healing and draw on ancestors and give direction and protection to the living.

[163] Comment on the 2012-13 strike waves by Frans Baleni NUM Secretary General :http://www.reuters.com/article/2012/06/15/safrica-witchcraft-idUSL5E8HF5T220120615

> spy. As other members of the committee joined in the interrogation an elderly man with a briefcase entered the office. Clearly with authority he ordered I should not be harmed and declared that I was harmless. They all surprisingly complied. After a moment, the old man was gone. I was later told by one of the committee members who were more close to me that the old man was their *sangoma* who supported the workers in the strike. He protected the workers from losing their jobs and from the violence by the police and the company. Above all nobody can dispute or go against his advice[164].

Another encounter between the researcher and the *sangoma* was at a North branch mass meeting. The researcher witnessed the workers' committee being intercepted by the sangoma's assistant sprinkling *muti* in the face of the committee leaders as they entered a stadium packed with about 10 000 workers (see picture Figure 1). He was the one amongst the group with details on the use of *muti* as prescribed by the *sangoma*. The committee leadership consulted a *sangoma* to assist them during the strike. Two days after this mass meeting, the sangoma's assistant was murdered in his shack at Number 8 informal settlement in the early hours of the morning by unknown assailants. The killers had used a white VW polo that was suspected in other similar murders (Field diary, 18 February 2012). It is thus almost impossible to have an in-depth understanding of the strike action and violence without giving attention to the role of *muti and sangomas*. Yet many studies often represent *sangoma* and *muti* as primitive, satanic and irrational and often ignore them in their analysis. We have noted how the police used this as justification for the shooting of workers on the 19th of February 2012 that killed at least one worker.

Participants interviewed highlighted that it was the RDOs who had summoned a *sangoma* from Eastern Cape following their first mass dismissal. The mass dismissal by Impala Platinum marked a crisis which had to be explained. The *sangoma* played a significant role which influenced the trajectory of the strike. He was important in building the workers' confidence and hope. He highlighted to the workers that the struggle they faced was formidable but surmountable. He prescribed some *muti* for protection and how the struggle should proceed. He assured them after the mass dismissal that they would be reinstated unconditionally, provided they followed his prescription. In addition, some informants claimed that AMCU was only accepted by the workers after approval by the *sangoma*. The *sangoma* had recommended that 'it

[164] Field diary, 22 February 2012.

was a good union and that they must be aligned to it in their struggle'.[165] In many modern African societies the use of *muti* and s*angomas* is often portrayed as something that is undesirable, barbaric and uncivilized. Yet the workers at Impala Platinum resorted to *muti* and a *sangoma* in the face of a crisis. Interaction with the *sangoma* and workers revealed the significance of the *sangomas* and *muti* in the lives of mine workers.

The use of *muti* and a *sangoma* in mobilising collective resistance in the African context is not a new phenomenon. Issacman cited in Guha (1983) highlights the crucial role of spirit mediums in the tradition of peasant resistance in Mozambique. In Zimbabwe, the spirit mediums played a critical role in mobilizing resistance against colonialism (Chung, 2006). The *sangoma* and *muti* played a similar role in this and many other strikes.

As part of the compromise with the union, the employer agreed to unconditionally reinstate all the dismissed RDOs. This was a desperate attempt to stop the strike. This may have been coincidental, but for the workers this validated the prediction that had been made by the *sangoma* earlier. This shows how the miracles, *muti* and prophecies made by the *sangoma* and spirit mediums were crucial in influencing and sustaining the struggle and resistance. Guha (1983) argues that this is based on the belief that our destiny is not a product of our action but is controlled by external forces beyond our control.

What is the significance of *sangoma* and *muti* to the institutionalisation of industrial relations and strike violence? The use of *muti* and *sangoma* in this strike played a significant role in worker mobilisation and resistance and was a means of forging worker solidarity. *Muti* and *sangoma* both of which constitute part of the African belief system strengthened the unity of the workers and promoted social solidarity. We have shown how this was significant in shaping the strike trajectory. The use of *sangoma* and *muti* strengthened the workers resolve by giving them assurance and hope that they would come out victorious. This partly accounts for the workers' aggression and high level of militancy.

[165] Interview 27 April 2012.



Figure 2*: Mass meeting at Impala Platinum South Branch on 22 of February 2012. This picture taken during the field research shows the assistant sangoma spraying water from a bottle that was concealed in a jacket ahead of the arrival of the workers' committee which was scheduled to address the meeting of about 10 000 workers at Number 8 hostel stadium. Source: Crispen Chinguno.*

Ethno- national identity question

Chapter 5 and 6 have discussed the role of ethnicity and its manifestation in strike violence. The two Chapters have shown how in a context characterised by violence, ethnicity was used as a means to identify friends and foes i.e. insiders and outsiders. This intersection of ethnic and class (grade) identities was critical in the initial mobilisation of RDOs during the 2012 Impala Platinum strike. The strike action was initiated by the RDOs who are predominantly of Xhosa ethnic identity. Some of the RDOs managed to identify a new union, AMCU, through their informal home boy networks at Lonmin Platinum, Karee section. AMCU was partially recognised at Lonmin Platinum Karee section. According to some of the informants, the RDOs

got wind of the new union through informal networks following the mass dismissal. Some of the workers at Impala Platinum often visited their homeboys at Lonmin Platinum, Karee section especially during weekends and off days. Some of them got the news about 'this good union called AMCU[166]'. The majority of the RDOs are originally from the Eastern Cape and as noted earlier are of Xhosa ethnicity. As a result, when they resolved to embark on a strike action they initially attempted to appropriate ethnic identity to their collective action. This was also how the locals (Tswanas) perceived this. A local worker explained commented, 'It's a Xhosa thing, they are the ones who are used to fighting'. The independent committees which were set up by the workers outside the union were mostly characterised by Xhosa leadership. As a result, when these committees were incorporated into AMCU there were attempts to appropriate the leadership and associate it with a Xhosa ethnic identity.

Most of the strikes before the attainment of democracy divided workers along ethnic lines. Ethnic solidarity prevailed over class solidarity (see Chapter 5). However, in this strike, attempts to appropriate the strike action to ethnic identity collapsed and other divisions took precedence. As a result ethnicity was relatively insignificant compared to the strikes before the democratic transition.

Gender, mining, industrial conflict, and violence

The mining space is gendered. There were attempts to ascribe strike breakers to gender. The men interviewed often accused women of not supporting the strike. Women were accused of breaking the strike. At one of the mass meetings, men lamented that the majority of women were reporting for duty and were not attending the mass meetings. One of them attempted to rationalise why the women were not participating:

[166] Interview 27 : 11 February 2012,Rustenburg

> Women don't know the mine culture. The mine is not for them. Whoever brought them here…. They don't know what it means when we say let's stop work because they are in really sense never part of the workers anyway. A strike has laws but women will always want to violate these laws. That's why they were stripped naked… It's a way of showing them how we do it here.[167]

This captures the gendered nature and stereotypes of the mining space and how it alienates women. The introduction of women is one of the major changes in mining post the democratic transition. In the past, women were barred from working underground through legislation (see Benya, 2009; Benya, 2013). This transformation is ongoing and has not been smooth. It is resisted and far from over. A woman mine worker lamented:

> The men and the company all do not like us to be here if given a choice. We are only here because the government passed a law that forces all mining houses to recruit women[168].

The attainment of democracy opened up inroads for women to work underground. The government has set a 15 percent women's quota and closely monitors progress. The first women were recruited in 2004. The 15 percent quota is still far from being realised in most mining houses. The mining sector undoubtedly remains a male dominated environment. Impala Platinum employed just over 500 women in 2012. Most of the women employed underground perform auxiliary functions such as cleaning and other general work. The typical hard core underground work is 'reserved' for men. The gendered nature of work in mining is deeply entrenched and at times re-enforced by the women. A woman mine worker reflected some of the stereotypes:

> I don't think we are the same as men. There are certainly certain things that we can do as women but there are others that we are limited because of our bodies.[169]

[167] Interview 26 : 13 May 2012, Rustenburg

[168] Interview 22: 05 May 2015 Rustenburg

[169] (Interview woman miner, 14 March 2012, Rustenburg)

Women in this strike as articulated by some of the informants had limited encounters with violence whether as perpetrators or victims. This raises a number of questions. A number of informants suggested that women were absent because many of them supported the NUM and the status quo. This was partly because the past NUM-organised mass meetings attracted more women compared to committee and AMCU meetings. A worker explained:

> Women are not joining the strike. The majority are reporting for duty at the shafts. They like NUM because they do not want to challenge the status quo. It brought them here.[170]

Another worker argued:

> Women do not do anything at all. We do the work for them. They can't afford to strike because they get preferential treatment from the union and management. They treat them like special eggs to meet up the numbers. And who would expect women to rebel when getting such a treatment? [171]

The above perspectives raise questions on how we should explain the limited activity of women in the strikes. First, the strike was initiated by RDOs; it was perceived to be an RDO insurgency from the onset. There are no female RDOs at Impala Platinum and this meant that women were excluded from the onset. However, as the strike progressed and embraced other workers, women became part of the strike action. A woman was injured by a police stray bullet at a mass meeting at the North branch and was hospitalised. This was the only reported incident in which a woman was injured during the Impala Platinum 2012 strike, in addition to a woman police officer who was also injured in the same strike. Moreover, all the mass meetings were conducted at the hostels which for the women are not part of their habitus. The hostels are not that convenient for most women as none of them live there.

[170] Interview worker 27 February 2012 at Rustenburg.

[171] (Interview, 23 February 2012 at Rustenburg).

Rumours and industrial conflict

This strike was characterised by gossip. This influenced the way events unfolded and the general trajectory of the strike action. Rumours played a significant role as an instrument of transmission of the strike action. However, they were usually anonymous and their origin unknown as happens in such struggles (Guha, 1983).

A video footage showing what informants maintained was a new way of dealing with strike breakers/scabs was widely distributed during the strike action through different media such as cell phones, CDs, DVDs and so on. It went on sale at informal markets stalls outside most of the shafts, hostel complexes and other workplaces. The footage showed 5 alleged scabs being captured on their way from work by members of the 'violence committee'. The five victims (three men and two women) as shown in the footage are forced to strip naked in public as punishment for breaking the strike. They were forced to *toyi toyi* followed by a crowd behind singing the popular strike songs- *dubula*. However, the lyrics of the song were changed to dehumanize the strike breakers. For example, the song *dubulala dubula* became *hlubula hlubula.*[172] The victims were subjected to various sorts of abuse. Informants interviewed indicated that this was one of the first of its kind especially given the fact that it violated women. Women interpreted this as a reflection of the resentment they faced in this male dominated sector. A female mine worker argued:

> We were all shown this *hlubula* video and men threatened to do the same to whoever reported for duty. This thing is surely targeted at women. I say this because most men would not mind even walking naked in the hostels. In the video they strip men and women but the thing is designed to hurt women. Most men don't like to have women here. They feel this is a men thing[173]

[172] *Dubula dubula* is a revolutionary song which in Zulu loosely means shoot and kill the enemy .In this context they changed the words but with the same rhythm to hlubula hlubula. *Hlubula hlubula* in Zulu means take off clothes.

[173] Interview 13 woman mineworker 14 March 2012 at Rustenburg.

One of the workers also commented:

> In the past we use to necklace but now we don't do that anymore. We have moved with time. We now have democracy. We have a new way of treating scabs which is rather way more effective than the necklace. We just strip you and *toyi toyi* naked. Some will shoot photos and videos which the next days will be splashed on the computers for the world to see. People will be showing everyone there is so and so including children. This ensures you will not do it again. We won't kill you. We want you to be alive tomorrow so that the next time you tell others and teach them a lesson.[174]

The question whether the incident narrated above transpired was highly contested by management. It was, however, widely covered in the media and the Human Rights Commission proposed to investigate the issue. Impala Platinum and the NUM dismissed this as fabrication. The wide distribution of this footage during the strike action served many purposes. First, it was a warning to strike breakers and scabs. It was designed to threaten and dehumanize transgressors. In the African traditional culture, a woman's body is sacred and must never be seen naked in public. In this case a woman's body became the battle ground. It became a medium for writing the anger. Although men were also involved as victims, informants argued that this violence was aimed at denigrating women i.e. what mattered was the woman's body. The context is important as it informs the discourse around events. This form of intra-worker violence also served in building and enforcing solidarity amongst the workers. The workers adopted this approach to enforce compliance and instil fear in women. In addition, this form of violence reflected a shift and new the repertoires of violence.

There were also reports of strike breakers who had their ears, eyes and nose chopped off as a form of punishment. This was designed to instil fear and discourage those who wanted to report for duty. Rumour was also tied to a claim that the pay slips the workers were getting were fraudulent. A story referred by a number of informants related to a RDO alleged to have approached a car dealership with the intention to buy a car on credit. He had allegedly been told that his pay slip was fraudulent. The source of this story was mysterious. However, it had impact on how workers responded to the strike action and the trajectory followed. A number of workers interviewed cited this as the justification for the strike action. This also played a role as an

[174] Interview 14: Mine workers 27 February 2012 at Rustenburg.

instrument of strike transmission and justification. The problem of rumours is that it reflects poor communication and alienation of both the union and management

The intervention by the alliance

This strike posed a contagious risk. There was a risk that this may affect other mining houses within and beyond the platinum belt. The ANC, COSATU and SACP alliance partners were sucked into the dispute in attempts to come up with a solution. COSATU attempted to resolve this dispute to save the face of the NUM. However, it took COSATU at least five weeks to get involved in the dispute. Informants indicated that COSATU was cautious as the problems involved COSATU and ANC internal factionalism. On the 21st of February 2012 during the strike, the COSATU Secretary General Zwelinzima Vavi addressed about ten thousand workers at Impala Number 6 hostels stadium. His visit was announced by the workers' committee at a mass meeting a day before he was scheduled to arrive:

> Vavi is coming here as he was told workers want to speak with you. Vavi belongs to the ANC and NUM we have problems with but he must come and speak to us.[175]

Although Vavi was the secretary general of COSATU where the NUM is affiliated, the committee did not apparently have problems with him addressing the workers. However, some were ambivalent on whether to welcome his visit:

> This Vavi must not tell us that we must go to work. He must not come and confuse us. He is a crook together with the NUM but nevertheless we have to wait for him and listen to what he has to say. Otherwise we won't leave this place.[176]

Although many workers did not have problems with the visit by Vavi, the committee did not want this to break the strike. To ensure that the visit and appeal by Vavi did not break the strike, the violence committee ensured that violence remained entrenched in bringing the workers together:

[175] Committee leader addressing a mass meeting at Number 8 hostel, Rustenburg.

[176] ibid

Losikhathi yena Vavi fika lapha, losikhati sjambok phakama phezulu
(The time that Vavi comes here our sjamboks will remain up[177]).

Violence was part of the order of the strike. The address by Vavi was scheduled at Number 6 stadium North branch which was a less volatile and militant branch compared to the South. He appealed to the workers to return to work and lamented the spate of violence that had characterised the strike. Vavi apportioned the blame to management and the workers whilst exonerating the NUM. He however, failed to convince the workers to abandon the strike. The NUM president, Senzeni Zokwana, was part of the officials who also addressed the workers on the same day. The crowd had no problem with the address by Vavi but heckled the NUM president. Their response was a disapproval of the NUM but not COSATU. This was paradoxical as Vavi was articulating the ANC, SACP and COSATU alliance position. He confirmed this in an interview at the end of the mass meeting. He declared that COSATU cannot be separated from the NUM since 'COSATU is NUM' and vice versa'.[178]

The intervention by Vavi was an attempt by both the NUM and the alliance partners to defend the institutionalised industrial relations regime. This was clear in his appeal to the workers. He pleaded:

> The way this was done was wrong. Down with this new forms of apartheid! They were supposed to share the 18 percent. We are not step children of the company…. We will use every power we have and every intellectual capacity in our hands for this legitimate demand.... An injury to one is an injury to all. But comrades, in terms of the South African labour law this is an illegal strike and the employer has a right to dismiss. Let's get together and be united. Let's all go back to work and this will be resolved. You elected us to lead and negotiate on your behalf remember. Let's give them (NUM) a chance.[179]

Vavi claimed that he supported the position taken by the workers but lamented that they were not united as shown by the spate of violence in which some of the workers had been killed. He lamented the division amongst the workers:

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[177] ibid

[178] Vavi response to the media after mass meeting at number 6 stadium: 18 February 2012.

[179] Vavi mass meeting address Number 6 Ratanang Hostels 21 February 2012).

> *Kungen' inyosi phakathi kwethu. Abanye baya bulawa. Kuyaqina ukutshayana ngenduku*.(The enemy has got amongst us….and people are being killed….. this will turn us against our own colleagues 9-10000 workers are already back at work and for the employer production is going up. People will die. We are divided *Ukufa kusembizeni comrades. (*Death is in our midst[180]).

The following morning, a worker was found dead stripped naked and near hostel number 8. He met his fate on his way to work. The violence, intimidation and strike action continued even after the plea by Vavi. Vavi was the only one in the delegation that the workers could listen to and many believed he could have saved the situation if he had been involved earlier. Although the workers respected his leadership of COSATU, they did not agree with his appeal to return to work and give the NUM a second chance. Vavi thus failed to defend the institutionalised industrial relations system at Impala platinum.

Vavi was ambivalent in his address to the workers. He had risen through the ranks as a shop steward from the NUM to at that time, the Secretary General of COSATU. The NUM which the workers resented was the biggest COSATU affiliate. As a result, listening to Vavi would have implied an approval of the NUM which the workers felt had grossly betrayed them. At the same time Vavi represented the face and voice of the working class in the South Africa. Previously, some of the workers and the committee members had been crying foul that the strike action was not getting the national attention it deserved. An address by Vavi meant that it was now getting the highest attention in the land. The presence of Vavi was thus strategic.

On 26 February 2012 the beleaguered ANC youth league chairperson Julius Malema was also sucked into the dispute. He addressed the workers at Number 8 hostel accompanied by the North West Premier Thandi Modise. He urged the workers to return to work but his message was also very contradictory. He appealed to the workers and employer to negotiate but at the same time urged workers to fight for their rights. The intervention by Malema was not only viewed to be in the interest of the employer but also for the workers and the interim committee. A committee

[180] Vavi mass meeting address Number 6 Ratanang Hostels 21 February 2012.

member lamented at one of the mass meetings: 'We have been to all doors trying to get a solution to this problem including the ANC but to no avail.[181]

Malema saw this as an opportunity to reposition himself as a hero of the poor and marginalised following his suspension from the ANC. The workers were desperate for any form of intervention in their favour and all had hoped that Malema would resolve the problem. Malema's address was however, ambivalent. He blamed management for the strike but urged the workers to return to work and give chance to negotiations process through NUM. By the time Malema addressed the crowd, the strike was almost waning. In addition, his position was in line with that of COSATU. A strike action was one of the means to show and exercise power for the ordinary workers. The intervention by the elites failed to halt the spread of the strike to other mining houses.

Ending the strike

The strike ended after a six week stoppage characterised by various forms of violence and this was on a high note for the workers. The management was forced reluctantly to agree to increase the remuneration of the RDOs from R4900 to R 9000. In addition, management failed to set the terms of re-engagement for the worker who were rehired after being dismissed. Management wanted to make a selective re-engagement of workers and to reject those that were identified as leaders of the strike. The high level of worker militancy made this impossible. The fact that the strike was organised outside the union inspired other workers across the platinum belt who were disgruntled with the NUM and the conditions of service at their work places. As a result, the strike set the pace for a strike wave that spread across the platinum belt and affected over 100 000 workers. This culminated in the reconfiguration of the labour relations in the sector and beyond.

[181] Committee members address to a mass meeting at Number 8 Hostels 01 March 2012.

Conclusion

The preceding chapters have shown how the industrial relations at Impala Platinum shifted from a non-hegemonic and despotic regime to hegemonic institutionalised industrial relations regime based on the institutionalisation of negotiations and trade unions. By 2012 the hegemonic industrial relations regime based on industrial democracy and institutionalisation had become entrenched. The NUM had evolved into a sophisticated and formidable instrument of institutionalisation. This ushered in a phase of class compromise which however, gradually drifted into a co-option. The relationship between the NUM and Impala Platinum shifted from class compromise to class capture. This generated resistance against the co-option of the union characterised by renewal or reinvigoration of insurgent trade unionism based on informal structures and networks challenging institutionalisation. This reasserted the elements of insurgent trade unionism from below.

This chapter explored the relationship between institutionalisation of industrial relations and strike violence drawing from the experience of Impala Platinum strike in 2012. The strike is important as it was characterised by workers organising dissent outside the COSATU-ANC-SAPC alliance at Impala Platinum. This shift is significant as it influenced the modes of resistance and repertoires of violence. Impala Platinum and the NUM collaborated in defending the institutionalisation of industrial relations. They sought the help of the ANC alliance partners. The workers strongly believed that Julius Malema from the ANC and Vavi from COSATU were sympathetic to their cause. However, they came in to address them during the strike with a different message. They articulated the position of the NUM and Impala Platinum defending the social structure of institutionalisation of industrial relations.

The key issue presented in this chapter is the attack and collapse of institutionalisation of industrial relations which was characterised by various forms of violence and repertoires. The shop floor workers organised resistance outside the formal institutions of industrial relations. This was designed to de-institutionalise the industrial relations. The workers attacked and rejected the NUM as the instrument of institutionalisation. This represented a direct attack on the institutionalisation of industrial relations and was characterised by various forms of violence.

Chapter 6 showed how the 1991-2 strike action and insurgent trade unionism that evolved then was aimed at forging and enforcing the institutionalised industrial relations regime which previously had not applied to black workers. This culminated in the consolidation of the workers' collective voice and opened space for the NUM which evolved into a hegemonic industrial relations institution. This contestation was characterised by various forms of violence drawing from old and new repertoires. The 2012 strike at Impala Platinum was a reverse of the 1991-2 action. It presents the rupture of institutionalisation of industrial relations and the decline of the NUM in the platinum belt. The workers' insurgency in 2012 unlike in 1991-2 was not aimed at institutionalisation but de-institutionalisation or the remaking of the industrial relations system. The workers rejected the union and this ruptured the institutionalised industrial relations.

This chapter highlights a crisis in worker solidarity and the role of strike violence. It has shown the inherent contradictions and confrontations between workers that supported the strike and those opposed and how violence was used as a means to resolve the contradictions. The support for the strike action was forged through both persuasion and intimidation. Violence was thus one of the means to forge worker solidarity. The violence against scabs did not discriminate on the basis of the employment contract. The core workers, subcontractors and labour brokers were subjected to similar forms of violence. However, solidarity was not reciprocal and divided along the contract of employment. In the case study presented here, *sangoma*, *muti* and violence were some of the means adopted to forge worker solidarity.

This chapter also shows that the mobilisation of workers is not contingent on the intervention of trade unions even in a democratic dispensation. The workers have shown that they are not limited by structure but have agency to organise outside trade unions. The strike highlights the rupture of the NUM hegemony at Impala Platinum which was characterised by a crisis in worker solidarity. Strike violence, *sangoma* and *muti* were some of the means to mediate the crisis.

The chapter traces how a renewed or reinvigorated insurgent trade unionism based on informal structures and networks challenged the institutionalisation of industrial relations and led to the collapse and rejection of the NUM. The 2012 Impala Platinum strike re-configured the industrial relations. However, the findings suggest that the organisation of the workers outside the institutionalised industrial relations regime is precarious. The demise of the institutionalised industrial relations (de-institutionalisation) was followed by incipient elements of a new process

of institutionalisation represented by the emergence of AMCU. This however, was still driven by an insurgent suspicion of institutionalised procedures and processes. This strike action was the onset of a rolling strike wave across the platinum belt and beyond. The variations of state violence and response to worker insurgency organised outside the alliance were apparent and manifested when the strike wave spread across the platinum belt. The following chapter presents a narrative and analysis of a further case study drawing from the experience of the 2012 Lonmin Platinum strike to highlight the shifting patterns of strike violence in relation to institutionalisation of industrial relations.

Chapter 8

Insurgent Unionism: Lonmin Platinum 2012 Strike and Marikana Massacre

Introduction

This chapter tracks the pattern of the 2012-2013 platinum belt strike wave which started at Impala Platinum drawing from the 2012 Lonmin Platinum strike. The objective is to broaden understanding of the relationship between institutionalisation of industrial relations and strike violence. The Lonmin Platinum 2012 strike culminated in what became known as the Marikana massacre. The 2012 Impala Platinum strike which has been explored in the preceding chapter set the pattern for the unprecedented strike wave which spread across the platinum belt and beyond**.** The strikes were characterised by the presentation of claims directly to management by independent committees, violence displaying similar repertoires, high levels of militancy, collective organisation of dissent through independent committees from below, resentment of the recognised union (NUM), and the use of *sangoma* and *muti***.** This was a reclamation and show of power from below through an insurgent form of trade unionism and or organisation. The workers were uncompromising and rejected representation by the NUM which was the recognised union. The Impala Platinum strike is thus significant as it set a pattern for one of the most significant strike wave post the democratic that culminated in the demise of the biggest trade union in the country in the platinum belt.

This strike wave raised pertinent questions on the post- apartheid labour relations regime and the general post- apartheid democratic dispensation. However, many of the questions are not a surprise. Research conducted by SWOP at the University of the Witwatersrand (2005, 2007, 2010) commissioned by the NUM to evaluate the latter's service to members identified problems of corruption, social distance, general poor service delivery and others. Moreover, it identified the NUM Rustenburg as one of the worst performing regions in membership service delivery. A report by NALEDI (2012) drawing from a COSATU membership survey highlighted that 60 percent of the COSATU members were not happy with the increases secured by their trade unions even if they were above inflation.

The preceding chapter has shown how the workers at Impala Platinum rejected the NUM and the institutionalised industrial relations. They pushed back to a de-institutionalised industrial relations regime. The preceding chapters have shown how the industrial relations shifted from a non-hegemonic and despotic regime to hegemonic industrial relations regime based on the manufacturing of consent of the subordinate class (Burawoy, 1979). The consent is manufactured through the institutionalisation of industrial relations which promotes collective bargaining and independent trade unions. This is a quid pro quo as the union is able to make concessions on behalf of the workers. However, there is a risk that the union may become disconnected from its power base – the shop floor.

Chapter 7 has shown how the institutionalisation of industrial conflict at Impala Platinum was undermined post the democratic transition. The NUM at Impala Platinum became trapped in company internal procedures and a highly bureaucratic industrial relations system. Drawing from Mills (1948:8-9), the NUM and Impala Platinum management bureaucracies became superimposed and the union was transformed into a manager of discontent and source of industrial relations stability. The role of the NUM at Impala Platinum at the time is encapsulated in Mills (1948:8-9) famous description of a labour leader:

> He makes regular what might otherwise be disruptive, both within the industrial routine and within the union which he seeks to establish and maintain [operating as] an agent in the institutional channeling of animosity (Mills, 1948:8-9).

Conversely, this produced resistance against the institutionalisation of industrial relations which manifested as various forms of violence. This was linked to the reclamation of power from below and an attempt by the employer to maintain order in collaboration with the union and the state. Violence became one of the means to defend the institutionalisation of industrial relations and conversely a means to challenge it and forge new solidarities outside the formal union structures. In addition, the various forms of violence reinforced each other and were tied to a multiple meanings. The workers organised resistance and mobilised outside the NUM- COSATU-ANC-SACP hegemonic paradigm during the 2012 strike wave. The state on the other hand collaborated with capital to assert the employer-union order.

The key issue presented in this chapter is a follow up from the preceding chapter. It presents more reinvigorated insurgent trade unionism based on informal structures and networks that

challenge institutionalisation. This lead to collapse of NUM in the platinum belt. Incipient elements of a new process of institutionalisation emerged in the form of AMCU. This however, was ambiguous because this was also driven by an insurgent suspicion of institutionalised procedures and processes. Within this insurgent trade unionism was tension between the movement dimension and institutionalisation dimension (Von Holdt, 2003).The Impala Platinum 2012 strike inspired many workers in the platinum belt as it showed that the ordinary workers on the shop floor have agency. It proved that the workers below have power as long they are prepared to reclaim it. A Lonmin Platinum worker explained: 'The workers at Impala Platinum set a precedence that opened our eyes. We realised that nothing was impossible and that we had the power'[182]. This strike highlighted the rejection of the NUM and collapse of institutionalisation of industrial conflict post the democratic transition.

By drawing from the Lonmin Platinum 2012 strike, this chapter aims to expand understanding on the patterns of violence in relation to institutionalisation of industrial relations. The Lonmin Platinum strike is viewed as part of the wave from the 2012 Impala Platinum strike which was the initial focus of this thesis. The chapter is organised as follows: first a brief overview of the context is presented followed by a sequence of events and a narrative account of the strike. This is followed by an analysis that covers a number of themes on the variation of strike violence and institutionalisation of industrial relations.

Lonmin Platinum and the socio-economic and political context

The socio-economic and political context is important in informing workers' subjectivity. It informs how capital organizes the labour process and the organisation of resistance by workers. The broader context at Lonmin Platinum shared many in common with Impala Platinum discussed in the preceding chapters. For an in-depth account of the underlying context and how the Lonmin Platinum 2012 strikes unfolded see Chinguno (2013).

In Chapter 4 we have shown how in the last decade, the status of the platinum sector changed as it surpassed gold to become the biggest mining sector both in terms of job opportunities and contribution to the GDP. Lonmin Platinum is the third biggest global platinum producer with a

[182] Interview 70: Marikana: 25 August 2012.

vertical structure that links mining production and processing. It comes after Amplats and Impala Platinum in terms of operational size and productivity. It was formerly a mining division of the LONHRO conglomerate founded in 1909. It emerged from the 1998 split of LONHRO into two public companies which became listed on the London Stock Exchange where it has its head office. It acquired a lease agreement to exploit platinum in Marikana in 1969 from the Bapo Ba Mohale traditional authority[183]. Mining development started in 1970 and milling in the following year.

Lonmin Platinum mining operations are wholly located in South Africa although it has claims in Canada. The core of its operations in South Africa is in Marikana which accounts for 82 percent of its production. It is divided into two joint divisions: Eastern and Western Platinum. It has 10 shafts that are operational and three are currently on care maintenance. This is in addition to the Limpopo division (on care maintenance), Pandora joint venture, eight concentrators, open cast mining and a base metal refinery and a precious metal refinery in Brakpan, in Gauteng province. Its main operating licence runs up to 2037 and is renewable up to 2067. Its whole operations employed a total of 28 000 fulltime employees and 10 000 contract workers in 2012 (Lonmin, 2012).

Western Platinum Limited was formerly Transvaal Jade Private Limited which was incorporated in 1963 and has mining leases in the following farms: Middelkraal, 446JQ, and Elandsdrift 467 JQ. In the mid-1970s Lonmin Platinum entered into a series of agreements with Bapo Ba Mohale tribe for mining concessions in Boschfotein, Modderspruit, Turffontein, Kareespoort, Kafferskraal and Wonderkop farms (see map Appendix 4). Western Platinum now incorporates Karee mine and an open cast mine. Karee mine was formerly part of Impala Platinum which was merged with Western Platinum in January 1990 and Lonmin Platinum took over the management. This common history between Karee Mine and Impala Platinum is important in explaining the unfolding of the labour relations at the two mine operations and the relationship of the workers and their social networks.

[183] See Capps 2010 PhD on the political economy of platinum mining and the traditional authorities.

Housing and general living conditions

The preceding chapters have highlighted that housing was part of the mining companies' mode of control and domination. The adoption of a policy designed to phase out the hostels after the democratic transition transformed this mode of control. Many workers in the platinum sector have moved into informal settlements that have sprouted across the platinum belt. The demise of the hostel system of housing has constructed new settlement geography (spatiality) in the platinum belt which in many ways informs the labour relations in the platinum sector. Lonmin Platinum limited had agreed and proclaimed in line with the Mining Charter, to provide all its employees with access to formal accommodation by 2009. Yet at least 50 percent of the population living within a 15km radius of its operations lives in informal settlements with no basic services (Lonmin, 2010). Many of them indeed are Lonmin Platinum employees either directly or indirectly through contractors and labour brokers. This new pattern reflects a new geography and contours of class, citizenship, race, ethnicity and status that have emerged post-apartheid era (Chinguno, 2013).

Lonmin Platinum: labour relations and institutionalisation of unions

The preceding chapters have highlighted how institutionalisation of industrial relations underpinned the labour relations framework post the democratic transition in South Africa (see Chapters 2 and 6). Chapter 2 explored the theoretical underpinnings informing the institutionalisation of industrial conflict. The institutionalisation of industrial relations may be viewed as designed to manufacture employer hegemony and workers' consent or aimed to strike compromises between capital and labour. This section shows how this was put into practice at Lonmin Platinum.

The process of institutionalisation of industrial conflict in the platinum sector is company based, meaning that it does not cover the entire sector. This is tied to the history and legacy of the sector (see Chapter 3 and 4). The unions negotiate with individual mining houses. This form of institutionalisation of industrial conflict was well developed at Lonmin Platinum by 2012 and it promoted the domination of one big union which evolved into an instrument of institutionalisation and maintaining the status quo. This reinforced a new form of domination, incorporation and cooperation which consequently generated new forms of resistance.

At the company level, the union hierarchy in descending order comprised of a house coordinator, branch committees, shaft committees and shop stewards. The shaft and the branch committees each comprise of five representatives: chairperson, secretary, vice chairperson, vice-secretary and treasurer. This constituted the union negotiating team at respective levels. The union hostel committees are in charge of the allocation of company accommodation and other hostel related grievances. This used to be the responsibility of the company Human Resources department under the *induna* system. This shift highlights how the union has become institutionalised.

Collective bargaining at Lonmin Platinum is conducted in the following two bargaining forums:

- **Category 3-9 bargaining unit**: This caters for the low skilled workers. Trade unions are required to have a minimum threshold of 50 percent plus 1 to attain recognition status.

- **Category B and C bargaining unit**: This covers semi-skilled and skilled workers. The trade union recognition threshold is set at 20 percent plus one.

The two bargaining units negotiate wages and substantive conditions of employment. Before the 2012 strike, the NUM was the majority union in the two bargaining forums whilst SOLIDARITY and UASA were represented in category B and C bargaining units. At the onset of this bargaining structure the founding unions were given 15 months to attain the representativeness threshold. New unions are required to initially organize at least 35 percent in any of the bargaining units before gaining recognition. This policy, which is designed to subvert trade union competition, is not a surprise. It is tied to COSATU's founding principle 'of one union one industry and one country one federation' and is designed to promote big and strong trade unions. The NUM thus developed into a powerful and dominant trade union partly as a result of this policy which was in exchange for cooperation and compliance from the state.

The union as an institution of industrial relations is ambivalent. It is an instrument of institutionalisation and stability on one hand, and yet is also an instrument of resistance for the workers (see chapter 2). The recognised unions are entitled to stop order facilities. Before the Lonmin Platinum 2012 strike, the NUM had 4 branches at Lonmin Platinum: Karee, Western, Eastern and Central branches. The union officials and shop stewards are elected by a popular shop floor vote for a term of three years. All the shaft and branch committee members are full time union officials provided the union meets the minimum threshold. The NUM at Lonmin

platinum had a separate agreement on the remuneration of the union officials. In addition, the union officials and shop stewards of a recognised union are entitled to the following benefits:

- Office facilities: furniture, internet and such.
- Telephone allowance: R1 000 per month.
- Cellular phone handsets and R750 allowance per month.
- A vehicle for each branch.
- Personal cell phones for the branch secretary and chairperson and R750 per month for air time.

A recognised union is also entitled to elect fulltime shop stewards. This is the dominant form of representing workers in mining which is also common in other sectors. The number of shop stewards at Lonmin Platinum is determined by the following formula: 1 shop steward for every 0-2000 workers. The shop stewards and union officials are entitled to a number of education and development opportunities and this is designed to enhance their effectiveness. A shop steward is entitled to an additional remuneration package if gross earnings are less that R14 000 per month to make up the difference. This agreement was signed in 2011 when the least paid mine worker at Lonmin Platinum then earned less than R 5000 per month. At the end of the term shop stewards and union officials voted out of office are normally expected to revert to their previous positions. However, the employer has the discretion to place them in positions that commensurate with their qualifications. It was thus not a surprise that interviews with workers highlighted that precedence had been set that once a person became a shop steward or union branch committee official they never reverted to previous posts as ordinary workers but were/are usually promoted. Hence the union take the workers out of the ordinary. This reflected the social distance between the union and members. The workers interviewed at Lonmin Platinum expressed a general level of disgruntlement with the NUM. They alleged that it was indifferent to problems on the shop floor and alienated from their daily reality. Moreover, it had turned into a platform for social mobility both at work and in politics. A worker explained:

> All the shop stewards that I know have gone up the career and political hierarchy. Once you become shop stewards then you are done [set]…. the sky is the limit. There is no way you may go down even if voted out. Many of them after serving their term if not that much educated became team leaders and those educated normally move up into management. Many of our HRs here were once our shop stewards.[184]

This arrangement meant that shop stewards were exposed to opportunities that improved their level of education and skills. This new order institutionalised the union and created distinct interests for shop stewards and union officials. This created the problem of social distance which increased union internal stratification and promoted union careerism. As a result, many workers in this context always attempt to manoeuvre to move up the hierarchy.

The process of institutionalisation of the union industrial relations system is a product of the democratic process. This has created a paradox (Buhlungu, 2010). The NUM at Impala Platinum became a centre of power within the industrial relations system and too dependent on the formal procedural requirements based on a bureaucratised industrial relations system. This led to its professionalization and transformed it into a top down hierarchical structure disconnected from the rank and file (see Chapters 6 and 7). The previous chapters have shown how this model of unionism at Impala Platinum gradually transformed from shop floor participative unionism to professional and managerial unionism. The NUM strength shifted from the shop floor and became too inclined to the state and the employers. Institutionalisation of industrial conflict at Impala Platinum thus trapped the union in highly formalised structures as highlighted above.

The RDOs' problem

The RDOs are part of the core underground mining team responsible for the arduous and dangerous work of drilling the rock in very hot, wet and restricted heights. This job category constitutes part of Lonmin Platinum's hard to fill posts. Yet they are classified as unskilled in terms of the job grading system. Interviews with a number of workers highlighted that the main reason why this job is hard to fill is because it is shunned by most young people. The main issue raised is that the risk associated with the work is inconsistent with the level of compensation. As a result, the job is stereotypically associated with migrants who have restricted choice and those

[184] Interview 75: 25 September 2012 Marikana.

with limited schooling. The average age for RDOs in 2012 was 50 (Hartford 2012). This age structure reflects the challenge of attracting young and new workers into the occupation.

The RDOs at Lonmin Platinum had a history of unresolved grievances regarding their condition of service well before the 2011 bargaining season. Several engagements between management and the NUM failed to resolve the impasse. The NUM had proposed upgrading the RDOs from category 4 to 7 in addition to a 10 percent wage increase for two years. However, these negotiations were protracted and never came to conclusion. Management reneged before reaching a conclusion and instead proposed that it was to undertake an exercise to develop the local youth to take up the RDO jobs given the high level of unemployment. However, on the 2 December 2011, the NUM signed a two year wage agreement which paid lip service to previous RDOs' grievances. The institutionalised industrial relations framework was thus failing to address the RDOs' grievances. The NUM only resuscitated the issue in a panic mode after the RDOs at Impala Platinum led a strike which resulted in the rejection and subsequent implosion of the NUM.[185]

Lonmin Platinum strike (2012)

The preceding chapter has shown how the strike at Impala Platinum in 2012, initiated by RDOs' independent committees, set a pattern for a strike wave that spread across the platinum belt and beyond. The Lonmin Platinum 2012 strike discussed in this chapter constituted part of this wave. The following section captures how the strike unfolded.

Sequence of events

The unfolding of this strike and the trajectory it followed are both captured in the following sequence of events:

- May 2011: 9000 workers went on strike at the Lonmin Platinum Karee section protesting against the dissolving of the NUM branch committee and suspension of the branch Chairperson and Secretary over alleged corruption and misappropriation of funds. The 9000 workers were subsequently dismissed. The strike ended and 6000 workers were re-hired and many of them declined re-joining the NUM. This culminated in the first major

[185] Interview 21 September 2013

breakthrough for AMCU in the platinum belt. AMCU gained minimum recognition status at Lonmin Platinum Karee section.

- June –July 2012: Independent workers' committees organised by RDOs' challenging the NUM and management order emerged at Lonmin Platinum following the strike at Impala Platinum.
- 21st of July 2012: Karee shaft RDOs presented a handwritten wage demand of R12 500 per month to the line management and at the same time rejected the involvement and representation by the NUM which was the majority and recognised union at the time.
- July 2012: Lonmin Platinum management awarded the RDOs a 'drill market allowance' effective from end of July 2012 in response to the pressure by the RDOs. This was outside the collective bargaining agreement negotiations with the recognised unions.
- 8th and 9th August 2012: The RDOs across Lonmin Platinum operations organised meetings at Wonderkop stadium to discuss grievances and find a way forward. They resolved not to report for duty but to march and present a memorandum of demands to management at the Lonmin Processing Division (LPD).

- 10th August 2012: The RDOs marched to management head office at the Lonmin Processing Division (LPD) to present a memorandum of demands. Management declined accepting the petition and insisted that this must be presented through the recognized NUM structures. Management by so doing was defending the institutionalised industrial relations regime. On the same day, there were reports of violence and intimidation targeting those who were not on strike. Some workers were blocked by the RDOs from reporting for work, including a night shift bus ferrying workers. Two NUM members were assaulted near the Western platinum branch office.

- 11 August 2012: The RDOs re-directed their march to the NUM branch office in Wonderkop demanding the union not to interfere with their move to directly engage their employer outside the collective bargaining system. The NUM branch officials opened fire at the march and a number of the workers were injured including two RDOs who were admitted to hospital. However, rumour spread that the two had been killed in the shooting.

- The RDOs moved outside the precincts of the employer premises after eviction by the mine security to a kopje (rock out crop -hill which is a public space) adjacent to Nkaneng informal settlement and Lonmin Platinum refinery.
- 12th August 2012: The RDOs marched from the kopje to the NUM branch office to revenge the previous day's shooting and 'killings' and to demand answers why they had been attacked. The march was intercepted by Lonmin Platinum security who barred workers from proceeding to the NUM office. A fight ensured and two Lonmin Platinum security officers were overpowered, one was hacked to death and the other burned into cinders in a van. This marked the first violent deaths in this strike.
- 13th of August 2013: The RDOs marched from the kopje to Karee K 4 shaft to enforce the strike action after reports of non-compliance by workers of a subcontractor. On the retreat, they clashed with the police who wanted to disarm them. This resulted in a clash which killed two police officers and two workers.
- 16th of August 2012: The police opened fire and killed at least 34 workers in what became known as the Marikana massacre/tragedy.
- A spate of assassinations that followed accounted for the death of at least 13 lives from either sides from the two rival unions (NUM and AMCU).
- After the strike, the majority of NUM members defected to AMCU which subsequently became the popular majority and recognised union. However, the labour relations remained volatile and precarious and characterised by violent worker militancy more than two years after the 2012 strike.
- 23rd January 2014: A protracted strike action over wages organised by AMCU lasted over 5 months and became the longest mining strike action in the history of South Africa.

2011 Lonmin Platinum Karee strike[186]

The workers at the Lonmin Platinum Karee section went on an unprotected strike in 2011 that was not directed at the employer but at their union, the NUM regional executive .This followed the NUM regional office suspension of Steve Khulekile Mawethu, the then NUM branch chairperson and his committee on the 12th of May 2012. Mawethu was accused by the NUM

[186] The researcher visited Karee mine during this strike in 2011 and after and interviewed some of the workers during a pilot study.

regional office of failing to comply with the NUM constitution on issues related to the holding of branch elections and misappropriation of union funds. He was accused of refusing to hold branch elections and of influencing a mob of union members to 'take care of'[187]one of the union members who had shown interest in challenging him in union branch elections. The contender was subsequently stoned to death by those who supported Mawethu. The NUM regional office suspended the entire Karee branch members including Steve Khulekile Mawethu and Daniel Mogwaketsi, the Branch Chairperson and Secretary respectively. Steve was a populist leader with immense grassroots support. He had a strong command of the branch structures and politics. As a result after his suspension he managed to persuade the shop floor membership to see him as a victim of union internal factional conflict. The general perception amongst the ordinary shop floor members was that some of the union branch and regional officials were taking bribes from the employer. Steve presented himself to the shop floor as the only incorruptible official within the union ranks. According to one of the workers:

> Steve showed us SMSs that proved that management had deposited a R40 000 bribe into the bank accounts of all the union negotiators for them not to fight and advance workers' issues. He indicated to us that management was using money to tame the union and no one in the union raised a voice. The NUM thus suspended him on the grounds that he was influencing the rest of the workers to rebel against the union. We had no choice but to go on a strike and to demand his re-instatement[188].

The suspension of Mawethu and his branch committee was linked to NUM internal factionalism over power and control of the union, according to the workers interviewed. Over 9 000 workers at the Karee shaft went on strike on the 18th of May 2011 demanding his reinstatement. The strike was clearly a result of union internal dispute and was directed at the NUM Rustenburg regional office which was behind the suspension of Mawethu. The workers accused the regional office of collaborating with management in victimising what they claimed was a true union representative who served their interests. However, the NUM maintained that Mawethu and his

[187] This refers to the assault meted on the worker.

[188] Interview Loziwe, 14 November 2012.

team had been suspended because of indiscipline related to violation of the NUM constitution and financial impropriety.[189]

Lonmin Platinum applied for a court interdict which sanctioned the dismissal of the 9 000 workers in terms of the Labour Relations Act as the strike was unprotected. Many of the workers interviewed maintained that it was the NUM that connived and induced the employer to effect the dismissals. However, the NUM later made a compromise with Lonmin Platinum. This turned into a selective re-employment exercise for some of the workers. Most of those dismissed were retained except 1 400 identified as trouble makers including Steve and his committee. Most of those who were not re-instated were alleged to have played an active role in the strike and or were hostile to the NUM. This was viewed as a concerted effort to protect and preserve the NUM dominance.

Tables turned against the NUM when the majority of the 7 000 workers re-employed declined re-joining the NUM. They were re-employed as new workers and to reinstate their membership they had to re-join the union as new members. Workers interviewed maintained that Mawethu promised them that he was to 'bring them a new and good union that will stand for their rights'. He was reported to have approached AMCU at its head office in Witbank and invited them to organize at the Lonmin Platinum Karee section. The NUM's fallout with these workers was deep according to many informants. AMCU had for several years failed to make a serious breakthrough in any of the big platinum mining houses because of an industrial relations regime which favoured the big unions such as NUM. The NUM at the time was solid and had recognition agreements with all the big platinum mining houses which technically prevented access by competing unions. As a result, the NUM problem at Lonmin Karee presented an opportunity for AMCU. It thus struck a deal with Mawethu to organise there. Mawethu was promised to be the key future AMCU person in the region if the project succeeded. At the time AMCU had not made any serious headway in the platinum belt (see Chapter 4 on the history and formation of AMCU).

The majority of the workers at Lonmin Platinum Karee section subsequently defected from the NUM and joined AMCU following the advice of Mawethu. In addition, many of the workers

[189] Eddie Majadibodu NUM Impala Chief Negotiator input to the SWOP 2013 colloquium on meanings of Marikana, University of the Witwatersrand 11-12 September 2013.

were already privy to the news about the good work of this new union through workers from some of the subcontractors such as Shaft Sinkers transferred to Lonmin Platinum Karee from Limpopo, where AMCU was present and already established[190]. AMCU thus gained significant membership and negotiated for limited organisational rights at Lonmin Platinum Karee section. This was unprecedented and marked its first ever breakthrough in one of the biggest three platinum companies. AMCU's entry at Lonmin Karee was in line with its strategic plan and vision that targeted the big mining houses[191].

Nevertheless, the NUM managed to hold the influence and expansion of AMCU at Lonmin within the Karee section for at least a year. AMCU only managed to gain popularity beyond this after the 2012-2013 strike waves which started at Impala Platinum (See Chapter 7). The 2011 Lonmin Karee section strike is thus important for a number of reasons. Although the success of AMCU was at the time almost negligible, its significance is that it marked one of the major challenges to the institutionalised industrial relations regime. This in the later years culminated in the demise of the NUM in the platinum belt. Moreover, this was one of the first major attempts by the workers to organize resistance and discontent outside the NUM and the broader ANC-COSATU-SACP hegemonic alliance. In addition, this emboldened AMCU's vision to spread its wings across the platinum belt and beyond.

The genealogy of Lonmin Platinum 2012 strike

The socio-economic and political context is very important in analysing any strike action. It has been highlighted that the Impala Platinum 2012 marked the beginning of a rolling strike wave. The pattern spread across the platinum belt and beyond. The strikes were characterised by similar repertoires, claims and the way the workers organised dissent outside the traditional union structures. Firstly, it was driven by what workers maintained were genuine shop floor grievances related to better wages and conditions of service. Secondly, this presented an opportune organising chance for AMCU to gain entry into the mainstream mining companies.

[190] Interview Jeff Maphlele AMCU General Secretary.

[191] Interview Jeff Maphlele AMCU General Secretary .

The strike at Lonmin Platinum was initiated by the RDOs who initially organised underground exclusively along occupational solidarity. Lonmin Platinum management became privy to the RDOs' demands and the underground mobilisation networks through its intelligence by June 2012[192]. This was just two months after the settlement of the Impala Platinum dispute. The strike drew a number of parallels with that at Impala 2012. It was initiated and organised by underground RDO workers' committees outside the union structures and was supported overwhelmingly by the RDOs. According to informants, informal committees emerged and covertly organised meetings through an intricate underground network which covered all the Lonmin Platinum operations. Several meetings were conducted in advance to plan the way forward. These committees rejected any involvement of the unions. One of the RDOs explained:

> We did not want the unions to be involved …this was driven by genuine workers' grievances … we had to stick to our worker identity as RDOs who faced a common problem. We were avoiding division amongst ourselves[193].

However, some of the informants maintained that it was apparent that the committees were protégés of AMCU. They argued that AMCU was clearly behind the scenes but disguised for strategic reasons. A worker claimed, 'They never said they were AMCU but we knew that AMCU was always behind the scenes[194]'. A Lonmin Platinum manager concurred and elaborated:

> We all suspected that they are connected to AMCU but they don't say they are …. But we are all convinced that they are part of AMCU. It's part of their strategy not to come to the open at the moment.[195]

Whilst the workers in general and AMCU declined any collaboration with the workers' committees, what was apparent was the convergence of interests between the two groups. The workers' committee had interests in gaining a better pay adjustment and working conditions whilst AMCU aimed at gaining entry and subsequently recognition. Furthermore, a similar

[192] Lonmin 2013 ,Presentation to the Farlam Commission

[193] Interview 73 30 September 2012 Marikana

[194] Interview 71 30 September 2012 Marikana

[195] Interview 72 30 September 2012 Marikana

strategy had worked for AMCU in the previous strike at Impala Platinum. As a result the stakes were very high for AMCU.

The RDOs were militant, uncompromising and unequivocal on their rejection of the NUM. The Karee shaft RDOs were the first to present their demands to the shaft line management after a march on the 21st of July 2012. Many of them were already AMCU members or were in the process of revoking their NUM membership. They demanded a minimum wage of R 12500 per month for an RDO. The memorandum of demands was presented on a hand written piece of paper. This highlighted the impromptu nature of the actions and a low level of organisation at the time driven from the shop floor which nevertheless improved over time.

The unequivocal rejection of the NUM was premised on allegations of corruption; alienation and a general poor delivery of service to the members (see Bezuidenhout etal, 2005 and 2010 NUM SWOP Reports). The strategy to channel demands through an independent committee was also a tactical move to avoid being strangled by procedures and regulations. It is important to note that the first independent shaft committee that presented demands to management was at Karee section where in the previous year the NUM had faced defections to AMCU. This was not just a coincidence. In addition, taking demands directly to management through independent committees was designed to avoid division amongst the workers along union affiliation. A worker explained:

> We did not want any of the unions to be involved to avoid divisions amongst ourselves. We wanted only to be identified as workers advancing genuine shop floor grievances.[196]

Ultimately this action characterised by the presentation of demands directly to management by the shop floor workers and the rejection of the recognised union represented a form of insurgent unionism. The workers were rejecting the institutions designed to manage industrial conflict. The trajectory followed by the strike wave was not a surprise. As highlighted above, a significant number of mineworkers live in the same neighbourhoods in the informal settlements and many are from the same rural origins. In addition, the Lonmin Karee shaft where the strike started was once a division of Impala Platinum until 1990 and many workers share social relations and networks across these mines.

[196] Interview 74: 1 October 2012 Marikana.

Lonmin Platinum management was the first of the big three platinum mining houses before the 2012 strike wave to attempt to institutionalise AMCU in an attempt to control it. It signed a limited organisational agreement at its Karee operations after AMCU gained a significant proportion of the workers there in 2011. Lonmin Platinum management's proactive approach was designed to bring AMCU into the institutionalised industrial relations regime. This proved ideal in light of the 2012 Impala Platinum strike in which the management tried to resist the entry of AMCU to no avail. After the RDOs had presented their demands directly to Lonmin Platinum management before onset of the 2012 strike, the plant management resolved not to be tied to collective agreements. Lonmin Platinum decided to directly engage the RDOs' informal structures by the 23rd of July 2012.This however was outside the recognised bargaining structures. The objective was to embrace AMCU into the industrial relations system and be part of the game. Lonmin Platinum had seen how Impala Platinum had paid a price for ignoring the RDOs' independent committees when similar problems had emerged. However, this proactive move by Lonmin Platinum was to no avail as the workers had very limited room to negotiate. After failing to resolve this problem outside the union, Lonmin Platinum management reverted back to the institutionalised form of industrial relations.

The RDOs militancy and uncompromising character at the time forced and hardened Lonmin Platinum to stick to the rules of the game. It thus declined any form of negotiations outside the institutions of industrial relations (without the NUM). In an effort calculated at pre-empting a strike action that was imminent, Lonmin Platinum management resolved unilaterally to advance a drill market allowance to RDOs which was effective from end of July 2012. This was also after realisation that institutionalisation had collapsed. The rejection of the NUM by the workers symbolised the demise of institutionalised industrial relations framework.

The RDOs within Lonmin Platinum operations are divided along those that use drill machines which require an assistant and those without. At Karee section, the drill machines do not require an assistant whilst at the Western and Eastern sections they do. This is because of variations in the mode of production. The proposed allowances by management varied depending on the mode of production:

- R750 for an unassisted RDO (Karee division).

- R500 for an assisted RDO (Eastern and Western divisions).
- R250 for an RDO assistant.

A RDO commented on how these allowances were implemented: 'The management never talked to us as the RDOs on this. We just saw this on the notice boards[197]'. The implementation of this allowance by the management reflects realisation that the institutionalised industrial relations had collapsed.

The management argued that the allowances were based on benchmarking and meant 'to avoid a crisis'. In terms of common law, management has the prerogative to adjust remuneration even outside the collective bargaining framework. However, this undermines the principle of collective bargaining. Management thus advised the unions (Solidarity, UASA and NUM) of intention to advance an allowance to the RDOs outside the collective bargaining structures. The response from the unions was ambivalent. Solidarity and UASA which generally represent the former white grades and the skilled workers supported the move but warned that this had potential to disrupt the collective bargaining system. The NUM was not opposed to the management proposal. However, the RDOs responded by demanding more than what the management expected. Field interviews highlight that many of the workers viewed the move by management as inadequate, arbitrary and irrational. On the other hand, the NUM collaborated with management to diffuse the imminent strike action. A Lonmin Platinum manager wrote in an email to the late NUM branch secretary for Marikana, Duluvuyo Bongo after the RDO march of the 21st of July 2012 pleading with the union to take action and control the situation: '…. the rumour is that they will not get back to work. Hope your influence will be effective'.

After getting the news about the pending RDO strike, the NUM organised a mass meeting to convince the workers not to support the proposed unprotected strike. The National Union of Mineworkers (NUM) branch secretary for Lonmin Western Platinum, Bongo[198] wrote in an email, dated August 8, to Lonmin Platinum's Larry Dietrich:

> The mass meeting went peaceful and the attendance was very good. We educated the rock-drill operators and show the danger they will achieved

[197] Interview 78: 5 October 2012 Marikana.

[198] National Union of Mineworkers (NUM) branch secretary, Lonmin Western Platinum, Bongo email to Lonmin management: Marikana commission documentary evidence.

> (sic) in their wrongdoing. Some NUM members advice (sic) them as well.[199]

The move by the NUM as captured in the citation above exposed the NUM as an instrument for managerial control designed to manufacture employer hegemony and worker consent. The attempt by Lonmin Platinum to talk with the independent committees was a subversion of the institutionalised industrial relations framework. This was a clear indication that management was under intense pressure and desperate to avoid confrontation with the RDOs. Moreover, it was conscious that the institutionalisation of industrial relations was failing to manufacture neither the consent nor the compromise expected. It had collapsed. The following section discusses how the strike action unfolded.

The first RDO mass meeting 8th and 9th August 2012

The Lonmin Platinum RDOs' informal committee was active by July 2012 as highlighted earlier. It organised meetings underground at the workplaces, hostels and informal settlements through informal networks and social media. One of the workers recounted how the committee and strike was organised:

> The committee was organised by the RDOs. They had several meetings underground at workplaces, in the informal settlements and even in the hostels. I remember attending one such meeting at Bob mine.[200]

Collective solidarity based on occupational solidarity was thus fundamental from the onset. The informal committees organised a mass meeting for all the Lonmin Platinum RDOs at the Wonderkop Stadium on the 8th and 9th August 2012. This reflected a shift from rudimentary to a more cohesive form of organisation. These meetings were critical and designed to formulate grievances and define the course of action and to build workers' collective consensus. The central issue discussed at the meetings was the poor wages for the RDOs, which according to the workers were not commensurate with the dangerous working conditions. The meeting also presented a public platform for the RDOs to build consensus and collective solidarity and

[199] The National Union of Mineworkers (NUM) branch secretary for Lonmin Western Platinum, Bongo email, dated August 8, to Lonmin's Larry Dietrich

[200] Interview 72, 30 September 2012 Marikana.

measure their mobilisation capacity. The turnout was high as over 3 500 RDOs attended. This represented almost the entire Lonmin Platinum complement.

The meeting was also critical as it presented a platform where the RDOs selected the people to lead their collective action. A steering committee was elected to take the lead with representatives from all the Lonmin Platinum operations and geographical divisions. At the meeting, the workers adopted a very militant course of action. They resolved to go on an immediate strike action. They reconvened on the 10th of August 2012 for a march to present a memorandum of demands to the Lonmin Platinum senior management at the Lonmin Processing Division (LPD). This includes a demand of R12 500 salary per month for a RDO. In addition, they declared unequivocally that the NUM must not be involved in the dispute. Informants claimed that the reasons for the rejection of the NUM were tied to claims that it was compromised and was in a cosy relationship with Lonmin Platinum management.

Expressing discontent and forging solidarity:

The first march: 10th August 2012

A march is a very popular non-violent way of expressing discontent by the subaltern to the elite and is a common strike repertoire in South Africa. It is part of the non-violent repertoire expressing discontent which is often consistent with the typical democratic principle of freedom of expression. The resolution by the RDOs to present a petition to management suggests from the onset that they were prepared to express their discontent and resolve their grievances through non-violent means. The purpose of the march was to raise symbolic leverage and gain public support and moral high ground. The RDOs converged at the Wonderkop Stadium on the 10th of August 2012 and marched to the management head office at the Lonmin Processing Division (LPD) to present a petition demanding a monthly salary of R 12 500. This march served a number of purposes. This was a way of expressing discontent and a show of power from below and at the same time also enhanced workers' collective solidarity. Moreover, this also reflected the failure of industrial relations institutions to manage industrial conflict. It reflected the collapse of institutionalised industrial relations which constitute the centre of the employer-union order.

This strike was later characterised by violence but it is important to note the point at which violence emerged. At the time of the march to the LPD violence was not an issue. One of the workers who participated in the march argued:

> We were not armed as alleged by the police. We only had sticks and knobkerries. The same knobkerrie that Zuma carries when he is performing his *awuleth*' *umshini wami* [give me my machine gun dance[201]].

The reference to Zuma presented interesting militarised masculinities. The workers were not in the real sense armed at the beginning of the strike as cited above. Some of the workers though, had sticks and umbrellas in their hands symbolising weapons and that they were in a struggle.

As the march approached the LPD where the management office is located, the workers realised that the area had been cordoned off by Lonmin Platinum security. They gathered along the security line and demanded to be addressed by management and to present their petition. The security officers initially promised that management would attend to them. According to informants, management reneged and it was announced that management was not going to consider their grievances without the representation from the NUM. The action by management was designed to defend the institutionalised industrial relations regime. A NUM representative subsequently emerged from the crowd and declared arrogantly that 'management was not in any way going to entertain them as the action was not sanctioned by the NUM which was the majority and recognised union[202]'. This was an attempt by the NUM to reclaim control which nevertheless failed. This shocked and agitated the workers. The management and the NUM were acting in collaboration to defend the institutionalised industrial relations framework that was under siege. The motive was to force the workers to operate within the institutionalised industrial relations framework. This raised tempers and frustration amongst some of the workers. Later on the same day, some of the RDOs started blocking other workers from reporting for duty and this marked the disruption of order. A bus ferrying workers for the night shift was blocked by some of the RDOs and several incidences of violence and intimidation targeting those who were not on

[201] Interview 78: 5 October 2012 Marikana.

[202] Interview 72 30 September 2012 Marikana.

strike were reported. Two NUM members were assaulted near the Western platinum branch union office.

The RDOs were quick to realise the limitations of a strike without the support of the generality of other workers. As a result they resolved to enjoin other workers to support the action through both coercion and consent. The RDOs had limited success in forging solidarity beyond their occupation and hence had to resort to the use of violence. They forged worker collective solidarity through instrumental use of violence and in the process gained the support of the generality of the other workers. The move by the RDOs to ignore the collective bargaining system represented a rejection of a system of order presided by the NUM and the employer and an unequivocal show of agency and power from below. On the other hand, the NUM and management made frantic efforts to assert their own form of order through institutionalisation of industrial conflict. The workers resolved to reconvene the following morning to plan the next course of action after failing to present their petition to management. The move by the workers ultimately represented the rejection of the NUM and the institutionalised industrial relations system.

Convergence of discontent and violence:

The second march and the NUM shooting: 11th August 2012

The RDOs resolved to express their rejection of the NUM and employer order by organizing a march to the NUM office on the 11th of August 2012. The aim according to informants was to express unequivocally the rejection of representation by the NUM. One of the RDOs explained the motive behind the march:

> After our employer refused to address us and referred us to the NUM we resolved to march to the NUM central office. Our intention was to advise them to put their hand off our grievances and leave this to us to resolve with our employer directly. We only wanted to request them to step aside and leave us deal with our employer directly without interference.[203]

[203] Interview 78: 04 October 2012 Marikana.

According to a number of informants, the workers were strongly convinced that the NUM was compromised and not in any way going to assist them as is expected of a trade union which in the norm defends the collective interests of its members. Many of the workers in the march were optimistic that it was ripe time for a change. They were convinced that the NUM was not going to contest their plea to engage the employer directly outside the collective bargaining structures given its dismal performance in the past years (see Bezuidenhout, Bischoff, and Masondo, 2010, SWOP NUM 2005 and 2010 Reports).

The march, according to informants, was like any typical *toyi-toyi* intended to express discontent in a democratic dispensation. The participants sang the usual revolutionary strike songs with some displaying sticks, knobkerries and umbrellas. At this point, there were no typically dangerous weapons. Informants indicated that the meaning behind the sticks and knobkerries in a strike action is symbolic and linked to the traditional African culture and belief system. A strike epitomises a war by other means. Thus a man going for a war in African mythology must be armed i.e. the sticks and umbrellas in this context symbolised the weapons. Those who were part of the march and other witnesses maintained that the workers from the outset had no intention to use violence to express or advance their views. Dangerous weapons only emerged in response to the shooting by the NUM and were meant for self-defence. One of the RDOs explained: 'We only took weapons after the shooting by the NUM .We took the weapons to defend ourselves'.[204] When the march was about 100 meters short of the NUM Wonderkop central office, about eight armed NUM officers conspicuous in their red union regalia sneaked out of the office and strategically positioned themselves in a line of defence. They fired a hail of bullets into the crowd and this caused pandemonium and everyone ran for cover. Several workers were injured in the shooting and two were hospitalised. The workers retreated and the crowd dissipated.

The workers attempted to re-convene at the Wonderkop stadium but were barred by Lonmin Platinum security as the strike was not protected (did not follow the industrial relations procedures). They were subsequently evicted from mine premises. Meanwhile, most of the workers were convinced that two of the RDOs shot in the march against the NUM had died. This news spread fast throughout the adjoining mining communities and informal settlements. The incident marked an important turning point which informed the trajectory of events. The NUM

[204] Interview 79 07 October 2015 Marikana

later confirmed that its branch officers were indeed behind the shooting and argued that this was in self-defence.[205] The shooting of the march by the NUM was a desperate move to defend and maintain the institutionalised industrial relations system that was being rejected by the workers.

The claim that the shooting by the NUM had killed two RDOs was but a rumour which was only disapproved some weeks later but influenced the trajectory of events. It galvanised workers' discontent in support of the strike and a general resentment against the NUM. In addition, it in many ways enhanced workers' collective solidarity. The fact that it was the NUM that had initiated the violence enhanced the worker's show of power. It re-enforced the rejection of the NUM as the voice of the workers. This demonstrated the power of rumour in mobilising collective support (Das, 2007). The attack by the NUM to the workers generated a strong sense of deception by their union. Almost two years after this incident, some of the workers maintained two of their colleagues were killed by the NUM and use this to rationalise their response thereafter.[206]

Meeting at the kopje and the underlying symbolism

After the shooting by the NUM, workers desperately wanted a place to convene to plan the course of action as a collective. They were denied access to any of the usual meeting points within the mine premises because the strike action was outside the institutionalised industrial relations system. The institutionalisation of industrial relations defines how and by whom space within the workplace may be used especially during a strike action. The workers were presented as criminals and locked out by the mine security. Many of the workers interviewed believed that the NUM and management had connived to subvert the strike action. One of the workers explained:

[205] Senzeni Zokwana NUM president statement to the Farlam commission and the NUM legal counsel confirmed that indeed the NUM branch officials were responsible for this shooting and were acting in self-defence.

[206] The researcher visited the area two years after the strike and interviewed some of the workers who still maintained that two of their colleagues were killed by the shooting by the NUM.

> All doors were shut for us… we had nowhere to go … the NUM branch office had the keys for the stadium which was locked and we could not access. We did not have anywhere to assemble.[207]

Chapter 7 has argued that the convergence of workers as a group in mass meetings provides a platform where they can make collective decisions and build consensus. After a desperate attempt to find a suitable venue for a mass meeting, the beleaguered workers settled for the small rock outcrop – the kopje located between the sprawling Nkaneng informal settlement and the Lonmin Platinum refinery plant. At the base of the kopje are two cattle kraals. Informants highlighted a number of reasons why they settled for this spot. The primary reason was security which at the kopje was easy to manage as it is on a high altitude and posed minimum disturbance to the normal life in Nkaneng. According to the workers interviewed, the high altitude made it easy to spot danger from afar. One of the workers explained:

> We did not want our community to be affected by the strike. We did not want criminals to take advantage of the strike and attack and loot shops. We did not want the children in our neighbourhood to be affected by the police.[208]

A similar strike at Impala Platinum Mines in February 2012 was marked by a spate of violence and looting which spread to adjoining communities and mainly targeted shops owned by foreigners (see Chapter 7). The Lonmin Platinum workers wanted to avoid this befalling their community. Furthermore, in the Xhosa traditional[209] culture there is symbolism attached to a mountain, in this case signified by the rock outcrop. When there is a crisis in a traditional Xhosa community for example, such as a drought, the elders would go to the mountain to ask for rains from the ancestors. Moreover, when there are problems in the family, the men in terms of the Xhosa culture would converge at the kraal in an attempt to resolve the issue. The women are excluded as this is a gendered space. The kopje is on high ground which in Xhosa mythology is symbolically close to the ancestors. In addition, in Xhosa cultural belief system, a mountain is a sacred place such that if you make a vow or agreement, it becomes binding and cannot be broken. It assumes the status of a covenant. This cultural symbolism attached to this space was

[207] Interview 78: 04 October 2012 Marikana.

[208] Interview 78: 5 October 2012 Marikana.

[209] I draw the analysis on this section from an interview with a Xhosa *sangoma* from Eastern Cape who has clients in the platinum belt. Interview Xhosa *sangoma* 29 July 2013, Johannesburg.

important in explaining some of the responses by the workers given that many of the leaders of the strike action from the onset were from the Xhosa ethnic group with a strong attachment to their rural habitus and traditional life and belief system. Moreover, this partly explains the workers' resilience and sense of unity in this strike action.

The move to the kopje by the workers confirmed that this was both a workplace and community crisis. Thus as the strike progressed all men from the community were requested to be on the kopje as a show of solidarity. A worker recounted:

> Every morning some of the strike leaders moved around the Nkaneng neighbourhood blowing a whistle. The whistle in the mine context symbolised an emergency. In this case this was a command or appeal for all men to be at the kopje.[210]

Women were thus excluded from the onset of the strike in line with the dominant culture and belief system which barred them from some of the critical spaces that defined the strike action.

The revenge:

The third march to the NUM office 12th August 2012

The crowd that converged on the mountain included members from the community who were not exclusively employees of Lonmin Platinum. Those who were not in the employ of Lonmin Platinum rationalised this as a crisis beyond the workplace tied to broader community struggles. They argued that they had to draw from the past repertoires during the struggle against the apartheid regime in which the workers articulated the struggles at the workplace to those in the broader society.

The mine workers as people who believed in African traditional beliefs and religion had to explain this crisis and misfortune. In traditional African mythology, *sangomas* are crucial in explaining misfortunes and giving directions as they communicate with ancestors. They help people and their communities in answering puzzles encountered in life and questions such as 'why us, why now is the misfortune happening' and so on. The besieged workers thus resolved to consult a *sangoma* to explain the misfortunes and get advice on the way forward. According to

[210] Interview 79: 6 October 2012.

informants, the workers at the kopje were thus calm before the arrival of the *sangoma* as they were waiting for direction and divine intervention. A worker explained.

> We could not do anything …we had to remain very calm… we did not know what direction to take until the *sangoma* arrived from Eastern Cape.[211]

The *sangoma* was well known in the platinum belt for handling strikes. It is important to note that he was the same consulted by the workers at Impala Platinum during the February 2012 strike. At Lonmin Platinum he initially did not come in person but assigned two of his sons to perform the rituals. The rituals were for protection and to strengthen the workers' position in their struggle against their employer and the state. The rituals involved making incisions on the forehead and *muti* rubbed in. According to one of the witness:

> We had no choice … we had to consult the *sangoma*… everyone else was attacking us …the NUM , Lonmin security, police were all attacking us so we had to seek protection…. It's part of our culture and value system. We believe in what some call superstition. If you cannot explain a problem in this material world you consult the spiritual world. A problem may be perhaps that the ancestors are not happy and this brings a curse.[212]

The consultation of the *sangoma* and use of *muti* emboldened the workers' position and served as a means of forging worker solidarity. After the performance of the rituals, the workers resolved to resume the aborted march to the NUM central branch office. This was now also a way of seeking revenge and answers why they had been attacked. This time a special '*amakarapa*[213]' was selected and joined by volunteers. The *'amakarapa'* had gone through special *muti* rituals which according to informants was meant to make them invincible. At least eight *amakarapa* were selected and were joined by about 60 volunteers. According to informants, it was clear that this time the march was not just an expression of discontent as had been the case with previous ones. This time, some of the workers were armed with so called

[211] Interview 78: 5 October 2012 Marikana.

[212] Interview 78: 5 October 2012 Marikana.

[213] These were special Amabutho – Zulu/Xhosa word for warrior(s) who were the leaders of the strike and had undergone through special *muti* rituals.

'dangerous' weapons – machete, traditional spears and knobkerries. According to informants, this shift was a response to the violence initiated by the NUM. One of the workers explained:

> We had to be armed to protect ourselves from the NUM and its allies. It had shot and killed two of our own colleagues in the previous march.[214]

A witness of the march and one of the workers at the kopje recounted:

> There were about 60-100 workers who marched down from the kopje. This was after the news spread that the *sangoma* had arrived and performed some rituals. In the group about 8 appeared to be the leaders as they directed the march and instructed the course of action. For example, they gave instructions to the group to advance, retreat or attack. They were dressed in traditional warrior attire... they were topless... like Shaka the Zulu including the head gear and were armed with traditional weapons.[215]

Mine security barricaded the way to the NUM office to prevent the march from proceeding. However, the workers were defiant and forced their way through. This engendered a commotion in which the security guards attacked the workers with rubber bullets and tear gas to disperse the crowd. According to informants, the *amakarapa* were given special instructions by the leaders of the group to keep charging despite the opposition. Two Lonmin Platinum security guards, Frans Mabelane and Hassan Fundi were subsequently overpowered by the group. Fundi was extracted from the security van and hacked to death using a machete and Mabelane was burnt to ashes in the van. The deceased were robbed of their cell phones, firearms and Fundi's tongue was cut off allegedly for ritual purposes. It was later revealed during the Farlam commission hearing that Fundi's body parts were used for *muti* ritual purposes by some of the workers during the strike. A Xhosa *sangoma*[216] interviewed by the researcher explained that the extraction of the tongue and its mix with the *muti* was meant to conceal evidence. According to the *sangoma* the tongue was to be mixed with *muti* by those who killed the two security guards to prevent their identification and spread of the information about the killing. The photographs and video footage

[214] Interview 80:6 October 2012.

[215] Interview 78: 5 October 2012 Marikana.

[216] Interview Xhosa *sangoma* 29 July 2013, Johannesburg

of the bodies of the two went viral in social media. On the same day, a NUM member, Tupelo Mabebe was assaulted and stabbed near K4 shaft at Karee mine and later died in hospital. This highlighted an escalation in the levels of violence.

Forging a violent solidarity: Operation Karee 13 August 2012

The contestation at Lonmin Platinum evolved into a broad struggle which embraced the community. There were reports that a subcontractor at shaft K4, in Karee section did not take the warning to stop production. The platinum work arrangements in the current neoliberal dispensation is characterised by a significant externalisation of the employer role and this undermines worker collective solidarity. In this case those engaged through subcontractors did not necessarily share the same struggles and subjectivity with the core workers. The mass meeting at the kopje resolved to deploy a tactical team to stop production at this shaft. About one hundred volunteers were enlisted for this mission. This included some of the informal committee members who had gone through the special *sangoma muti* rituals. Many in this group were armed with spears, assegais, machetes and knobkerries. Although some of those who participated in this mission maintained that the intention was to 'convince' the other workers at Karee to close down production and join the strike, the intention to use force was apparent.

This 'flying picket' as articulated by Alexander, 2012 or alternatively the 'violent picket' thus marched from the kopje to Karee, which is about five kilometers away, to execute its mission in a military drill style. This group was along the way joined by other workers and sympathisers. By the time the march got to K4 shaft the strike breakers had already got wind of the pending attack. They had well in time abandoned production and the site. When the flying/ violent picket got to K4 shaft, they were advised that production had since stopped and all the workers had joined the strike action. The group had to report back at the kopje which had become the command centre. For the retreat, the mine security negotiated for use of a different route to avoid the hostels and residential areas in Marikana West for security reasons. The group obliged. Notwithstanding this precaution, or because of it, the march was intercepted by the South African Police who demanded that they disarm and hand over all dangerous weapons. One of the

workers who were part of the flying picket explained: 'Police indicated that they wanted peace… we told them they must bring the management to the kopje to discuss our problem'[217].

The 'flying picket'/violent picket declined to comply with the police orders and defiantly forged ahead breaking through the police line. They defiantly declared that that they were only going to disarm at the kopje after reporting to their leaders. This in a way reflected a contestation of different forms of order – from the police and the workers' leaders. The police responded by opening fire after attempts at peaceful resolution had collapsed. This created disorder and a fight ensued between the two groups. This clash resulted in the death of two policemen hacked to death by some of the workers. The policemen were disarmed before being hacked to death and their service guns disappeared. Two workers also died in this clash.

On the same day, the 13th August 2012, Thembelakhe Mati was found murdered near the railway line adjacent to the EPO hostels. His body had five gunshot wounds. The following day, Isaiah Twala an NUM shop steward was found murdered near the kopje. He was allegedly murdered after he was found to have a credit of over R800 in his cellular phone and was suspected to be spying for the NUM. As highlighted earlier, the NUM branch officials were entitled to cellular phone credit from the employer. A skull of a cow was placed on top of his torso symbolising the killing of a bastard. On the same day the NUM conducted a mass meeting in which it cautioned the workers from participating in the strike. At the mass meeting, the NUM condemned the violence, intimidation and updated on the employer ultimatum on dismissals. Management had agreed to extend the ultimatum. The NUM was undoubtedly speaking as the voice of management.

State, union and capital alliance

The way this strike action unfolded raised fundamental questions about the state and the different class interests. What came out clearly from the onset was the collaboration between the employer and the union to subvert the strike action. Lonmin Platinum management and the NUM made concerted efforts to break the strike action in a quest to defend the institutionalised industrial relations regime. The NUM branch structures assisted in organising strike breakers to report for

[217] Interview 78: 5 October 2012 Marikana.

duty as a strategy to break the strike. They made arrangements to provide escorts and security for those who wanted to report for duty on the 10th and 11th of August 2012 which were the first days of the strike. The NUM organised marshals into the hostels and local villages areas to spread the word that the union was against the strike and wanted all its members to report for duty. At the Wonderkop hostel for example, the NUM used a public address system in the early hours of the morning to appeal to workers to report for duty. The frantic efforts by the NUM however, paid lip service to Nkaneng informal settlement where ironically a significant proportion of the workers lived. This highlighted the social distance between the union and the ordinary membership. The NUM was so determined to break the strike action but this was to no avail.

Lonmin Platinum security monitored security on the ground. It identified flash points and also provided escorts and security to those who wanted to report for work. Management acknowledged the co-operation from the NUM in the collective attempt to break the strike. Management and NUM had both re-characterized the strike as a criminal act and thus refused to engage the workers. This was designed to justify the use of violence and delegitimise the action by the workers. The NUM-Lonmin and the South African Police Service held daily security briefings to find a way forward.

The Marikana massacre: 16 August 2012

After several attempts to break the standoff, the South African Police Service opened fire on the crowd of workers gathered on the kopje and killed at least 34 workers. Later evidence presented before the Marikana commission showed that about 16 of the workers were killed after the police opened fire whilst 17 were hunted down the other side of the kopje and executed. Thirty one of those killed were employees of Lonmin Platinum, one was employed by a contractor and two were ex-Lonmin Platinum workers. Seventy eight were injured and 259 were arrested and later charged for murder. This incident has been described as the most lethal use of force by the state police since the 1960 Sharpeville massacre. This attracted wide condemnation across the globe and raised questions about South Africa's democracy (Alexander, 2013).

Explaining the massacre

This massacre happened when a resolution to the dispute was already in the horizon. The previous day, the management, unions and the workers' committee had agreed in principle on a demobilisation strategy. In addition, they had discussed how the induction process for the returning workers was to be conducted. This is in line with the mining OHS regulations, which make it a prerequisite that any worker away from active underground duty for more than two weeks has to go through an induction process.

On the 15th of August 2012 the police, unions (NUM and AMCU) and management held several meetings to break the impasse. The police escorted the union leaders to the kopje at different intervals to address the workers in an attempt to convince them to disarm and to abandon the strike and get back to work. The workers at the kopje included members from both the NUM and AMCU. The reception of the two union leaders by the same group of workers was different. The first on the kopje was the NUM President Senzeni Zokwana. Zokwana was given security instructions to address and remain in the armoured police riot vehicle. A worker who was at the kopje explained:

> We did not clearly see him but we only heard his voice. He indicated that he was not here to negotiate but to tell us to go back to work. We requested him to come out of the hippo for us to see and confirm if indeed it was him. We told him that if you are our president come out of the hippo and talk to us but he declined.[218]

Zokwana had earlier declared in the media that no one at the kopje was an NUM member. The failure or refusal by the NUM president to address the workers directly symbolised how his union was alienated from the shop floor. Zokwana later revealed to the Marikana commission that he was shocked by the level of aggression shown by the RDOs. He commented that from his experience workers who had grievances in the past with local NUM structures were usually not rebellious in the face of the national leadership. His claim however, comes short if we look at the

[218] Interview 81: 6 October 2012.

past experience of the NUM in the platinum belt. The NUM deputy, Piet Mathosa lost an eye in 2009 in a quest to stop a strike action at Impala Platinum after an unexpected attack by workers who were challenging the NUM decision to call off a strike (see Chapter 6).

On the other hand AMCU president, Joseph Mathunjwa received a cordial reception from the same crowd. The workers 'requested him to come down and be part of them and not to address them from the police armoured van as he was their leader[219]'. He, unlike Zokwana, complied. This in a way symbolised his union's connection to the workers and their struggle. The workers subsequently requested him to return the following day as it was getting dark. He returned the following day without any police escort and addressed them. A number of the workers viewed the absence of police escort on the second visit as an indication of police bias in the way they treated the two leaders. Mathunjwa pleaded with the workers 'to return to work and that he feared they were to be killed by the police'. Some of them heeded this appeal but the majority remained. Those who did not take heed of his plea applauded his fearless leadership. Mathunjwa vowed to carry forward the workers' struggle. The contrasting reception of the two leaders in a way reflected the rejection of the NUM and the subsequent shift to and approval of AMCU by the majority of the workers. This only became a reality later following a process of re-institutionalisation with AMCU as the new agent replacing the NUM.

On the 16th of August 2012 there was change of plan by management, police and the NUM after a meeting which excluded AMCU. AMCU only got wind of the shift later in the day. Mathunjwa claimed that he was 'marginalised, disregarded and despised' by the police, Lonmin Platinum management and the NUM'.[220] This was given that at the point he was the only one the workers trusted and could listen to.

The employer framed the gathering of workers at the kopje as a criminal act and enlisted the help of the SAPS. The police claimed that their aim was to disperse the workers who as presented by the employer, posed a threat to public order.[221] This was a strike action which is a constitutional

[219] Interview 81 : 6 October 2012

[220] Mathunjwa evidence to the Farlam commission.

[221] Police submission to the Farlam commission.

right in South Africa. However, the police objective was more than just public order. One of the workers commented:

> The way the police was unleashing violence on us was like they are accusing us why we were not going to work. They barricaded the stadium and we moved to the kopje but still they followed us and were beating anyone they met along the way. It's like they were forcing us to the shafts and underground.[222]

Ultimately it came out clearly that the police objective was to end the strike action not just to maintain order. The police commander declared a few hours before the massacre: 'We are going to end the strike. We will finish it today. It will end today'[223]. This clearly showed that the police was acting as an instrument of capital in line with the Marxist perspective on the role of the state and had no respect for the workers' collective right to strike.

The refusal by the workers to listen to the NUM, AMCU and Lonmin Platinum during the strike highlighted the collapse of institutionalised industrial relations regime. As with real life challenges, people sometimes turn to religion when they have no answers to life challenges. Bishop Seoka thus came into the scene in an attempt to resolve the impasse. He visited the workers on the kopje and enquired about the source of the problems and promised to help. The workers were clear to the bishop that their aim was to present their grievances to their employer. They requested him to assist them by bringing their employer to address them at the kopje. This affirmed that this was an industrial relations dispute despite the re-characterisation by the employer in collaboration with the state and the NUM. The Bishop left the kopje and promised to communicate this to the employer.

The police did not allow the bishop to go onto the kopje for the second time to plead with the workers to disarm and leave as the area was declared a security zone. The bishop claimed, in his presentation to the Marikana commission, that it was surprising that all the emergency systems were put on standby including mortuary vans way before the shooting had happened. He thus concluded that the massacre was premeditated. The police denied this and claimed that they had no prior plans to execute the massacre but it was just a mission that went out of control. The

[222] Interview 79: 6 October 2012.

[223] Zukiswa Mbombo Police Commander North West Province.

argument by the police is not convincing given the way events unfolded. What is convincing is that the police may have apparently executed the killing of the workers as revenge for the death of two of their colleagues who were hacked to death by the workers three days earlier.

Moments after Mathunjwa had left, the police rolled out a razor wire from a truck to cordon the place where the workers were converged. This caused commotion and agitated the workers. The police were not very clear on the motive behind the rolling out of the razor wire. The dramatic move by the police to barricade the kopje caused a pandemonium and the workers made frantic efforts to escape entrapment. There are two contesting narratives on how the workers responded to the police. The first one is that the workers were charging at the police with the intention to harm them or to challenge their actions. The police argued that the workers were armed with dangerous weapons: *pangas*, machetes and knobkerries and some had guns. One of the workers was alleged to have fired shots at the police and video footage was shown on national television. In addition, the police claimed that the workers had gone through *sangoma* rituals which made them believe that they were invincible. The police used this argument to justify their violent response.

The second narrative, which emerged much later and initially advanced by University of Johannesburg's Professor Peter Alexander, after a loco inspection of the site, is that the workers were not in any way charging at the police but were dispersing to escape the police barricade and take cover from attacks from the other side of the kopje. Hence, in line with this argument, the police opened fire without any genuine risk. According to this thesis, a significant number of the workers were killed outside the police zone (line) which suggests that some were hunted down. It is not clear who authorised the police to use live ammunition but it was apparent they were acting on high orders.

The massacre raised a number of pertinent questions. The first question is whether the response by the police was premeditated. Secondly, whether the workers shot by the police were charging or the police misjudged and killed them for a wrong reason. Part of the empirical evidence suggests that the two may have happened simultaneously. One of the workers explained:

> Our comrades died fighting. They did not just run away …they were fighting some were run over by *hippos*[224] some were poisoned… we were fighting[225].

The way this incident unfolded is contested and makes it very difficult to apportion blame. As a result, the naming of this incident has been also contested. Some have named this a massacre and yet others a tragedy or disaster. Those sympathetic to the NUM and the state named this a disaster or tragedy and are conscious not to refer to it as a massacre. For example a COSATU 2012 Congress communiqué declaration called this a disaster, a decision which was passed after arguments within the federation. On the other hand those not aligned to the ruling party referred to this as a massacre. Naming in this instance proved to be a challenge because of the implication to political stakes reflected serious political struggles (Das, 2007).

This type of violence presents both continuity and discontinuity. On one hand it is violence committed by the state against the subaltern working class in a democracy. A major distinction is that in the past this was committed by an undemocratic and illegitimate regime. The violence by the state and the employer during the apartheid regime before the Wiehahn Commission was to resist a shift toward the institutionalisation of industrial relations for black workers. In a democratic dispensation the state and the employer instrumentally use violence to defend the industrial relations which in this case was under siege from an insurgent trade unionism that was pushing for a de-institutionalisation. This was also in a way designed to defend the hegemony of the ruling party and its alliance partners-COSATU and the SACP.

The assassinations[226]

This strike was characterised by well calculated and deceptive killings of specified victims for reasons that were apparently linked to the victims' position and or for political reasons linked to the contestation and strike action. This mode of violence was common during and after the strike action. It is important to note that from the onset each of the violent assassinations during this

[224] Police armoured van

[225] Interview 80 :6 October 2012

[226] There is no authoritative definition of assassination. This thesis follows the one offered by Franklin L. Ford: "the intentional killing of a specified victim or group of victims perpetrated for reasons related to his (her, their) public prominence and undertaken with a political purpose in view." *Political Murder: From Tyrannicide to Terrorism* (Cambridge, MA: Harvard University Press, 1985), 2. The concern in this thesis is assassinations that were tied to strike action.

strike represented an attack on the institutionalised industrial relations system. Whilst there is limited space for an in-depth narrative and analysis of this mode of violence, this section looks at this question in an attempt to show how the use of violence shifted in this strike. It is instructive to note that the first assassination was carried out during the strike and the trend escalated. This persisted for more than a year after the strike. The Impala Platinum 2012 strike also experienced a similar mode of violence which targeted key union leadership. However, the frequency was negligible.

The first assassination linked to the Impala Platinum 2012 strike was that of an assistant to the *sangoma*. The assistant to the *sangoma* was killed a few days following a very successful mass meeting at Simunye residence complex (Number 8 hostel) where he had performed his *muti* rituals in public. He was killed in his shack at Number 8 informal settlements by a gang of gunmen who used a white VW polo getaway car which had no registration. He was the key person assigned by the *sangoma* to 'administer' the *muti* at Impala Platinum during and after the strike and at mass meetings. Before meetings and other important gatherings, he would sprinkle *muti* as part of the rituals. Some of the workers believed he had nothing to do with the sangoma and *muti* but was just public entertainer who was just imitating how a *sangoma* works. As a result like a comedian they believed he was creating humour. However, most of the informants maintained that he was assigned by the *sangoma* to perform the special rituals for protection (*ikhangatha*[227]) and seeking divine intervention. They argued that he was targeted because of his links to the *sangoma*. Informants aligned to AMCU suspected that he was killed by NUM assailants. This was the only assassination that happened during the Impala Platinum strike in 2012 but there were other numerous murder attempts on some of the NUM shop stewards. The number of assassinations during the Lonmin Platinum dispute was rather outrageous. It highlighted an increase in the significance of this form of violence repertoire. In the following section a brief description of the assassinations linked to the 2012 Lonmin Platinum strike is presented[228]:

Dumisani Mthinthi – 11th September 2012: He was an NUM shop steward at Lonmin Platinum and originally from Bizana, in the Eastern Cape. He was hacked to death on the 11th of

[227]In Xhosa this refers to an assistant sangoma.

[228] The evidence for the assassination was drawn from interview with various participants and some archival research.

September 2012 before the end of the strike after being suspected to be an NUM spy. His body was dumped near the kopje at Wonderkop after being brutally murdered**.**

Daluvuyo Mbogo – 5th of October 2012: He was the NUM branch secretary for Marikana. He was shot six times at his home at Wonderkop hostel family unit section on the 5th of October 2012 by unknown gunmen. He was scheduled to testify before the Farlam Commission. Three days before he was killed, he had led the Commission on its loco inspection of the sites. He elaborated on the violence episodes which preceded the massacre. He was part of the NUM officials who fired shots at the marchers on the 11th of August 2012 in which at least 2 workers were seriously injured.

Zakhele Mtshayisa – 06 October 2012: He was shot after visiting the shack of his cousin who was an NUM shop steward. He was apparently not the target and a victim of mistaken identity**.** The cousin who was a shop steward had fled earlier after receiving death threats.

Alton Joja –The strike *sangoma,* 24 March 2013: He came into the platinum belt industrial conflict arena through the social networks of mine workers from Eastern Cape rural areas. He originated from Ludeke halt; Mbizana, Eastern Cape province. He became a very prominent *sangoma* during the strike wave from the beginning of the Impala Platinum strike in February 2012. He was consulted by many workers individually and collectively for *muti* during the strikes. He was killed on 24 March 2013 in Eastern Cape by unknown gunmen. However, police suspect that the gun that was used in this murder may have been snatched from the police officer killed during the 2012 strike at Lonmin Platinum. Two police men were hacked to death in this strike.

Steven Khulekile Mawethu 'Bra Steve' – 14 May 2013: He was a former NUM chairperson at the Lonmin Platinum Karee branch and was suspended in 2011 by the NUM for alleged violation of the constitution and financial impropriety. He challenged these accusations and this led to a revolt and defections from the NUM to AMCU at the Karee section. He was the man credited for bringing AMCU into the platinum belt and for its subsequent unprecedented exponential rise. He was gunned down at Billy Tavern in Photsaneng. He was shot four times by unknown gunmen who had covered their faces with hats. At the time of his death he was the regional organiser for AMCU. According to some informants there are suspicions that his murder may have been an

AMCU inside job. He was said to have been calling for an AMCU congress and intended to contest one of the key national executive posts.

Andile and Ayanda Menzi – 14 **May 2013**: These were twins murdered in Nkaneng a few hours after the killing of AMCU's regional organiser, Mawethu Steven. They were murdered in a shack in Nkaneng informal settlement. They were suspected to be NUM members and their murder may have been part of a calculated revenge for the death of Steve.

Mbulelo Nqapo NUM – 3 June 2013: He was the Chairman of NUM Rowland Shaft. He was shot in front of his desk at the NUM offices at Lonmin Platinum near Wonderkop hostels. He was shot more than 11 times. The branch treasurer, Patrick Phatswane, was critically injured in the shooting and hospitalised.

Nobongile Nora Madolo – 12 August 2013: She was the first woman to be assassinated in this contestation. She was 43 years at the time of her death and a shop steward for the NUM at Lonmin Rowland shaft number 4. She was shot dead in a street outside her home and a few metres away from an abandoned police satellite post. The SAPS abandoned this post following security concerns. Nobongile was said to have known critical information regarding the killing of the twins in Nkaneng informal settlement.

William Sithelele – 17 October 2013: He was an NUM branch chairman at Marikana. He was gunned down in Nkaneng informal settlement near the kopje whilst on his way to his girlfriend. He stopped when four gunmen shot at his car and was subsequently shot seven times. He had testified before the Farlam commission in January and February 2013. He was part of the NUM group that was accused of shooting the RDOs during their march on 11 August 2012 which injured at least two workers.

Percy Letaneng, ex-NUM shop steward –10 November 2013: He was a former shop steward for NUM and was 45 at the time of his death. He had taken a voluntary retirement package following the loss of NUM recognition at Lonmin Platinum. Most of the NUM shop stewards at Lonmin Platinum took voluntary service packages after the NUM was de-recognised as it became unsafe for them to continue in employment. He was shot more than 7 times as he got out of his car to open the gate to his home in Segwaelane. He later died in hospital.

These assassinations are part of a story underlying the institutionalisation of industrial relations at Lonmin Platinum. Informants highlighted that this was not new but what we have to question is the frequency and a shift in those being targeted. A number of NUM union branch officials had been assassinated in the past in clashes linked to internal union factionalism and contestation for power and control. The NUM faction that controlled the branch committees at the time of the strike in 2012 was alleged to have gained power through 'the barrel of the gun[229]'. According to informants, the periods before and during the union branch election were often characterised by internal contestations over control of the union which sometimes turned violent. One of the workers explained:

> Our branch committee here lived by the gun. They got into office through the gun…. They crashed the other faction into submission and some lives were lost in the contestation. As a result of this violent history it was public knowledge that our local branch was always armed. They kept guns in the office…We knew that they were armed even when we marched to the branch office …they kept guns in that office. They got their positions through violence…. They even kill each other for position and power.[230]

Interviews with some of the workers pointed that the NUM experienced various forms of intra-union violence at different levels including some of the assassination aimed at destroying the enemy by elimination and creating chaos. Initially this was intra-union which later turned to intra-union violence. The aim is to win and or to change the course of the game by disturbing the enemy and eliminating key witnesses. The assassinations were linked to the contestation over representation of the workers and those targeted usually played critical roles on either side of the divide. The intra-union assassinations experienced at Lonmin Platinum reflected union internal contestation and power struggles. On the other hand the assassinations that followed the 2012 strike were a manifestation of the contestation between two rival unions. A case in point is that the innovation of new repertoires in strike violence is usually rare. New repertoires are usually adapted or modified or extended from familiar routines (Tilly, 2003).

[229] Interview 81 : 6 October 2012

[230] Interview 80 :6 October 2012

State, violence and re-characterisation of the strike

Questions were raised on whether this contestation constituted an industrial relations dispute or criminal acts. Lonmin Platinum had made several attempts to resolve the dispute through the institutionalised industrial relations framework which subsequently collapsed. The workers were organised through informal committees outside the institutionalised industrial relations framework. This posed a direct threat to the employer-union order which was based on the institutionalisation of industrial conflict. The way the workers responded challenged this industrial relations framework and order.

In a frantic effort to preserve the industrial relations system (the employer-union order), Lonmin Platinum managed to co-opt the state and convinced the South African Police Service to use maximum force. This was achieved by re-characterising this strike action from an industrial action to a criminal act. This involved political intervention. This was after several attempts to resolve the disputes through the institutionalised industrial relations regime had collapsed. One of Lonmin Platinum managers wrote in an email to a Lonmin Platinum director:

> This is not an industrial relations issue but a civil unrest /destabilization / criminal issue that could not be resolved without political intervention and the need for the situation stabilized by the police/army… if you talk to the Minister please could you influence these things and encourage her to make time to talk to Roger. [231]

In order to induce the state to view this problem in the same light, Lonmin Platinum relied on its strong connections with the political elites with capacity to induce the state to be firm and use maximum force. A Lonmin Platinum manager demanded in an email to the Minister of Mines, Susan Shabangu:

> The state should bring to bear on this crucial sector of the economy using resources at its disposal to resolutely bring the situation under control. The police and the army presence need to be planned.[232]

[231] Albert Jameson Manager Lonmin email to Cyril Ramaphosa Lonmin Board executive

[232] ibid

The state's response was thus not an independent response to a problem at hand but a manipulation by Lonmin Platinum. Lonmin Platinum, as highlighted above, dictated to the state the course of action. This incident raises questions on the state and how it relates to different classes in post- apartheid South Africa. During the apartheid era the state collaborated with capital in repressing black workers at the workplace. This case shows how the institutionalisation of industrial relations can be a subject of politicisation. Cyril Ramaphosa is the founding general secretary of the NUM and at the time of the 2012 strike was one of Lonmin platinum directors. One of his companies, Shanduka, owned 9 percent of Lonmin Platinum through a Black Economic Empowerment (BEE) deal. Just over 20 years ago he had been the key leader of mineworkers' struggles in the country. He championed the mineworkers' struggle for dignity, better wages and living conditions. The twenty years of democracy had transformed him into one of the richest black elites in the country with strong connections with business, trade unions and the state elites.

A trade union is part of the tool of institutionalisation of industrial conflict. The Lonmin Platinum management declined to engage the RDOs outside the collective bargaining structure and without the NUM. In a concerted effort to re-characterise the strike action, Lonmin Platinum management argued that 'this is not an industrial relations issue but a civil unrest/destabilization/criminal issue'[233]. Instead of attempting to resolve the dispute by engaging the workers, management was however anxious to inform the state and induce it to 'take decisive action and use maximum force'. It relied on Cyril Ramaphosa's political connections with the ANC and government elites to solicit the maximum support from the state. Ramaphosa claimed that he undertook to speak to the state to prevent further loss of life and damage to property. He contacted the Ministers of Mines and Police and emphasised that this was not a labour relations issue but a criminal issue. This influenced the way the police responded. Over 800 armed police officers were deployed on the ground. A day before the massacre, Ramaphosa maintained constant contact with Lonimn Platinum management. He also closely communicated with the NUM President Senzeni Zokwana who was also advocating for the re-characterisation of the

[233] Albert Jameson Lonmin Chief Commercial Officer email to Cyril Ramaphosa dated 12 August 2012available at : http://www.marikanacomm.org.za/exhibits/Exhibit-FFF-32.pdf

strike to a criminal act. The state was subsequently convinced on the re-characterisation of this incident. The Minister of Mineral Resources, Susan Tshabangu was later persuaded that this was not a labour dispute but a criminal act and promised to brief the cabinet and the president.

The NUM also played a role in influencing the police response to the strike action. It also used the same discourse as management to characterise the contestation not as a strike action but a criminal event. The NUM President, Senzeni Zokwana, phoned the Minister of Police Nathi Mthetwa and demanded the deployment of the army and police at Marikana without delay. Two days before the massacre, the NUM General Secretary Frans Baleni issued a statement calling for the deployment of a national taskforce. This was after six people had already been killed. In the statement he appealed:

> We call for the deployment of a special task force or the SANDF [South African National Defence Force] to deal decisively with the criminal elements in Rustenburg and its surrounding mines.[234]

There was therefore undoubtedly a convergence of interests between capital and the union. The management and the NUM were all speaking the same language on how to deal with the strike. The two parties thus collaborated in inducing the state to use maximum force through their ties to the political and state elites. Ramaphosa argued, after the massacre, that his call for state intervention had the good intention to quell the violence. His basis was that at least 10 workers had been killed before the massacre. His role was critical in influencing the way the police responded. As a result of the concerted pressure, the state deployed specialised police units, including the Special Task Force, Tactical Reaction Team, K-9, National Intervention Unit, crime intelligence and the public order policing units were all deployed in Marikana as the violence escalated.

The way Lonmin Platinum management responded and the basis of the re-characterisation of the strike to a criminal act raised a number of pertinent questions. The first question relates to the conceptualisation of a strike action. The basis for the re-characterisation was the criminal nature of the strike. As argued by Ramaphosa, 10 people had been killed before the massacre. However,

[234] NUM calls for a Special Task Force in the mines.

this form of violence is not inconsistent with strike actions in South Africa. In this strike, the workers clashed with the police and a number of scabs were assaulted and killed. Two police officers were also killed in clashes with the workers. This does not in any way shift the underlying fact that this was an industrial relations dispute. The criminal acts were committed within the realm of an industrial relations dispute. Many similar strikes have been violent but were never re-characterised as criminal acts. The role played by the NUM and Lonmin Platinum management induced the way the state responded. A proper response by the state would have been to treat this as an industrial relations issue and not to intervene if there were no clear violation of law and order.

The state, power and capital

In trying to explain the role of the state and the violence that characterised this strike it is pertinent to draw on the debate on mining capital in South Africa and how it relates to the state. It is clear that this strike was informed by concerted collusion of the state, Lonmin Platinum and the NUM elites. We have shown how Lonmin Platinum and NUM colluded in re-characterising the strike from a labour relations matter to a criminal issue. They thus used their distinct influence and connections to the political and state elites to influence the state which reacted and used maximum force and violence.

This raises questions of the state's relationship to different class interests in a capitalist system of production. Lonmin Platinum almost dictated to the state the course of action through one of its executive directors, Cyril Ramaphosa who was connected to both the state and political elites. In this case study, the state is presented as an instrument of class rule and guarantor of economic accumulation to capital. Lonmin Platinum management, as capitalist elites, manipulated the state to serve their interests. Ramaphosa represented the capitalist elite and facilitated the connection between the state and capitalist elites. In this case there was almost a total subordination of the state elite interests to the capitalist interests. This in line with the thesis postulated by Milliband (1970).Milliband (1970) argued that the state power is exercised in support of the capitalist class.

Breakdown of employer hegemony and worker's consent

In this strike, the RDOs constituted informal workers' committees and by-passed the recognised union. They presented their demands directly to their employer and in the process undermined

the institutionalisation of industrial relations. The RDOs resolved to take their grievances direct to their employers after realising that this was not going to be resolved through the union. The union had become embedded in the company industrial relations structures. The Lonmin Platinum management initially engaged the RDOs' informal structures but advised them that it was very unlikely that this was to be resolved outside the collective bargaining structures and representation by the NUM. The RDOs remained unequivocal that the NUM must not be involved in the matter. They claimed that it had been co-opted by management. The rejection of the union by the RDOs highlights the rejection of institutionalised industrial relations. This followed a realisation that the unions had turned into an instrument of control for the employer. The RDOs thus adopted other forms of organisation drawing new forms of solidarity.

The post- apartheid industrial relations promised industrial peace based on institutionalisation of industrial conflict. This became the basis of the South African industrial relations. This case study however, highlights a collapse of this model. This unmaking of industrial relations is referred in this thesis as de-institutionalisation. It shows the collapse of the capital-state hegemony and consent by the workers. This represents a collapse of class compromise. This may be explained by drawing from the Gramscian (1971) model of state and civic society. Gramsci (1971) defines the state as political society and civil society. According to his thesis, the political society embodies the coercive apparatus whilst the civil society accounts for the institutions of consent. Gramsci (1971) addresses questions on the character of the state and class struggles, drawing from a Marxist perspective. He argues that the state elicits society's consent and persuades and legitimizes the status quo. This ensures the cooperation of the society in maintaining the status quo (Gramsci, 1971). Gramsci views domination as a combination of force and consent that is maintained through the institutions of civil society. Civil society is made up of the non-state institutions such as church, schools, trade unions etc. These are the institutions that mediate between the state and economy. They reflect the positive side of the state that allows the political participation of subordinates (Gramsci, 1971).

The NUM at Lonmin Platinum became an instrument designed to manufacture employer hegemony and worker consent to maintain the status quo. However, in the 2012 strike it failed to play this role. The employer hegemony collapsed and the workers rejected consent. The refusal by the workers to heed the appeal by the NUM to abandon the strike represented a breakdown of

consent and a disruption to the social system and its authority (Gouldner, 1954). The workers responded to the collapse of the employer and trade union hegemony by constituting alternative forms of collective organisation that reclaimed power from below. They constructed new forms of solidarities outside the formal trade union institutions through informal committees that were designed to prevent co-option by management. The response by the workers highlighted the realisation that trade unions constitute part of the institutions designed to manufacture consent. In this strike, the use of violence by the state was tied to the need to defend an ideological apparatus that had failed. Poutlanzas (2008) argues that the role of the state repressive system is not to intervene directly. It however serves to defend in the case of failure of the ideological instruments (see Chapter 2). The state's use of violence at Marikana is a case in point.

There are a number of factors that accounted for the collapse of union hegemony and workers consent as highlighted in this case study. The institutionalisation of industrial relations at Lonmin Platinum shifted the NUM source of power from shop floor organising (organisational power) to state and employer institutions (institutional power) both at the micro and macro levels. The NUM became too reliant on institutional support and thus alienated from its membership. As a result, the breakdown of these institutions culminated in its demise at Lonmin Platinum in a similar way as it had unfolded at Impala Platinum. This became a pattern which spread across the platinum belt and beyond and culminated in the demise of the NUM in the platinum belt within a year from the onset of the strike wave.

The question of representation

We have shown how the Lonmin Platinum management re-characterised the strike from an industrial relations issue to a criminal act. In addition, the mineworkers were framed as primitive, illiterate users of *sangoma* and *muti*, violent and traditionalist. The demand for R12 500 was presented as unreasonable, outrageous and out of synch with reality. The workers were labelled as financially illiterate. The violence was represented as destructive and damaging to the economy. The way the mine workers and the violence were represented is significant in explaining the responses of the various stakeholders and the instrumental use of violence in this strike. An analysis of representation is important as some of the forms of representation became dominant. It has been shown earlier that Lonmin Platinum and the NUM were influential in informing how the state responded to this strike action.

Representation is important as it shapes responses. The representation of RDOs for example as violent, unreasonable, illiterate traditionalists justified and reinforced the use of violence and certain stereotypes, that is, the use of live ammunition by the employer and the state and use of violence specialists and the low wages. This also in some way silenced any prospects for proper dialogue between the parties. Furthermore, the representation of the RDOs as unreasonable was designed to de-legitimise their demands for R12 500. The re-characterisation of this strike action by Lonmin Platinum management in collusion with the NUM as a criminal act closed the possibility of dialogue amongst the parties. The representation of the RDOs as unschooled justified the low wages. As the strike action progressed some of these forms representation became dominant.

Sangoma and muti

Mine work is dangerous and characterised by high levels of anxiety and uncertainty. The use of *muti/sangoma* for the black workers thus constitutes part of the means to navigate these uncertainties and dangers. Many of the workers are from the rural areas and hence they bring in their habitus to face the challenges of capitalism. After the shooting of the marchers by the NUM, the workers re-grouped at the kopje and as a collective sought to find a way forward and to explain the problem before them.

We have shown how this strike draws a number of parallels with the Impala Platinum strike which happened earlier in the same year. There are similarities in the way the two strikes were organised, the claims and repertoires. As highlighted in Chapter 7, a *sangoma* and *muti* played a critical role in enabling the Impala Platinum workers to navigate a crisis that was at hand. In the Lonmin Platinum strike, the workers also summoned the same *sangoma* as they shared a lot in common with the workers at Impala Platinum. This *sangoma* specialised in industrial conflict and was renowned across the platinum belt.

After the shooting by the NUM, the RDOs were in a crisis and convinced that everyone was against them. In response, they had to defend themselves. In African traditional belief and history, *sangomas* have always played a strategic role in preparation and planning for warfare and empowering the army (Flint, 2008). According to some of the witnesses, the attack by the NUM was a declaration of war and hence the workers had to prepare themselves accordingly. As

a result, part of the role played by the *sangoma* was to prepare the workers for war. Many of the workers were convinced that the NUM shooting had killed two RDOs from the march and hence they sought revenge.

In traditional African religion, *sangomas* are crucial in explaining misfortune as they communicate with ancestors. They help people and their communities in answering puzzles encountered in life; questions for example, such as why us or why a misfortune is happening now (Flint, 2008). According to some of the witnesses, the workers summoned the *sangoma* for two main reasons. First, they wanted an explanation to the challenges they were encountering. They wanted to understand 'why everyone else was against them including their own union[235]'. Second, they wanted to find a way forward on how to navigate these problems. Interviews with some of the workers who were at the kopje revealed that after a decision was passed to summon the *sangoma*, the workers remained calm. The *sangoma* assigned two of his sons who took the workers through some rituals including a special ritual meant 'to make them invincible, strong and protected from attacks[236]'. A worker explained:

> *Muti* works for us …that's why the police had to use *hippos*[237] to crash and run over some of the workers because they could not be killed from gun shots[238].

Informants highlighted that many of the workers failed to comprehend the meaning behind the attack by the NUM. Part of the remedy was to seek divine explanation and find a way forward. This according to some of the informants explains why the workers had to suspend any form of action whilst awaiting the *sangoma* to arrive at the kopje. It was only after the *sangoma's* envoys had arrived and conducted some rituals that *amakarapas* were assigned to take on the NUM and seek revenge and answers on why they had been attacked. This comprised some of the informal leaders who had emerged during the strike and had gone through some special rituals. This strike was characterised by a crisis in worker collective solidarity and the use of *sangoma* and *muti* was part of the strategy to forge solidarity.

[235] Interview 80 :6 October 2012.

[236] Interview 80 :6 October 2012.

[237] Police armoured vehicles..

[238] Interview 79 : 6 October 2012.

Intra-worker violence and violent solidarity

The strike divided the workers into two rival camps and raised questions on how workers could construct collective solidarity given that no strike action can be sustained without worker solidarity. Two days into the strike at least six workers who attempted to report for duty were attacked and injured by their colleagues who supported the strike. On 13 August 2012 Mary Langa prepared a lunch box for her husband, 59 year old Julius before he left for work that morning. Julius was said to have been a committed and loyal Lonmin Platinum employee for 25 years. He never wanted to miss duty even when there was a strike action. He worked at shaft K4 as an underground equipment helper. Julius never made it to work on this day. He was intercepted and hacked to death by a gang of fellow workers who were flashing out scabs. He left behind a wife and seven children. Julius was one of the victims of intra-worker violence which constituted part of the dimension of violence in this strike. He was identified by his colleagues as a *gundwane* (strike breaker).

Workers resort to the use of violence in strikes for a number of reasons. The most prevalent form of worker violence in these strikes was intra-worker violence which targeted scabs and strike breakers. This form of violence was a common feature in all the case studies drawn in this study. In the 2012 platinum belt strike wave several workers were attacked and some killed by fellow workers. The victims were usually on their way to or from work. Scabs or strike breakers are seen as turning against a collective decision to become an instrument of the enemy, popularly known as *impimpis* (sell-outs or spies). They represent reversal of worker solidarity. As a result, many of the workers interviewed argued that the killing of strike breakers was a legitimate punishment to collaborators. This nevertheless, represents a brother killing a brother for the sack of solidarity and highlights the corrosive nature of this type of violence.

This study indeed supports the argument that a strike has its own rules of conduct which may infringe other democratic principles, including freedom of expression and choice. Violence in this strike was used to defend what was seen as the rule of majority. One of the workers explained:

> If the majority decides on a strike action then everyone has to comply because it's a majority decision. We say majority rule *papa* and everyone

> must respect this or else… who are you to go against the majority ….if I may ask?[239]

The strike was characterised by various forms of violence including arson. A number of *mkhukhus* of suspected scabs were burned down by fellow workers during this strike. There are a number of ways to explain this form of violence. First, this may be viewed as a response to work fragmentation linked to neoliberal globalization associated the growing subcontracting or labour brokering which undermines worker collective solidarity. Secondly, this may be explained as a response to structural violence which characterizes the labour process in mining. A number of informants highlighted that the use of violence in strikes was a way of challenging inequality and exploitation perpetrated by capital and the state. Be that as it may, workers have competing views on strike violence. Whereas some viewed it as empowering and a means of forging collective solidarity, others viewed it as retrogressive. This reflects the complexity and ambivalence of strike violence.

Any strike action is sustained by the collective unity of workers based on common interests. It is a form of collective power which is dependent on collective solidarity. The workers have to stand together as a collective and have the majority on their side. This is in line with the trade union maxim 'united we stand, divided we fall'. However, this strike was characterised by the violent killings and assault of fellow workers. This in many ways highlighted a crisis in workers' collective solidarity. The strikers failed to convince their fellow workers and gain their support and consent. They instead resolved to violently kill and assault any of the strike breakers. There are a number of ways of explaining this crisis. The way neoliberal globalisation has restructured the labour processes and the forms of control have both severely undermined workers' collective solidarity. It has broken any grounds for common interests. In the face of such unprecedented challenges, the workers in this strike forged solidarity through other unconventional means.

A strike action is one of the most overt ways of expressing workers' collective solidarity. It embodies collective subjectivity. Solidarity is constructed and expressed through the process of mutual association (Fantasia, 1989). The current neoliberal dispensation however, is

[239] Interview 79: 6 October 2012.

characterised by fragmented work which severely undermines the forging of worker solidarity. In the platinum belt for example, over one third of the workforce is employed through third parties i.e. labour brokers and subcontractors. The workers thus have different experiences and subjectivities regarding the conception of what it means to be a worker. This variation affects the way they respond to control by management and how they forge collective solidarity. The construction of worker solidarity is important as it represents an attempt to reconfigure the relationship between the workers and their employer (Fantasia, 1989). Fantasia (1989) reviews worker solidarity outside the industrial relations system and argues that it represents one of the active expressions of workers' collective solidarity and means by which the subordinates usurp the power of the dominant. He argues that solidarity will only emerge if workers or employers bypass the routine channels. That being the case, workers are forced to seek or to rely on their own solidarity as a source of their collective power (Fantasia, 1989).

Worker collective solidarity may be attained through consent and the sharing of common interests. However, this form of solidarity alone had no capacity to sustain this strike because of difference in subjectivity and work fragmentation that undermine solidarity across the occupational divide. The strike, from the onset was organised by RDOs along occupational solidarity. Workers had to draw on other means of attaining solidarity including the use of violence. Solidarity forged through the instrumental use of violence is conceptualised here as a violent solidarity. It is also argued that in a context characterised by work fragmentation and precariousness and a various subjectivities, violence may be one of the means to unite an otherwise divided workforce. In this context, violence brings workers together as a collective to fight with one vision. Moreover, it is argued that although this form of solidarity is based on the use of violence it has similar outcomes with the other conventional forms of solidarity.

Role of rumours/grapevine

The report that two RDOs had been killed by the NUM was just a rumour but was critical in informing the strike trajectory .It turned out to be an important turning point and influenced the way the workers framed their response. However, the origins of this rumour were anonymous despite the significance attached to this. The attack of the workers by the NUM surprised the workers and constructed a sense that they were under attack from everyone. This caused some of the workers to seek revenge and protection. This also served in building and enforcing worker

collective solidarity. This rumour thus played a strategic role as an instrument of transmission of the allegation that the NUM was an enemy of the workers. Partly as a response to the rumour, the RDOs/workers organised another march to the NUM to seek revenge and explanation on the attack the previous day. The intention to revenge and use violence was apparent in this march. The workers were armed with various sorts of traditional and other weapons. It was thus not a surprise that when the march was intercepted by the security, it turned into a violent clash in which two police officers and two workers were killed.

End of the strike and shift to re-institutionalisation

After the massacre, Lonmin Platinum issued a statement that employees failing to report for duty by 20 August 2012 were to be dismissed. This highlighted the intransigence of the employer. The workers remained resilient as only 27 percent took heed of management threats. President Zuma then declared a week of national mourning between 20 and 26 August 2012. The CCMA resumed negotiations and the workers were represented by NUM, AMCU and the workers' committee and observers from the Council of Churches and Traditional Chiefs Council. On the 18th of September 2012 the workers' representatives accepted a wage award of between 11-22 percent. The agreement was received with mixed feelings by the workers as some felt that it fell short of their demand of R12 500. On the other hand, many felt this was not a mean achievement and sacrifice as no union in the sector had ever managed to secure a wage increase close to that. A worker explained:

> After what happened (the shooting) I may have to move to AMCU the new union. I have no reason to remain with the NUM'.[240]

Perhaps in a more dramatic way than at Impala Platinum, the NUM faced unprecedented defections of its members after this strike. In no time many of them crossed the floor to AMCU. A worker explained:

> People like AMCU not because it's good but just because it's new and different. We don't care even if it fails to deliver in the end. What is important for now is that it's a break from the raw deal we were getting from the NUM. In addition, it's a testimony… if a union does not

[240] Interview 80 :6 October 2012

> perform we have the power …we can always get rid of it… this was almost like impossible with the NUM.[241]

This strike was organised by informal workers' committees from the shop floor and it was a typical show of power from below. After the strike, the workers faced a dilemma on whether to remain organised in the committees or incorporate into a trade union. Some workers felt strongly that the committee must be maintained and remain independent to ensure that workers' power remains below. One of the workers said, 'Workers want the committee. They say AMCU is ok but let's stand on our own'.[242]

However, the majority of the workers resolved to join AMCU. Another worker who supported this move argued:

> AMCU and the committee work together. AMCU is not new. If it does not work they will reject it… workers are sceptical. They have been betrayed so many times.[243]

As the strike advanced, the workers resolved to cooperate with AMCU which subsequently became the majority union a few months after the strike. The defection from the NUM shows the precarious nature of trade union membership which characterises the post- apartheid dispensation. The aftermath of this strike transformed the labour relations in the platinum belt. The NUM lost its recognition status and was displaced by AMCU which subsequently became the dominant union in the sector. Later developments after this strike suggest that although AMCU became the majority union at Lonmin Platinum, it had not gained the full control of the shop floor. The informal workers' committees remain the fulcrum of power on the shop floor. The workers at Lonmin Platinum thus resolved at the time to operate in and out of the institutionalised industrial relations framework as and when they deemed it necessary. The workers realised the need to avoid co-option and the institutionalisation designed to manufacture consent. However, the shift of the workers from the NUM to AMCU drawing from Gramsci's (1971) thesis is superficial. It is not by any means a radical change. It represents a gradual

[241] Interview 79 : 6 October 2012

[242] Interview 85 : 9 October 2012

[243] Interview 83 : 6 October 2012

reverse to re-institutionalisation. AMCU operates within the same framework as the NUM. It does not represent challenge to the hegemonic ideologies.

Conclusion

The chapter has analysed the breakdown of institutionalisation of industrial conflict drawing from the experiences of the Lonmin Platinum 2012 strike. It outlines the connection between the breakdown of the institutionalisation of industrial conflict and how this related to violence which characterised this strike. This theme is a follow up from the preceding chapter. The post-apartheid order has created an industrial relations regime which is based on institutionalisation of industrial conflict and collective bargaining. Institutionalisation of industrial conflict is a means of creating order and domination or a tool for forging class compromise. Trade unions are the vehicles of this form of order. In this case study, the NUM evolved into a formidable agent of institutionalisation of industrial relations. It was transformed and absorbed into the management discourse of reasonableness. This process of institutionalisation however, culminated in the alienation of NUM at the shop floor. It developed distinct interests for the shop stewards and union officials. The union became stratified internally and this promoted a hierarchy and careerism which resulted in the neglect of shop floor bread and butter issues.

This chapter has shown how insurgent trade unionism at Lonmin Platinum culminated in the rejection of both the NUM and institutionalised industrial relations framework. This shifted the industrial relations at Lonmin Platinum from institutionalisation to de-institutionalisation. However, the South African industrial relations are underpinned on industrial democracy and the institutionalisation of industrial relations. The system makes it very difficult for any form of collective organisation other than a trade union to engage in the industrial relations. For example, it is only registered trade unions that may organise a protected strike action. This constrains any meaningful activity in the industrial relations for workers' committees and other structures outside the trade unions. As a result, after the rejection of the NUM which culminated in the de-institutionalisation of industrial relations, the workers were forced to shift towards a process of re-institutionalisation after co-opting AMCU as their new collective voice.

The NUM's position throughout the strike was that workers must return to work and channel their grievances through the recognised structures of institutionalisation of industrial relations.

This position was rejected by the workers who challenged this through an insurgent form of trade unionism. The union in this case was turned into an instrument of ideology. The violence by the state was a response to the failure of the instruments of ideology including the union. The workers responded to the alienation of the union in a number of ways. Management attempted to enforce the rule of the union as it constituted part of its form of order. By so doing it was in a way defending the institutionalisation of industrial relations. The workers responded by subverting the whole system of institutionalised industrial relations regime. First, they organised resistance and discontent outside the union structures in informal workers' committees and this manifested as a show of power from below and a form of insurgent unionism. This underscored the crisis of the NUM and culminated in its rejection and subsequent demise in the platinum belt. The workers responded to the collapse of institutionalisation by initially organising new solidarities outside the union. However, the industrial relations regime constrains any other form of collective organisation other than through a trade union. This explains why the workers co-opted AMCU representing a shift back to institutionalisation (the remaking). The chapter further argues that for a union to remain relevant it must maintain its capacity to be responsive to the shop floor.

In an attempt to explain the use of violence in strikes, the chapter has raised questions about state involvement and how it relates to various class interests in a capitalist system of production. In this case study there was a concerted effort by the NUM -LONMIN-State elites in defending the institutionalised industrial relations regime. This involved a concerted effort by Lonmin Platinum and the NUM in the re-characterisation of the strike as a criminal act. Lonmin Platinum used this as the basis to refuse engaging with the workers. The workers subverted this order as it was not serving their own form of order. In this contestation, violence played an ambiguous role. The workers instrumentally used it to subvert the employer-union-state order. On the other hand, the state-employer-union alliance used violence to assert their form of order. This highlights that the institutionalisation of industrial relations is intertwined with politicisation and mobilisation.

The chapter has shown how the process of institutionalisation of industrial relations poses a risk separating or disconnecting the union from the shop floor. This may lock the union in company bureaucracy or structures. Institutionalisation of industrial relations may transform the union from being an instrument of collective workers' resistance to an instrument of control,

manufacturing employer hegemony and worker consent. The union lost popular legitimacy and class compromise collapsed. This was characterised by a crisis in worker collective solidarity. This caused a backlash and violence displaced hegemony and consent as an instrument of both control and resistance. It became an instrument to restore, maintain or contest order(s). Violence in this context also served as a means to forge workers' collective solidarity undermined by the process of institutionalisation. This is conceptualised as a violent solidarity.

The main argument drawn in this chapter is that the process of institutionalisation of industrial relations is not fixed. The chapter shows how institutionalisation of industrial relations shifts from one form of institutionalisation towards de-institutionalisation. Institutionalisation of industrial relations is thus not constant but continuously being made and re-made.

Chapter 9

General Discussion and Conclusions

This thesis explains the relationship between institutionalisation of industrial relations and strike violence in contemporary South Africa, based on evidence drawn from Impala Platinum in Rustenburg for the period 1982 to 2012, including some discussion of the 2012 Lonmin Platinum strike. It focuses on the idea of shifting forms of institutionalisation of industrial relations and labour regimes, and the changing nature of violence over this period shaped by the transition to democracy. At the centre of this thesis is an exploration of the contestation over the establishment of workplace order and how this shifted from the apartheid regime to the post-apartheid dispensation. Ultimately, this study is on changes in institutionalisation of industrial relations and strike violence. It explores the making, re-making and un-making of workplace order. Studying violence in strikes helps us to understand the historical changes in the institutionalisation of industrial relations and the shifting power dynamics in different political regimes. It captures the manifestation of industrial conflict in a very dynamic way.

The thesis shows institutionalisation of industrial relations as a process and source of power designed to limit the outcome of the inherent struggle between capital and labour. It confers rights such as the right to strike but this comes with constrains. Institutionalisation of industrial relations sets the rules of the game and at the same time is a means of managing industrial relations conflict. Strike violence on the other hand is a manifestation of industrial conflict which may reflect failure and or shift towards institutionalisation of industrial relations. This thesis has demonstrated that the process of institutionalising industrial relations distributes and arranges power in a particular way. It has explored the historical changes in the relationship between institutionalisation of industrial relations and strike violence. An investigation of violence which characterise many strikes in South Africa exposes how the wider power relations function in industrial relations.

This thesis reflects the ambiguity/tensions of institutionalisation of industrial relations as a source of power. For example, the nature of the violence in the post-apartheid period is different from that during the apartheid regime. Strike violence by the state during the apartheid regime

discussed in Chapter 5 was designed to resist the institutionalisation of industrial relations. Conversely violence by the state after the democratic transition discussed in Chapter 7 and 8 was aimed at defending institutionalisation of industrial relations. The institutionalisation of industrial relations in post-apartheid is characterised by a new set of power relations.

The thesis began with an exploration of the shifting forms of institutionalisation of industrial relations and strike violence during the apartheid and transition to democracy. Apartheid system produced, secured and sustained a despotic labour regime. Consequently this generated a non-hegemonic industrial relations system in which capitalist class relations were produced and sustained through direct despotic means and racial segregation. In the broader society, the apartheid and Bantustan regime(s) asserted order through racial repression which conversely generated a violent resistance from below. This form of repression and resistance was reproduced and manifested in industrial relations.

This thesis has illustrated that before the democratic regime, the struggle at Impala Platinum was over the institutions of representation and negotiations. Initially, the industrial relations at Impala Platinum for black workers were not institutionalised and these workers did not have a collective voice. The state and capital collaborated in the subjugation of black workers. This includes appropriation of institutionalised industrial relations to protect and advance the interests of the state and capital. For example, the Bophuthatswana Bantustan regime established a puppet union, BONUME. Arguably the creation of this union was aimed at subverting both the emergence of an independent trade union and institutionalisation of industrial conflict. However, BONUME was rejected by the workers as it did not represent their legitimate voice from below. The institutionalisation of industrial relations in this despotic and divisive context failed to manage industrial conflict and violence without a legitimate trade union.

The despotic labour regime emboldened the subjugated black workers to forge collective solidarity. It forced them to challenge the structural barriers of apartheid collectively. This manifested in the form of insurgent trade unionism. This in turn produced various forms of violence such as intra-worker, state and employer violence. The workers were relentless and forced management to accept elements of institutionalisation. This culminated in a shift towards institutionalising negotiations (industrial relations) at Impala Platinum after the 1991-1992 strike waves. These black workers were able to force management into (albeit reluctantly) accepting

elements of institutionalising negotiations. Capital realised the limits of attaining order through violence and a non-hegemonic industrial relations system and changed its position. Firstly, this shift came in the form of negotiations and representation by independent committees, and then finally through a trade union- the NUM. Divergent positions on how to manage the industrial relations between Impala Platinum and the state (Bantustan regime) produced tensions. Impala Platinum management shifted its strategy from a non-hegemonic and violent industrial relations system to hegemonic and collaborative system based on consent and collective bargaining while the Mangope regime defended a violent and non-hegemonic labour regime.

This contestation generated various forms of violence with different and sometimes ambivalent meanings. During the apartheid regime, violence by the state in collaboration with capital was designed to defend the status quo and avoid a shift towards institutionalising industrial relations. On the other hand, violence against capital and the state was aimed at institutionalising the industrial relations. In addition, violence amongst workers (intra-worker violence) was either a means of forging or undermining worker solidarity. This thesis has thus identified the contradictory nature of strike violence. It has shown its corrosiveness; for example when it causes death and undermines solidarity and yet on the other hand may be a means to forging worker solidarity.

By 1994 in a post- apartheid context, industrial relations became characterised by industrial democracy, collective bargaining and institutionalisation in line with the transition as was expected. It shifted from a non-hegemonic to hegemonic system, in which class relations were sustained through negotiations and consent. It is important to note that capital did not just give up these rights but it was an outcome of a prolonged broader struggle. For capital this also represents the ideal way of managing industrial relations. The struggle for democracy was for these rights. According to COSATU, these rights were won 'in the heat of the struggle'.[244] Drawing from their agency to overcome structural barriers, black workers forced a reluctant management to take steps towards accepting elements of institutionalising negotiations. Black workers' unions became very powerful and were subsequently institutionalised. Initially the outcome of this was stable industrial relations with very little violence. The union became embedded in the industrial relations system. It worked as an instrument of institutionalisation of

[244] COSATU National strike flier 7 March 2012.

industrial relations. This thesis has illustrated that at some point institutionalisation of industrial relations was ideal for the state, capital and labour. It was effective and produced negligible forms and volume of violence(s). This is tied to class compromise between capital and labour, a point also made by Wright (2000).This benefited both capital and labour.

However, after the democratic transition when institutionalisation of industrial relations had crystallised, intra-union violence emerged as workers from diverse backgrounds had competing interests. NUM which had morphed into a highly bureaucratised organisation gained institutional power but conversely lost organisational power gradually. Interestingly this generated resistance, which in some cases manifested as various forms of violence including that targeting the union. A typical case at Impala Platinum was the physical attack of the then NUM vice-president (now president) by workers during a strike in 2009. This thesis argues that the vertical (intra-union) forms of violence that characterised this clash for example was linked to a shift by the union from class compromise to capture (co-option). The co-option of the union resulted in the frustration of the workers over their union leaders at all levels and this generated an insurgent form of trade unionism.

This study has illustrated how the ordinary shop floor workers perceived the union as too embedded in management order. It turned into an instrument of manufacturing consent. The union had previously emerged as a symbol of workers resistance. This shift compromised the institutionalisation of industrial relations and culminated in workers losing their voice in the industrial relations system. This frustration, generated workers' collective resistance which manifested in the form of insurgent trade unionism discussed in Chapters 7 and 8. The workers by-passed and challenged the formal institutions of industrial relations. They challenged the co-option of the union and rejected the NUM. They organised dissent through independent committees elected at the shop floor level and this precipitated into a strike wave that affected the entire platinum belt and beyond. The strikes shared a number of common characteristics: similar repertoires, demands and ways of organising dissent, rejection of dominant and recognised union and an unprecedented level of militancy. This reconfigured the labour relations in the platinum sector. It culminated in the rejection of the NUM and ruptured institutionalised industrial relations. The NUM was no longer a trusted agent to represent and defend the workers interests. This thesis argues that the rejection of the NUM, a key actor and instrument of

institutionalisation represented dissatisfaction with institutionalisation of industrial relations. Industrial relations as illustrated in Chapters 7 and 8 shifted from ideal to de-institutionalisation. This was characterised by a reconfiguration and/or breakdown of the institutionalisation of industrial relations and a contestation between capital, labour and the state which manifested as various forms of violence. This later culminated in the Marikana massacre in August 2012. This thesis contends that the violence that characterised these strikes was tied to the shift in institutionalisation of industrial relations. The rupture of institutionalisation of industrial relations and the NUM in the platinum belt reflected the loss of workers voice. Conversely the workers attempted to reclaim it. Arguably this left a void that was filled by various forms of violence. Violence increased and repertoires shifted and this may have been linked to the breakdown of institutionalisation of industrial relations.

This thesis has shown that institutionalisation of industrial relations is about distribution of power and forging of workplace order in line with Burawoy (1979) thesis. Therefore what conclusions can be drawn from variation of institutionalisation and strike violence from apartheid workplace regime to the post-apartheid dispensation? The central aim of this thesis is premised on exploring the shifting patterns of institutionalisation of industrial relations and strike violence over a period of three decades- (1982-2012). It argues that institutionalisation of industrial relations distributes power in a particular way. Moreover, it is not fixed or static but ((re)configured from one form to another. It is continuously being made and re-made (re)configured) and captures different power relations which in turn informs the nature and repertoires of strike violence. In this contestation, the agency from below is fundamental. This thesis demonstrates how worker agency continually changed and how workers made attempts to overcome divisions and fragmentation including through forging a violent solidarity.

The experience at both Impala Platinum and Lonmin Platinum highlighted a crisis in collective worker solidarity. The thesis illustrates different and complex ways in which workers forged collective solidarity. A strong, legitimate and independent trade union is one of the tenets for ideal institutionalisation of industrial relations. However, an effective trade union is a function of collective worker solidarity which under the current neoliberal dispensation is undermined by work fragmentation and externalisation. This thesis argues that in a context characterised by fragmentation of workforce, violence may be one of the means for forging worker collective

solidarity. This is conceptualised as 'violent solidarity'. Moreover, in the face of a crisis, workers in the two cases presented consulted a *sangoma* and used *muti*. This was not an aberration but reconnected them to their rural habitus which was significant in mass mobilisation for resistance as it forged symbolic power and collective solidarity. Solidarity was also forged through the language used during the strikes. The workers organised dissent outside the formal trade union and ironically appropriated *fanakalo,* which was an apartheid language of command into a language of insurgent unionism. For the ordinary mineworker, English language represented elite culture and domination.

This thesis has identified three models of institutionalisation of industrial relations and how this shift capturing different power relations. The ideal form of institutionalisation is characterised by structures established to shape the interaction of the parties in employment relationships and industrial democracy. A shift is tied to reconfiguration and or breakdown of the institutionalisation of industrial relations i.e. de-institutionalisation. This represents the unmaking of institutionalisation characterised by collapse or lack of established structures that shapes the interaction of parties in employment relations. One of the principles of institutionalisation of industrial relations is to replace spontaneous action with predictability. A de-institutionalisation regime falls outside this realm and is tied to a precarious industrial relations. The third model is a phase of transition to ideal institutionalisation conceptualised as a process of 're-institutionalisation'. This represents the remaking process.

This thesis shows how the shifting patterns of violence in relation to institutionalisation of industrial relations hinge on power relations between capital and labour mediated by the state. The ideal form of institutionalisation of industrial relations crystallises a particular balance of power. When underlying forces change, new forces and power relations emerge resulting in a shift to a different form of institutionalisation. This thesis has also illustrated that strike action is about contestation for power. Workers and capital at particular moments draw from either similar or different sources of power. In the heat of the contestation, workers forge organisational power which manifests as trade unions and in turn produce institutional power. Institutional power is a function of organisational power (Dörre, Holst and Nachtwey, 2009). This thesis shows how a disproportionate relationship between worker associational and organisational power generates a backlash towards de-institutionalisation (the remaking) of industrial relations. This explains the

breakdown of the NUM at both Impala and Lonmin Platinum as discussed in this thesis. This thesis argues that for effective institutionalisation of industrial relations to be attained and sustained workers' organisational power has to be proportionate to institutional power. Moreover, if the balance dissipates and is not sustained there is bound to be a shift/backlash towards de-institutionalisation (the re-making).

After the fieldwork was completed at Impala Platinum and Lonmin Platinum, a strike wave characterised by contestation and workers insurgency targeting both the union and the employers spread across the platinum belt and beyond culminating in the demise of the NUM in the platinum belt (and sector). This thesis argues that the displacement of the NUM by independent workers' committees represented a discontentment with the institutionalised industrial relations. This marked a shift towards de-institutionalisation (the remaking) of industrial relations. However, the post-apartheid South African industrial relations regime constrains other forms of workers' collective power and organisation other than formal trade unions. As a result, the independent committees at Impala Platinum and Lonmin Platinum had to align to AMCU, a rival of the NUM. Arguably this new relationship between independent workers' committee and AMCU represented a shift towards a process of re-institutionalisation (remaking). In this context, AMCU represented incipient elements of a new process of institutionalisation (re-institutionalisation) but this remained ambiguous at the time as it was driven by insurgent suspicion against the institutionalisation processes and procedures. The informal committees remained the centre of power despite the entry of AMCU as the popular union and new instrument of institutionalisation of industrial relations.

This thesis shows how the union is a critical agent and vehicle of institutionalisation of industrial relations. It serves a critical function within the industrial relations system. However, the experience at Impala Platinum and Lonmin Platinum highlights that this role is severely contested as it is constantly being negotiated and renegotiated. This contestation may generate insurgency and various forms of violence – inter or intra union, employer, worker and state violence. The thesis illustrates how bureaucratisation of the union marginalised and silenced the voices of RDOs and other workers from below. As pointed out earlier, this forced them to bargain through the instrument use of violence. The violence was a challenge to the bureaucratisation of the union which had subdued the voice of the ordinary workers from below.

The thesis has shown that after observing that the workers were relentless, the employer in collaboration with the union and the state re-characterised the strike action as a criminal act to gain control and misrepresent. This was designed to legitimise a particular form of response and the instrumental use of violence against workers and their informal structures. Furthermore, violence targeting NUM leaders represented an attack of institutionalised industrial relations.

This thesis contributes to the body of knowledge on industrial relations in South Africa by unpacking the moment of transition from a despotic, non-hegemonic and non-institutionalised industrial relations regime under apartheid to an institutionalised and hegemonic industrial relations regime based on industrial democracy and collective bargaining in the post- apartheid era. This however, subsequently shifted to co-option or class capture and culminated in collapse of institutionalised industrial relations regime. This thesis argues that violence is integral in the making, remaking and unmaking of institutionalised industrial relations. It shows the ambivalence of violence in strikes which may be corrosive, retrogressive and undermining worker's solidarity and yet on the other hand it may be a means of forging worker's solidarity. These contradictory ends of violence were captured in the 1991-1992 and 2012 strikes discussed in Chapters 6 and 7 respectively. The making, unmaking and remaking of institutionalisation of industrial relations is thus underlined by violence. The making, remaking or unmaking of rules of the game is thus defended by violence. Conversely when order breaks down, the dominant parties engage violence to strengthen their positions. This thesis shows how the process of institutionalisation of industrial relations and its degeneration (de-institutionalisation/remaking) are characterised by violence.

The thesis shows a shift in the spaces of resistance. The organisation of the strikes and violence at Impala Platinum and Lonmin Platinum, as highlighted in Chapters 7 and 8, was anchored in the informal settlements where many of the unskilled and migrant workers lived. As a result of proximity to the workplace, informal settlements turned into 'permanent picket lines' for defending workers' jobs. This thesis postulates that the informal settlements which characterise the new geography in the platinum belt represent spaces of worker resistance for defending their jobs. In the case studies explored in this thesis they became the fortress for the workers challenging the co-option of their union.

Strike violence must be seen in the context of the law. This thesis has shown that violence in strikes may be an order from either above or below. It may be a means of disrupting elite order and of asserting agency from below. In the two cases explored in this thesis, it was used instrumentally by the workers to change the rules and conversely by the employers and the state to maintain the rules. The thesis postulates that the process of institutionalisation of industrial relations is a way of managing industrial conflict. It deals with conflict through the establishment of rules. It further shows that if there are no rules or if the rules are de-legitimised what remains is coercion and violence.

This thesis argues that strike violence is not necessarily an aberration in South African industrial relations context. However, the meaning and repertoires of violence are always shifting and or contested. Moreover, strike violence may be tied to multiple meanings which may change with the context. The same repertoire or genre of violence may be tied to various and sometimes to an intersection of meanings tied to the context. In the case of the Impala Platinum strike in 2012 for example, workers on strike attacked and looted *spaza* shops owned by migrants (see Chapter 7). This type of violence was tied to a worker insurgency and at the same time criminality. In this case, worker insurgency and criminality were not mutually exclusive.

This thesis shows that the contestation between capital and labour which manifests as a strike action is an unequal struggle even in a democratic dispensation. It has illustrated how the violence by the state (police) strengthened the employer. The action by the police was not only about maintaining peace and order but it directly intervened in labour relations and strengthened the position of the employer. This was aimed at crashing the strike action and force workers into subjugation.

Contributions and the way forward

This thesis contributes to the literature on institutionalisation of industrial relations and strike violence and how we could understand changes in industrial relations. Its unique contribution is that it provides a detailed ethnographic focus on institutionalisation of industrial relations and strike violence tracing the trajectory that institutionalisation and strike violence followed from the apartheid to the post- apartheid dispensation. It outlines how this has changed over the years in different workplace regimes. This exploration offered an opportunity to draw conclusions on

the relationship between institutionalisation of industrial relations and strike violence, and the historical changes in industrial relations. This thesis builds specifically on the work of McNamara (1985), Webster (1989), Webster and Simpson (1989), Vogelman (1989) and Von Holdt (2012), which have been central in shaping the question on institutionalisation of industrial relations and strike violence in South Africa. However, it pushes the debate further by tracing the historical trajectory making connections between institutionalisation of industrial relations and strike violence in the apartheid era and post-apartheid period. It explains the institutionalisation of industrial relations and strike violence after the apartheid workplace regime drawing from empirical evidence. This study contributes to theory of institutionalisation and industrial conflict by developing a typology explaining how this shift overtime in different workplace regimes.

The case study approach employed in this thesis presents some methodological limitations which leaves scope for more research on some of the issues that have been outlined. For example, a comparison of case studies within and beyond South Africa may shed light and add nuance to the dynamics that have been discussed in this thesis. As has been indicated, after this research was completed much has occurred in labour relations in the platinum belt and beyond. The NUM, which at the time was dominant, has effectively been displaced as the popular union in the platinum sector. A final comment on this development will conclude this analysis. This thesis illustrates the precarious nature of the industrial relations post the democratic transition. A question remains on what would stabilise the industrial relations. Does AMCU represent the entry of a new form of unionism post the democratic transition and whether this represents a significant change to the industrial relations in the platinum belt and beyond? Does this represent a radical change? While the shift in the platinum belt from NUM to AMCU is often perceived as revolutionary, empirical evidence refutes this. AMCU does not represent a new order as the rules of the game have not changed. This thesis argues that status quo is frozen in the rules of industrial relations and institutionalisation which shift from one form to another.

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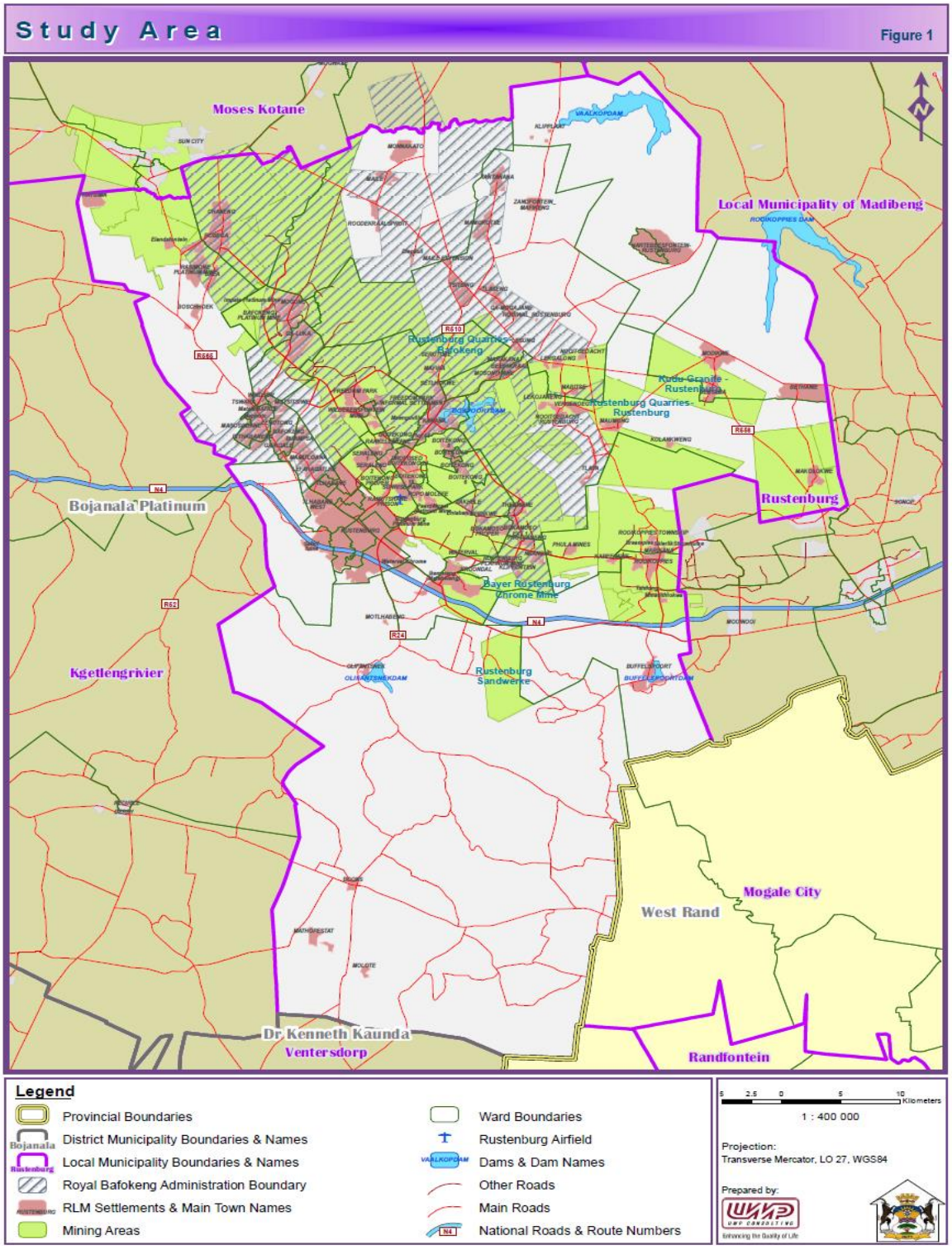
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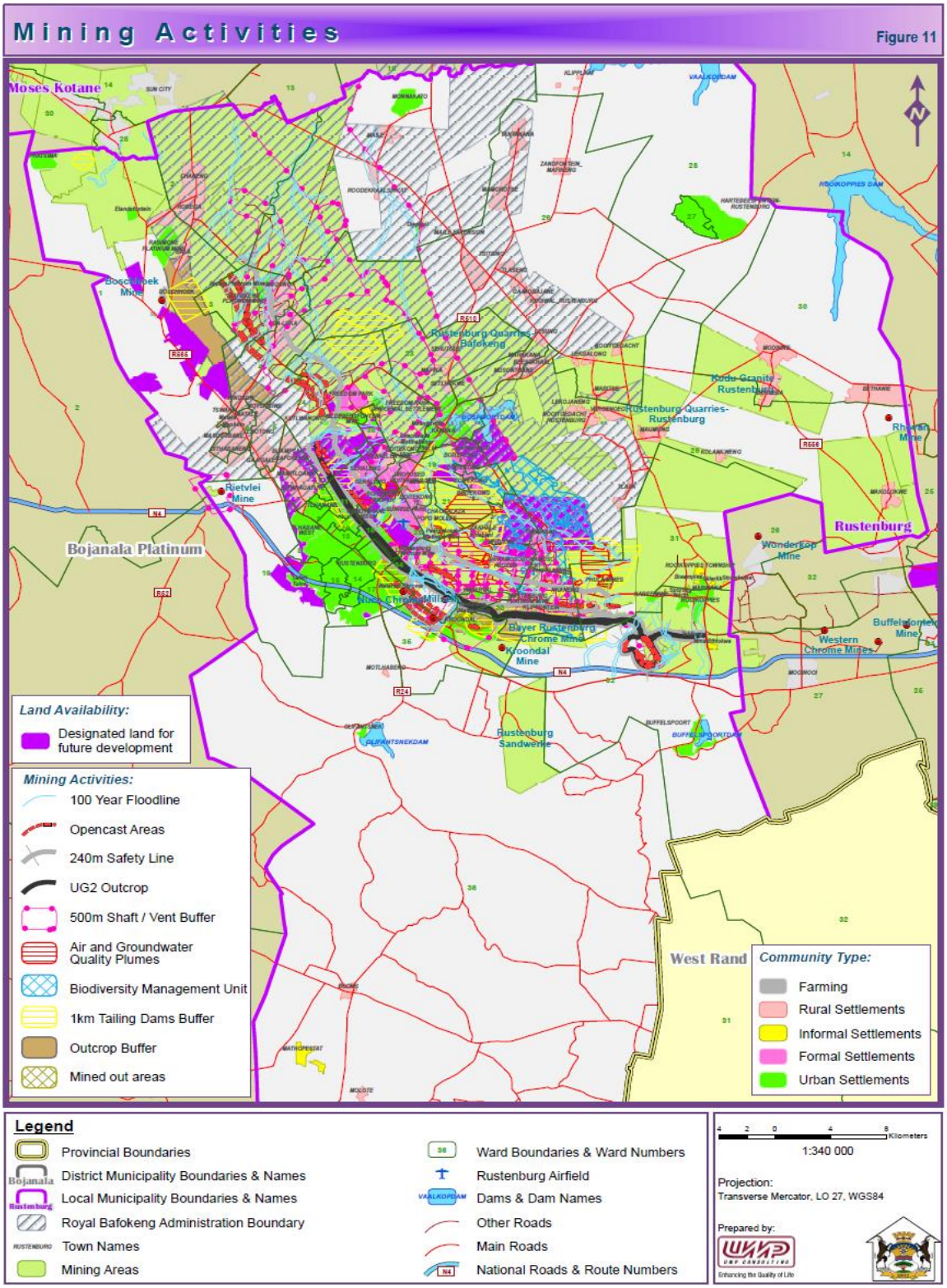
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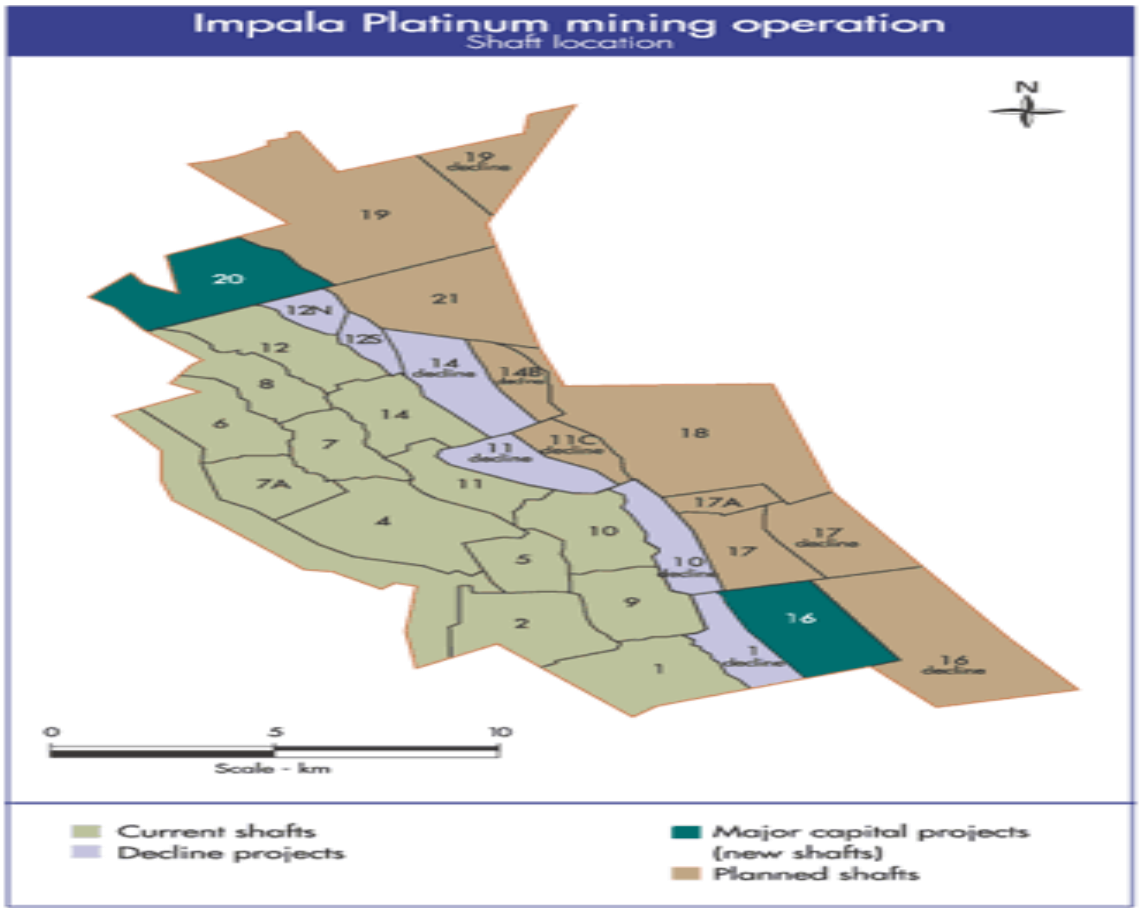
Appendix 1: Study area – Impala Platinum



Appendix 2: Mining activities – Impala Platinum



Appendix 3: Impala Platinum mining operation



Appendix 4: Platinum operations and projects on the Bushveld Complex

