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University of the Witwatersrand

The Graduate School of Social Sciences and Humanities

CAN A CONSTRUCTION BOOM CREATE NEW SOURCES OF POWER FOR TRADE UNIONS?
A Case Study of the 2010 World Cup and its Impact on the Construction Industry

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A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts in Industrial Sociology-Labour Policies and Globalisation (by course work).

Johannesburg, 2009

Abstract

There is general consensus that the reorganisation of production and labour processes have resulted in the diminishing of a collective voice at most workplaces. However, there is contested debate on the possibility of a revitalisation of a labour movement whose structural power has been extensively undermined. This study examines potential for the establishment of new sources of power that may compensate for the weak trade union structural power. The study uses the South Africa 2010 construction boom as a case study to explore the question. It adopts a qualitative research approach using interviews, participant observation and document analysis. The study affirms earlier studies that suggested potential of new sources of power and strategies to sustain associational and symbolic power which may compensate for weak structural power. However, the study noted a lack of consciousness or reluctance on the part of the trade unions in adopting the new strategies. They instead ironically alienate self from the workers who constitute the majority. The study suggests that workers have potential to make use of both the old and new sources of power outside the trade unions but in other collective forms which may be informal. The use of this power is not only confined to workplace struggles but can be used in other struggles outside the workplace. The potential of the new sources of power cannot however, be fully realised as long as the trade unions are oblivious of the workers who constitute the majority of the workforce.

Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts in Industrial Sociology-Labour Policies and Globalisation at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other University.

_____ _____ day of

_____ 2009 Crispen Chinguno

Dedication

To the three women who shaped the way I perceive the world:

my late grandmother Theresa Kuziyana Masasi Mujati;
my late mother Chengeto Masasi Dzvimbu;
my wife Mazuva Simbi.

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Acronyms and Abbreviations

ALF-CIO	American Federation of Labor and Industrial Organisations
BCAWU	Building, Construction and Allied Workers Union
BWI	Building and Woodworkers International
BWU	Building Workers Union
CAWU	Construction and Allied Workers Union
CCMA	Commission for Conciliation, Mediation and Arbitration
CIDB	Construction Industry Development Board
COSATU	Congress of South Africa Trade Unions
CUSA	Council of Unions of South Africa
DoL	Department of Labour
DPW	Department of Public Works
FES	Friedrich Ebert Stiftung
GDP	Gross Domestic Product
ILO	International Labour Organisation
LDC	Limited Duration Contract [workers]
LFS	Labour Force Survey
LOC	Local Organising Committee
NACTU	National Council of Trade Unions
NGO	Non-governmental organisation
NUM	National Union of Mineworkers
PLA	Project Labour Agreement
RAE	Railway Association of Enginemen
SABAWO	South African Building and Allied Workers Organisations
SAFCEC	South African Federation for Civil Engineering Contractors
SLA	Suisse Labour Assistance
ZCTU	Zimbabwe Congress of Trade Unions

Chapter One

INTRODUCTION

1.1 Construction Industry and Trade Union Power: An Overview

The construction industry is one of the most important industries in South Africa, employing over one million workers and contributing an average of 3.5% to the Gross Domestic Product (GDP) (Business Monitor International, 2006; Labour Force Survey, 2008). The industry was in a serious decline for about 30 years before 2003. This had been brought about by economic stagnation which had been initially caused by the negative impact of apartheid and later by a negative interest rate regime (Naidoo, 1999:15).

This prolonged stagnation forced players in the industry to adopt survivalist strategies which mainly took the form of 'labour squeezing'. During the period of the decline, the industry extensively restructured, which resulted in an upsurge in flexible forms of employment. This was aimed at improving competitiveness by reducing operating costs and other overheads (Goldman, 2003:15). Competitiveness could be achieved by, for example, transferring liability over labour legislation, health and safety, welfare regulations, and other overt and covert costs to third parties such as subcontractors and labour brokers.

Such strategies undermined the trade unions' sources of power in the industry. As a result, the labour movement was almost eliminated in the industry as it lost its capacity to articulate and protect the workers at the workplace, despite the general strength of organised labour in the country. Most bargaining councils in the industry collapsed as a result, and the majority of the workers in the industry are currently outside the jurisdiction of bargaining councils.

South Africa is described by many analysts as having some of the most labour-friendly legislation in the world as it was drawn from international best practice (Goldman, 2003:11). The legislation in South Africa guarantees all workers a collective voice at the workplace, and this right is jealously protected by the South African Constitution. Section 26 of the Constitution guarantees every worker to the right to form and join a trade union; to participate in the activities and programmes of the trade union; and to strike. This is amplified in the principle labour statutes such as the Labour Relations Act of 1995 and the Basic Conditions of Employment Act of 1997. However, these rights are under severe threat, as they are stealthily slipping away from a significant proportion of the workforce.

In South Africa, the construction industry is one of the main industries where the collective voice for workers in the form of a trade union at the workplace is under severe threat despite the celebrated labour legislation. This development is acknowledged by some of the trade unions, who view this as a formidable challenge. In response to this threat, the strongest trade union federation in the country, the Congress of South African Trade Unions (COSATU), at its Sixth

National Congress in 1997 passed a resolution that recommended the merging of the Construction and Allied Workers Union (CAWU) and National Union of Mineworkers (NUM) (COSATU, 1997). The rationale was to create synergy by merging a weak affiliate with a strong one. At that point NUM had recorded massive successes in the mining industry and was the country's most powerful and biggest trade union (Naidoo, 1999:13). This decision was therefore the best way to meet the challenges in the construction industry.

The successful bid by South Africa to host the Soccer World Cup in 2010, which coincided with a massive government infrastructure development programme, ushered the industry out from the inordinate slump (Business Monitor, 2006). Winning the bid resulted in massive construction projects such as roads, airports, power stations, port terminals, stadiums and other projects to provide the infrastructure required for the 2010 World Cup as well as the government infrastructure development programmes. Many other projects are on the drawing board, and the boom is projected to last well beyond 2010 (Wiley, 2007).

As a result of the boom, employment in the industry rose from just over 200 000 in 1998 to over one million in 2008 (Labour Force Survey, 2000, 2008). It is significant to note that this boom is being experienced in an industry where the trade union is moribund. The industry has one of the lowest levels of trade union density, and it minimum wage is only higher than domestic labour and the agriculture industry (Labour Force Survey, 2005). Industry conditions are

worsened by the fact that the employers get construction contracts on the basis of the lowest bid but are in turn compensated by a very low labour cost component.

It is quite intriguing to note that in South Africa the industry is dominated by five conglomerates that control and account for over 70% of the business in the civil engineering sector. On the consumption side, it is ironic that the public sector accounts for over 70% of the industry's demand (Business Monitor, 2006). This clearly indicates that the government, as the biggest consumer, has leverage in controlling the course of the industry.

The mismatch in the unprecedented boom and a moribund trade union movement has prompted this study with aim to explore if the labour movement can establish and make use of new sources of power that may result in the revitalisation of the labour movement in the industry.

The study examines whether the boom in the industry can establish new sources of power which may create opportunities for new organising strategies for the labour movement. The research question posed in this study is:

Can the construction boom create new sources of power which may allow for a possible revitalisation of the labour movement in the construction industry in South Africa?

In order to answer the research question the study examines the following issues:

- Why are the trade unions in the construction industry in South Africa weak? Is this a result of the erosion of the traditional sources of trade union power?
- Are the trade unions in the construction industry making use of the traditional sources of power?
- Can the construction boom create new sources of trade union power? If conditions for new sources of power do exist, are the trade unions making use of them successfully?

The study is significant because potential new sources of power and the capacity of trade unions to adapt and adopt new organising strategies are a prerequisite in organising workers in vulnerable sectors, such as construction, which are usually perceived as difficult to organise. It is only those trade unions that are able to adopt the new organising strategies that will be able to successfully organise vulnerable workers such as migrants, labour-broker employees and subcontract workers.

This study uses the 2010 construction boom as a case study to examine the research question. The World Cup is one of the world's major sporting events, and the success of South Africa to host these games is heavily dependent on its capacity to produce the infrastructure that is required for an event of such stature. This demands harmonious industrial relations between the parties involved in the delivery of such infrastructure. This study is grounded on the principle that a

strong and effective trade union is a must for the existence of harmonious industrial relations in any industry.

1.2 Theoretical Framework and Literature Review

The global collapse of a Keynesian economic model in the last twenty to thirty years ushered in the global rise of neo-liberalism, which transformed on a global scale, the labour relations regime from a 'high road' labour relations that promoted strong trade unions, high consumption and full employment to a 'low road' labour relations that targets the enhancement and sustenance of the interests of the owners of capital- but attacks labour (Crotty, 2004:2).

This rise of neoliberal globalisation is closely linked to the decline in the strength of the labour movement. If we use trade union density as an overt measure of trade union strength, South Africa – which once had the fastest growth in trade union density – saw its trade union density decline from a high of 57.5% in 1996 to around 34% in 2006 (Pillay cited in Bieler, Lindberg and Pillay 2008:54).

The decline in trade union density is intimately linked to the stagnant growth of employment in the formal permanent sector and the rise of the informal sector, where employment is atypical and the trade unions have been less successful in organising the workers (Naidoo, 1999:23).

The rise in atypical forms of employment is not positive news for the trade unions. Although they have made attempts to organise the workers in these forms of employment, they have been less successful in implementing the recommended

strategies (Kenny and Webster, cited in Von Holdt and Webster, 2008:350). This has resulted in the undermining the power of the labour movement, as this development inherently weakens the trade unions' traditional sources of power.

Silver (2003:1) postulates that in the twenty years leading to 2000 there was almost complete consensus in social science that the labour movement was experiencing a severe crisis. Many analysts have attempted to predict the future of the labour movement, and two schools of thought have emerged. On the one hand are those who are optimistic about the future of the labour movement in the face of neoliberal globalisation despite the challenges, while on the other hand are those who give a rather pessimistic view(Silver 2003:2). Those from the positive school acknowledge the challenges faced by labour but view them as temporary, while those who are pessimistic view them as formidable and terminal.

This part of the chapter discusses the underlying theories on trade union sources of power, and the potential for new sources of power and organising strategies which are a prerequisite for any revitalisation of the labour movement.

The labour force in any sector is not homogeneous but segmented into various profiles with different rights and privileges. Salamon (2000:6) has developed a typology which divides the world of work into three separate segments, each with distinct rights and privileges. Trade unions have to adopt different strategies to organise the workers in the different segments successfully.

Using the South African context, Von Holdt and Webster (2008:335) developed a typology similar to that of Salamon, segmenting the South African labour market into the core, the non-core and the periphery. According to their typology, the core consists of jobs that are stable with good wages, benefits and access to democratic representation by a trade union. In the non-core are the temporary and part-time jobs which are usually insecure and have poor wages and generally poor conditions. Employment in the non-core is said to be non-standard and there is very limited trade union representation. The periphery consists of the unemployed and those in the informal sector where the collective voice in form of a trade union is almost non-existent. According to Webster and Von Holdt (2005:29), the trade union voice is strong in the core but diminishes as you move out towards the periphery.

The segmentation of the world of work by Salamon and later Von Holdt and Webster is very significant as it exposes the fact that workers have different rights and privileges, which demands that trade unions adopt different organising strategies which draw power from different sources. The typology further strongly suggests that even in the age of neoliberal globalisation not all workers are victims as there are few in the core that are privileged. This applies even in cyclic industries such as construction.

The construction industry is traditionally characterised by precarious and short-term arrangements (Goldman, 2003:23). As a result the industry's trade unions have traditionally been weak save for a few craft unions that existed in the early

days of trade unions in the country. This predicament has been worsened by the impact of neoliberal globalisation which demands extensive flexibility in the name of shareholder value.

This study therefore examines the possibility of the trade unions in the industry establishing new sources of power for a possible revitalisation in the face of a boom. The notion of power in this context is intimately linked to and determines trade union organising strategies. New organising strategies are usually drawn from new sources of power or through a realignment of the sources of power. This may have potential in giving a new lease on life to the labour movement in the industry.

According to the Marxian perspective cited in Silver (2003:18), advanced capitalism does not only result in the degradation and exploitation of the working class but may lead to its strengthening and disposition to resist exploitation. Marx, as cited in Silver, viewed advanced capitalism – which this study equates to neoliberal globalisation – as weakening the marketplace power of the workers but conversely enhancing both the workplace bargaining and associational powers. Marx identified the long-term dependence of capital on labour, which he predicted would result in the strengthening of the workers in the long run (Silver, 2003:19). According to the Marxian perspective as cited in Silver (2003), the decline of the labour movement must be viewed as temporary; through a realignment of power the labour movement is predicted to rise despite the challenges posed by

neoliberal globalisation. Marx's view on the future of the labour movement is the eminent voice from the optimistic school of thought.

Many of those who predict the future rise of the labour movement, such as Silver (2003:16), use the double movement argument by Polanyi in addition to the Marxian perspective. Polanyi (1944:71) argues that money, land and labour are not commodities but a self-regulated market turns them into 'fictitious commodities'. He predicts that society will take measures to protect self from the disruption caused by the commoditisation of these fictitious commodities. Polanyi (1944:130) refers to this counter-movement as a 'double movement'. The labour movement is, in this context, viewed as the counter-movement.

According to Silver (2003), although Marx did not use the concept of counter-movement he nevertheless also predicted the rise of the labour movement. The weakness of Polanyi's argument is that he presumed that the counter-movement will be spontaneous but many, such as Munck (2000), argued that the counter-movement cannot be spontaneous but has to be created. In this context, this study views the labour movement as the counter-movement, and therefore examines whether a boom in the construction industry can create an opportunity for the revitalisation of the labour movement in the construction industry through the establishment of new sources of power and organising strategies.

Many of those who are pessimistic about the future of the labour movement argue that the rise of neoliberal globalisation is unprecedented and hence strongly

believe the revitalisation of the labour movement is not possible. One of them, Aristiden Zolberg (cited in Silver, 2003:1), argues that globalisation has resulted in the extinction of the working class and hence declares that there is no way the labour movement can be revitalised. He describes the labour movement as a 'residual endangered species'. Similarly Castells (1996), from the same school of thought, argues that globalisation has created 'non-identity movements' which he claims are the only relevant movements to the period. Hence he declares trade unions have no place in the new order of globalisation. Castells (cited in Jilberto and Riethof 2002:3), claims:

> The labour movement does not seem fit to generate by itself and from itself a project of identity able to reconstruct social control to rebuild social institutions in the information age.

Castells, Zolberg and many others strongly believe that the weakening of the labour movement is permanent, and predict that revitalisation is not possible. They claim neoliberal globalisation does not afford that opportunity. Taking from these arguments, can we therefore accept the weakening of the labour movement in sectors such as construction and agriculture as a permanent phenomenon?

After analysing the labour market globally, Silver (2003) challenges this assertion. She argues that the history and development of the labour movement globally strongly contradicts and challenges this claim. She highlights the fact that the labour movement is becoming stronger and very influential in the democratic process globally and hence should not be ruled out. Silver (2003:58) cites the

strength and success of the labour movements in the Nordic (developed) countries and in developing countries such as South Africa and Brazil which, according to her argument, cannot be judged as irrelevant even in the age of globalisation.

The possibility of a realignment of the different sources of power is significant as it offers an opportunity for the revitalisation of the labour movement. Different sources of power can be realigned or articulated and this has potential to rejuvenate the labour movement. The bargaining power of a trade union is derived from the worker/trade union sources of power.

Wright, cited in Silver (2003:3), makes the distinction between two main sets of worker sources of power – associational power and structural power. According to his argument, associational power is the power that is acquired through the formation of collective organisations such as trade unions and political parties, while structural power is the power that workers possess as a result of their location in the economic system. He further subdivides structural power into marketplace bargaining power and workplace bargaining power. Marketplace bargaining power, according to Wright, is the power that the workers acquire as a result of a tight labour market, while workplace bargaining power accrues as a result of the strategic location in production of a particular group of workers.

Wright's hypothesis implies that where there are high levels of unemployment workers would generally have weak marketplace bargaining power; a low level of skilled workers and a high level of unionisation usually denote strong

associational power. Marketplace bargaining power has been weakened by globalisation, as this phenomenon has merged the world labour markets such that now all workers across the globe compete for the same job. Silver (2003) argues that associational power is historically embedded in the state legal framework, but the sovereignty of the state has been weakened by the hyper mobility of capital propelled by neoliberal globalisation. This, she argues, has undermined worker associational power as trade unions are still largely confined to nation states while capital is now global. Additionally, capital compared to labour is relatively more easily able to move globally. Labour still faces many barriers to movement across borders.

The post-Fordist era has seen the reorganisation of production and labour processes. This has made most production processes dependent, which in turn has weakened workplace bargaining power (Silver, 2003:14). Wright further argues that globalisation weakens both structural and associational powers, which ironically are the traditional trade union sources of power.

In the South African context globalisation has opened up the South African labour market, which has resulted in an influx of migrant labour from other parts of Africa and beyond. This has resulted in the weakening of worker marketplace bargaining power. This has a knock-on effect as it in turn weakens associational power. For example, the opening of the labour market attracts vulnerable workers such as migrant workers who are usually ‘resistant’ to the traditional forms of

organising normally engaged in by trade unions. This then weakens worker associational power.

Making a contribution on the discourse on new sources of power for workers, Von Holdt and Webster (2008) acknowledge the severe structural weakening of the labour movement by using South African case studies of workers in vulnerable forms of employment usually perceived as 'unorganisable'. They expand Silver's argument by bringing in the concept of symbolic power drawing from Fine (2006) and Chun (2006) (both cited in Von Holdt and Webster, 2008). Fine and Chun identified the importance of moral power using undocumented migrants who had very limited structural power. According to their argument, moral power involves recasting workers' struggles as struggles of right or wrong. Chun (2006, cited in Von Holdt and Webster, 2008:337) uses the concept of symbolic leverage which involves drawing from an intersection between exploitation and social discrimination.

The highlighting of social discrimination and exploitation does not appeal only to the workers who are the victims, but also to their communities. According to the argument by Von Holdt and Webster, symbolic power is power that is constituted in the public sphere; it is based on the images and ideas which are connected to community and public consciousness, and emphasises social and citizen rights and not only workers' rights. In the construction industry, it is clear that the traditional sources of power are traditionally weak and have further been

undermined. The workers can therefore articulate their associational power with the symbolic power, and this may provide new sources of power.

Von Holdt and Webster (2008:351) argue that, to compensate for the erosion of worker structural power, there is need for a concerted effort that commits resources which develop new associational strategies that recognise the potential of symbolic power. According to their argument, the labour movement can articulate associational power with symbolic power which may compensate for the loss in structural power, and this may provide a new source of power. This realignment of power has the potential to revitalise the labour movement. Von Holdt and Webster (2008:351) declared that the challenges facing the labour movement may not be inventible as there are opportunities for new associational strategies and new kinds of collective power which compensate for the loss of structural power by articulating symbolic power to associational power.

A number of other studies reinforce the argument by Von Holdt and Webster (2008). Clawson (2003) acknowledges a general steep decline in trade union membership, power and public perception, but nevertheless predicts an upsurge of the labour movement, basing his argument on research on the American labour movement. The upsurge as predicted by Clawson is not going to be spontaneous, according to his argument, but is conditional on the labour movement inventing new organising strategies such as forming alliances with social movements.

Silver (2003:16) argues that the slogan of the neoliberals – that there is no alternative – has a powerful effect in demobilising organised labour, as workers traditionally believe that they have the power on which they have been mobilised in the past. According to her argument, globalisation has 'punctured' this belief. Could the labour movement be weakened just by this slogan?

One of the underlying factors for the future survival and revitalisation of the labour movement is its capacity to invent and adopt new organising strategies, according to Sherman and Voss (2000:84). They propose three conditions that work in combination to facilitate the innovation of new organising strategies for trade unions. The three conditions are: the need for the trade union to realise that it is in a crisis for survival; support from an international partner; or the trade union may have a union staff activist within its ranks attached to the social movements who may lead the innovation. In South Africa many trade unionists are closely linked to social movements.

Sherman and Voss (2000) used case studies from the American trade union federation, AFL-CIO and its affiliates to argue that vulnerable workers such as migrant workers are organisable but only through the use of confrontational strategies that utilise rank-and-file organising strategies. According to their argument, these strategies are very successful, despite employer resistance, as they emphasise worker participation and make use of pressure from other power bases usually outside the workplace. This involves the use of corporate campaign strategies which involve tactics focused on expanding the arena of the conflict

beyond the point of production, where trade union campaigns have traditionally been centred. The power base outside the workplace argument referred to by Sherman and Voss is equivalent of the symbolic power argument by Von Holdt and Webster (2008). The workers involved in the construction of 2010 stadiums can, for example, take their struggle away from the workplace to the soccer fans and recast their struggle as a struggle of right or wrong.

Clawson (2003:187) concurs with Sherman and Voss as he argues that workers in vulnerable sectors can be organised by 'taking the struggle beyond the workplace'. He uses the case study of a university students' campaign against sweat shops on behalf of vulnerable workers, and argue this has potential to work as a new source of power for the vulnerable workers. However, Clawson's argument is rather ambivalent, as he questions whether this form of campaign can be a form of empowerment or whether it is paternalism, as it removes responsibility and control from the people most concerned. However, he nevertheless views this model as the probable future organising model for the labour movement.

The new organising strategies which include the use of civil disobedience to attract the media, marches, demonstrations and creation of coalitions with other community groups draws power from new sources, but for them to be effective it is necessary to use multiple tactics simultaneously (Sherman and Voss, 2000:81). The upsurge predicted by Clawson (2003) demands that trade unions bring workers together to form alliances with other social movements and groups.

Lopez, (2004:9) concurs, but adds that social movement unionism goes beyond traditional routine forms of organising such as strikes to organised collective campaigns emphasising public protest and other disruptive tactics that build workers' confidence and their sense of collective power. Lopez (2004:11) expands the debate by arguing that social movement trade unions frame their demands politically and not just on narrow labour market goals as they seek to build genuine labour-community coalitions.

Lopez further identifies strategies that can be used by trade unions in an environment where there is an anti-trade-union culture. These are: the use of internal, community and corporate campaigns and community organising which involves, for example, demonstrations at parliament and political meetings. Lopez also emphasises the use of symbolic and moral power. He argues that these strategies have a cumulative effect as they reinforce one another. Lopez, (2004:20) acknowledges the fact that globalisation has closed doors for organised labour, but argues that it has opened other opportunities. He argues that capital has some weaknesses which the labour movement can exploit.

A boom in any industry logically results in the enhancement of worker bargaining power. Milkman and Wong (2000:170) use the case of the America labour movement in the construction industry after the World War 2 to support this view. According to their argument, by 1950 California had one of the most powerful and well-organised trade unions in America, which had recovered as a result of a

boom in the industry. However, Fisk, Mitchell and Erickson (2000:200) argue that not all booms are associated with trade union revitalisation. They use a case study of a massive office boom which was accompanied by a massive de-unionisation and decline in the power of the trade unions. Their case study suggests there can be a negative realignment of power which can result in the weakening of the trade union – symbolic power in reverse. Therefore, the current boom in the construction industry in South Africa does not guarantee the revitalisation of the trade unions in the industry as it may even weaken them.

The identification and distinction of workers' sources of power is important, as the source of power determines the mobilisation and organisational strategies which the trade union may engage. Weak workplace and labour market bargaining power can be compensated for by associational power or through realignment or articulation with symbolic power. Instead of adopting strategies that draw from marketplace and workplace bargaining power, vulnerable workers such as migrants can be organised based on new associational power that recognises the potential of symbolic power and develops community-based strategies which may involve the creation of alliances with church-based organisation, migrant organisations and non-governmental organisations (NGOs). The workers in the construction industry in South Africa can be organised through an appeal to the public sense of social justice by, for example, highlighting the levels of exploitation in the industry.

This study seeks to establish whether a construction boom offers an opportunity for trade unions in the industry to draw power from the new sources and to develop new organising strategies that recognise that the struggle can be moved away from the workplace and still be won.

Chapter Two

METHODOLOGICAL ISSUES

2.1 Introduction

The focus of this study is to examine whether a boom in the construction industry creates new sources of power for trade unions in the construction industry in South Africa which may enable them to adopt new organising strategies that are key for their revitalisation. This chapter discusses the methods employed to explore the research question, as well as the limitations and ethical issues.

2.2 The Selection of Research Sites

The study used the 2010 stadium construction projects to examine the research question, and adopted qualitative research methods. Three construction projects were selected for this study out of a total of ten 2010 stadium constructions projects throughout the country.

Five of the ten 2010 stadium construction projects are new stadiums while the others are major renovations. The study initially intended to include at least five of the projects where massive construction was in progress: Johannesburg, Polokwane, Nelspruit, Cape Town, Durban and Port Elizabeth. However, due to time and financial constraints, this could not be achieved. The study therefore sampled all the projects, and purposefully selected three sites for more in-depth

study. The sites were selected on the basis of heterogeneity so as to capture variations.

The following sites were finally selected: Soccer City stadium in Johannesburg, Green Point Stadium in Cape Town, and Mbombela stadium in Nelspruit. The Green Point stadium construction is the only 2010 stadium construction project where the terms and conditions of employment are governed by a bargaining council constituted in terms of section 27 of the Labour Relations Act of 1995.The other projects are regulated by a Ministerial sectoral determination promulgated in terms of section 56 of the Basic Conditions of Employment Act of 1997. Nelspruit stadium was selected as it was reported to have recorded the highest number and most violent industrial actions before this study commenced. Soccer City stadium in Johannesburg is the only 2010 construction project at which the terms and conditions of employment are regulated by a recognition agreement, which is akin to a project labour agreement, in addition to the Minister sectoral determination. This agreement is a site-specific collective bargaining agreement that regulates industrial relations and other terms and condition of employment. Additionally, Soccer City was reported to be the only 2010 project that had not recorded an industrial action before this study commenced.

The focus of this study is the trade unions and the workers in the construction industry in South Africa. However, the trajectory of trade unions and workers is usually shaped by other actors who for this reason were also included as subjects of this study. In examining trade union sources of power and organising strategies,

the study therefore also focused on the perception of management, government and the Commission for Conciliation, Mediation and Arbitration (CCMA), all of whom play a critical role in shaping trade union power.

This study was conducted between June and December 2008. During this period the researcher was attached to the National Union of Mineworkers-National Organising Department (Construction) in Johannesburg.

2.3 Qualitative Research Methods

2.3.1 The value of qualitative methods

The study adopted a qualitative research methodology as this allows an in-depth understanding of trade union sources of power and organising strategies. The aim of the study is to gain a rich and detailed description of the individual understanding of their social world which can only be achieved through the use of qualitative methods (Neuman, 2000). In addition, qualitative research methods assist the researcher to understand the life of individuals or groups studied in their own frame of reference, and offer an opportunity to make an interpretation which reflects the interviewee's account (Lemmer, 1992). The aim of this study is to gain an intimate understanding of the beliefs, understanding, ideas and experiences of the workers and the trade unions in the 2010 construction projects and how these relate to trade union sources of power. This can be achieved through qualitative research methods.

The research made use of a triangulation of measures through the use of interviews (in-depth, semi-structured and group), document analysis and participant observation. The triangulation of measures allowed the researcher to view the same phenomenon from several angles and hence gave the researcher a better understanding of the problem (Babbie and Mouton, 2001:125). Interviews were used as the main research instrument, supplemented by observation and document analysis.

2.3.2 Interviews

2.3.2.1 In-depth interviews

In-depth interviews were conducted with representatives from the trade unions, employers, government and the CCMA. At the trade unions, they were conducted with the national co-ordinators and the regional organisers of NUM and BCAWU, which are the two trade unions represented in the 2010 projects. At least one of the main contractor's Human Resources Manager/ Industrial Relations Manager at the selected sites was interviewed. The Industrial Relations Manager of the South African Federation for Civil Engineering Contractors (SAFCEC), the Executive Manager Collective Bargaining in the Department of Labour and the Executive Director of the Cape Building Bargaining Council were all interviewed through this method. The Building and Woodworkers International (BWI) 2010 Campaign Co-ordinator based in Cape Town at the Labour Research Service was also interviewed in depth.

A total of 18 in-depth interviews were conducted. Most of them were conducted in private offices, usually the offices of the interviewees. As the interviews were in-depth, there was no restriction on the way they were conducted; rather, they were aimed at giving the interviewees an opportunity to express their experience from their own frame of reference. The focus of the interviews was to infer and make an opinion based on the response on trade union sources of power and new organising strategies. Almost all the interviews were recorded, but only with the consent of the interviewee. In addition to recording the interviews, the researcher also compiled some notes in a notebook. In the few circumstances where recording an interview was declined comprehensive notes were taken and immediately when an opportunity arose the researcher compiled a detailed report of the interview.

2.3.2.2 Semi-structured interviews

At each of the selected sites, semi-structured interviews were conducted with the shop steward or senior shop steward. The researcher used an interview schedule as a discussion guide but allowed the respondents to share their experience from their own frame of reference. This allowed more flexibility for probing and discussion. It was through these interviews that the researcher was able to gain a profound understanding of the daily routines and power structures at each of the case studies (Kvale, 1996). In interviewing the shop stewards the researcher took note of their ambivalent role as they represent the interests of the trade union and that of management simultaneously. This was apparent during some of the

interviews. The interviews with the shop stewards clearly exposed the organising challenges and opportunities that the trade unions are facing in the construction industry in general.

In addition to the three selected sites, the researcher had the opportunity to meet some shop stewards from Polokwane and Durban who came to Johannesburg on union business. He decided to interview them using semi-structured interviews to get a clearer understanding of the dynamics of industrial action, a phenomenon that was common at most of the sites. A total of five semi-structured interviews were conducted.

2.3.2.3 Focus group interviews

Eight to ten workers were selected at each of the visited sites using convenient sampling methods. The researcher, with the assistance of the shop steward, ensured that the convenient sample was as representative as possible to reflect the heterogeneous workforce at each of the sites. To ensure the samples were representative enough, workers from various categories were included – limited duration contract, permanent (core), subcontracted, labour-broker and any other category of workers that may be represented at any of the sites. At all the sites, time to conduct the interviews was very limited due to tight stadium construction deadlines, such that it was almost impossible to convene a group of ten employees for an interview during normal working hours. As a result all the focus group interviews had to be conducted during the lunch break at each of the sites.

The focus group interviews proved to be very significant as they allowed the participants to come together to share and create meaning among themselves as a group rather than as individuals, as argued by Kvale (1996). This method gave the researcher an opportunity to observe interactions of a number of people on a given subject, and this enabled the researcher to evaluate similarities and differences in the participants' opinions and experience (Babbie and Mouton, 2001). In Cape Town, for example, this method exposed the fact that a significant number of the ordinary workers could not differentiate between the trade unions and the bargaining council. A total of three focus group interviews were conducted; one at each of the selected sites.

2.3.3 Observation

This involves observation and participation by the researcher in the current social setting of the subject which the researcher wants to penetrate and learn about (Neumann, 2000).The opportunity given to the researcher to be attached to the main construction trade union in the country gave the researcher an intimate understanding of the day-to-day trade union campaign activities and strategies. The National Union of Mineworkers was selected as it is the biggest trade union in the industry, and it represents the largest number of workers in the 2010 stadium construction projects. However, a substantial portion of this attachment period was also committed to the Building, Construction and Allied Workers Union, which is the second largest and oldest trade union in the industry.

Permission for access was granted by the NUM national executive and the BCAWU Secretary General after the request was made to the respective executive committees of the two trade unions. During the period of attachment at the trade unions, the researcher had an opportunity to be attached to the senior shop steward at each of the sites selected, for an average of at least one week at each site.

As a participant observer, the researcher was actively involved in the day-to-day union campaign activities, especially those aligned to organising. This afforded the researcher an opportunity to attend trade union site meetings, conferences, workshops and many other union meetings and functions. During these meetings and workshops the researcher took some notes in a notebook, which were then used to compile a report at the end of each function or activity.

Participant observation enabled the researcher to have access to the different levels of the trade unions, and this gave the researcher a better understanding of the relationships and roles between the different levels of the unions (Neuman, 2000). The researcher was able to interact with people from different levels, experiences and aspirations. This method exposed information on internal conflict and the relationship between the union staff and membership. Participant observation enabled the researcher to take full account of the events as they transpired, as argued by Neuman (2000). The method supplemented the findings from interviews by enabling the researcher to have a better understanding of the findings. This method allowed the researcher to fully understand for example, the

ambivalent role played by the shop steward, which was apparent at some of the selected sites.

2.3.4 Documentary analysis

An extensive analysis of documents was conducted, drawing from both official and unofficial documents. The trade unions were very supportive as they provided the researcher with union documents: reports, minutes, policy documents, memoranda, congress reports and resolutions, and many other relevant documents. The researcher was granted access to the Department of Labour archives and managed to access some relevant documents and collective bargaining agreements. Some documents were accessed through the Internet from the respective organisations' websites.

In analysing the documents the researcher took note of the fact that some documents may omit some information or may be distorted, which may raise some questions with no immediate answers. Only the documents with some relevance to the study question were analysed.

2.4 Access and Ethical Considerations

All participants in this research were selected on a voluntary basis. They were all advised of their right to decline taking part in the study or not to answer certain

questions (Babbie and Mouton, 2001). According to Burton (2000), in any research co-operation must be voluntary and the respondents must be advised in advance that it is within their rights to refuse to answer certain questions or not to take part if they feel so. This argument by Burton (2000) guided this research. One interviewee, for example, wanted clarification on the significance of the research, which was explained before the interview was conducted.

Getting access to a research site is one of the major challenges faced by a researcher. Neuman, (2000) argues that a researcher may find that he or she is not welcome or allowed at a site. In this study the researcher did not face any significant challenge to accessing the research sites as he was attached to the main trade union which had almost unlimited access to all the sites in question.

The researcher observed that some of the respondents were apprehensive despite having volunteered to take part in the study. The researcher guaranteed the confidentiality of all participants by assuring them that all the information collected would be kept anonymous and confidential and used for academic purpose only. To dispel nervousness and suspicion, the researcher briefed the participants on the rationale of the study, the procedure being followed and how the information collected was to be used. The researcher volunteered to answer any questions and queries regarding the study from each and every respondent.

2.5 Strengths, Weaknesses and Problems in the Field

The study acknowledges that the different research instruments used in this study had some limitations. In order to minimise the weaknesses of the research instruments used, the researcher made use of a triangulation of methods (interviews, documents and participation observation). This allowed the extension of the strengths of each instrument and limited the weaknesses.

The literacy level of the workforce in the construction industry is very low, and this proved to be a challenge for the study as some of the workers had a very limited command of the English language. The researcher's proficiency in Zulu and Ndebele (two of the main local indigenous languages) proved to be very essential and critical during some of the interviews. In a few cases the participants were only fluent in languages other than English, Zulu and Ndebele; the researcher managed to get translation from the union officials, shop stewards or other workers where necessary.

The research was conducted with a very limited budget and as a result the researcher faced some financial constraints. The researcher ended up requiring more time to conduct all the interviews than was initially planned due to some last-minute postponement of some of the interviews.

The research was conducted during the period June to December 2008, and initially targeted all the 2010 stadium construction projects in the country. Time and financial constraints forced the researcher to purposively select only the three sites which are the focus of this study. However, the researcher interviewed the

shop stewards at Polokwane and Durban stadiums mainly for the purpose of gaining a wider understanding of the industrial actions. The researcher had an opportunity to meet these officials in Johannesburg when they came on union business, and had to make a last-minute decision to include them.

At one of the selected sites, one human resources manager declined to take part in the study, as he was suspicious about the motives of the research despite the researcher giving assurances about confidentiality and an explanation on the research rationale.

2.6 Limitations of the Study

This study makes a contribution on the discourse on new trade union sources of power, but it has some limitations. There are at least five trade unions organising in the construction industry in South Africa. This study only focused on two, and this clearly limits the scope of the study. The researcher had expected to find all the trade unions organising in the construction industry in the 2010 projects but was surprised to discover that only two trade unions were organising a significant proportion of the workforce in the projects.

Chapter Three

INDUSTRIAL RELATIONS REGIMES AND TRADE UNIONS

3.1 The Construction Industry in South Africa

The construction industry in South Africa is a collective name for the building and civil engineering contracting industries (Hauptfleisch and Sigle, 2000:1). The building industry is involved with the construction of buildings and the civil engineering industry with the construction of engineering structures such as dams, bridges, pipelines and other related structures.

The government plays a dual role – as the industry regulator which makes policies and regulations, and as the industry's single biggest consumer (Hauptfleisch and Sigle, 2000). The government has identified the industry as a channel for achieving its socio-economic objectives of poverty reduction and infrastructure development as it has leverage to influence the course of the industry (Construction Industry Development Board [CIDB], 2004). The Department of Public Works (DPW) summarised the objectives of the construction industry as follows:

> A construction industry policy and strategy that promotes stability, fosters economic growth and international competitiveness and creates sustainable employment and addresses historic imbalances as it generates new industry capacity for industry development (DPW, 1998:1).

These objectives are in line with government pro-Keynesian macroeconomic policy which targets the expansion of aggregate demand and employment creation as the key drivers of national development. Government views the industry as an agent of development, as investment in the industry has a multiplier effect on downstream industries.

The construction industry is a highly fragmented industry as it comprises many separate role-players performing different functions, and is cyclical in nature as a result of economic variables (Hauptfleisch and Sigle, 2000). The industry is highly dependent on the general economic environment and performance of other sectors of the economy. These characteristics heightens the need for flexibility. Therefore, the industry extensively adopted flexible forms of employment such as the use of labour brokers, casual labour, sub-contractors and other flexible forms of employment to maximise profit.

The successful bid by South Africa to host the 2010 Soccer World Cup came at a time when the industry had been in survivalist mode for over three decades. Hence the industry generally was not investing in skills development (Business Monitor International, 2006). The survivalist mode also perpetuated the existence of a weak trade union movement in the industry.

As the trade unions in the sector were almost moribund, the government and the employers made no special dispensation on how industrial relations in the 2010 construction projects was to be managed (Interview, NUM National Co-ordinator Construction, 19 August 2008). For the government and building contractors it was business as usual, and they treated it as they would any other construction project. On the other hand, the workers and the trade unions felt otherwise. This difference in perception had a tremendous impact on the industrial relations in the construction of the 2010 projects.

From the onset there was confusion in determining which sector was responsible for the projects – building engineering or construction. This classification is significant as it determines the relevant applicable industrial relations regime.

3.2 Profile of the Workforce

3.2.1 Overview

The volatility and cyclical nature of the construction industry demands the use of flexible forms of employment (Hauptfleisch and Sigle, 2000). This has resulted in the segmentation of the workforce in the industry in conformity with the Von Holdt and Webster (2008) typology. The workforce in the 2010 stadium construction projects is segmented into permanent (core) staff, limited-duration contract (LDC) workers, sub-contractors and labour-broker workers. These workers have different rights and privileges.

An understanding of this distinction is critical for trade unions as it determines how these different workers can be organised and where they draw their power. The latest developments have seen the construction becoming a 'sanctuary' for migrant workers from neighbouring countries and the region, the majority of who are illegal -in light of the political crisis in Zimbabwe. This adds another dimension to the profile of workers in the industry in South Africa.

3.2.2 Permanent staff (core staff)

The study observed that at all the sites used in this study all the main contractors confirmed having a core staff employed on a permanent basis, but constituting a small proportion of the total workforce. The core workers are usually semi skilled and skilled workers such as tractor drivers and grader operators. One of the employers explained:

> We cannot look for all types of skills each time we get a contract. We have to keep a core staff that we can quickly mobilise when we get a contract. We cannot always look for grader operators or tractor drivers every time we get a contract as these are highly skilled personnel which we may not find easily on the job market, if we try to gamble. They constitute part of our core staff and we move with them from one project to the other (Interview, Human Resources Manager, Nelspruit Stadium, 28 October 2008).

These workers have a permanent contract of employment which usually is of indefinite duration. They normally have benefits such as pension, medical aid, housing, transport allowances and others. This is the group that usually enjoys the right to representation by a trade union. This is confirmed by the fact that despite constituting an average of less than 30% of the total workforce the group still makes up the majority of the trade union members- over 80%. In addition, most of those making up the structures and leadership of the trade union are from this group.

One manager described this group of workers as the privileged class of the industry; a position which the trade union leadership accepted (Interview, Human Resources Manager Cape Town,12 August 2008; Interview, NUM National Co-ordinator Construction,19 August 2008). These workers are the most active in all

trade union activities, and it is not a surprise that most trade union organising strategies are designed for them. At some projects they are the only ones eligible to be elected as shop stewards and to hold posts in other union structures.

The other categories of workers who are not permanent have a general feeling that the permanent workers are favoured by the employer. One complained:

> I do the same job with someone who is permanent and I get R12 an hour while he gets R18, and in addition he will get housing and transport allowances and my only 'reward' is that at the end of the project my contract will be terminated while he is transferred to another project. This is not fair at all …. (Interview, Construction Worker Nelspruit Stadium, 29 October 2008).

3.2.3 Limited-duration contract employees

LDC employees are workers whose contract of employment is fixed to the duration of the work to be performed or to a specific duration. There is no standard on the duration of the contract, as it may be for a few days or for a number of years depending on the project or agreement. The employer has no obligation to give the employee notice at the end of the contract.

In the 2010 projects, these workers' contracts were usually tied to the completion of the stadium. They may be employed by the main contractor or by a subcontractor. Most of these workers are usually drawn from the local community in compliance with the government recruitment policy, which obliges public construction projects to recruit from the local community with an aim to alleviate poverty and create employment.

It was interesting to note that this form of employment has a history linked to the apartheid regime. This was revealed during some of the interviews with the senior shop stewards. Prior to the 1979 recommendations by the Wiehahn Commission, black workers were not classified as employees and hence were not covered by the country's labour legislation. This provided what Von Holdt (1997:132) refers to as the 'convenience of apartheid', as employers could hire black workers as casual workers without sanction from the government as the blacks were not classified as employees. After the Wiehahn Commission recommended that black workers enjoy workers' rights as in the conventions of the International Labour Organisation (ILO), the use of casual labour was sanctioned by legislation.

To continue enjoying the 'convenience' of apartheid the industry developed this type of employment contract, now popularly referred to in industry circles as the Limited Duration Contract. Hence, according to the trade unions, LDC employment is as a perpetuation of the apartheid legacy and this still has an impact on the way the trade unions organise in the industry (Interview, Senior Shop Steward, Soccer City Stadium, 17 September 2008).

The LDC workers enjoy very limited rights and privileges which are inferior to those of the core staff. They offer the convenience because the employer does not have to give notice at the end of a project or pay a retrenchment package (Interview, NUM National Co-ordinator Construction, 19 August 2008). The trade unions confessed that it is difficult to organise these workers due to the nature of

their contracts that are tied to a project. The trade unions have not been very successful in organising and recruiting these workers into their structures (Interview, BCAWU National Co-ordinator, 26 August 2008). One shop steward lamented:

> We try to organise these workers but with very limited success. They will tell you they are just employed for the project and hence they see no need to join the union. They see the union as belonging to those who are on permanent contract. We still try to organise them but we are losing the war (Interview, senior shop steward Polokwane, 20 August 2008).

Ironically, while the trade unions are failing to successfully organise them, most of the contractors are using more and more workers in this category, citing the volatility in the industry .One of the managers remarked:

> The industry is unpredictable and hence we only depend on a few core permanent staff, and for the majority of the work we use LDCs, labour brokers or subcontractors. This makes it flexible for us as the main contractors, as when we do not have any work we would not be stuck with workers we cannot pay (Interview, Human Resources Manager Cape Town, 12 August 2008).

The workers on limited duration contracts may be employed by the main contractor, labour brokers or subcontractors, as was observed at all the sites used in this study.

3.2.4 Labour broker workers

This form of employment also evolved as a result of the demand for flexibility in the industry. Employment in the construction industry is overwhelmingly casual

in nature, characterised by subcontracting and other flexible forms of employment (Kajimo–Shakantu and Root, (2004:48). Labour brokers are third parties who are usually hired by the main contractors or subcontractors to provide labour. Although the workers work for the main contractor or subcontractor's project, they are nevertheless not employed by him but by the labour broker. The labour broker signs a commercial contract to provide labour to the main contractor and assumes the role of being the employer. Through this arrangement the contractors are able to evade the obligations imposed by labour legislation.

The labour brokers make their profit by charging a mark up for the service-paying less to the workers. As a result of the need to maximise profit, labour-broker workers are exposed to very poor conditions. During this study it was easy to see a distinction between the labour-broker employees and the permanent employees. The labour-broker workers were conspicuous as they were usually having worn-out overalls and protective clothing, which was a contrast to the permanent core staff.

The study established that very few workers in this category are trade union members. At one of the stadiums, one of the shop stewards lamented how difficult it is for the trade unions to organise workers in this category:

> We try to assist them if they are being exploited but the problem is we do not know where these guys come from. We just see them here as they come in and out and usually for very brief periods. We try to assist them join the trade union but they fear victimisation by the employers, hence they stay as far away from the union as

> possible (Interview, Shop Steward Cape Town, 24 September 2008).

The use of this form of employment is so prevalent that it was a common phenomenon at all the sites used in this study. Most of the labour brokers provide labour of varying skills, from unskilled labour up to highly skilled workers such as artisans.

It was apparent that most of the labour brokers have some strong links with the main contractors, raising the suspicion that some may even be subsidiaries of the main contractors:

> We suspect that our management might be having some shares in some of these labour brokers because we always work with the same labour brokers from one project to the next, and the fact that management turn a blind eye when they know that the labour brokers are exploiting workers (Interview, Shop Steward Cape Town, 24 September 2008).

This study was conducted at a time when there was heated debate in South Africa on the operations of labour brokers. The labour movement and its allies are claiming that this type of employment exploits workers, is a new form of 'slavery' and must therefore be banned, while the employers argue that labour brokers are necessary as they provide specialisation and flexibility which is key in the industry. These contrasting views were strongly reflected in the interviews conducted with both employers and trade unions.

3.2.5 Sub-contracted workers

Subcontractors are usually hired by the main contractors to do certain parts of the work on a project that may or may not require 'specialised skill'. The difference between subcontractors and labour brokers is that subcontractors are hired to perform a specific job task while labour brokers provide labour only. The subcontractors will enter into a commercial contract with the main contractor to perform a certain specified task. The subcontractors employ their own staff, which may also be segmented into core and casual staff. These workers work the project, usually with own terms and conditions of employment, which are usually inferior to those pertaining to workers of the main contractors.

Traditionally subcontractors were hired to perform minor tasks requiring specialisation. In the 2010 projects and the industry in general, the main contractors are giving much of the work to subcontractors. The main contractors have become what one construction employee referred to as the 'managers of subcontractors'. In the 2010 projects, the subcontractors employ the majority of the workforce.

The study noted that the main contractors tend to use subcontractors for much of the work, as reflected by the fact that at all the 2010 construction sites the subcontractors employ the majority of the workforce. The trade unions estimated that at all the 2010 construction projects; at least 60% of the workforce is

employed by subcontractors (Interview, NUM National Co-ordinator Construction, 19 August 2008).

The employers strongly defended the extensive use of subcontractors in the industry as they argued it brings flexibility ideal for a cyclical industry such as construction (Interview, Human Resources Manager Cape Town, 12 August 2008). The trade unions bemoaned the fact that subcontractors exploited workers to raise profit margins.

One observation made in this study is the fact that most of the subcontractors have very close links to the main contractors, who usually use the same subcontractors wherever they get a contract (Interview, NUM National Co-ordinator Construction, 19 August 2008).

The study noted that an average of at least 30 subcontractors are at each of the projects examined in this study, but this figure fluctuates as the subcontractors move in and out of the projects. The management at one of the projects could not even give a correct figure of how many subcontractors were on site.

The trade unions lamented the conduct of some of the subcontractors, who they accused of being exploitative and anti trade unions. Subcontractors are notorious for altering workers on a daily basis, taking advantage of the high levels of unemployment in the country (Interview, BCAWU National Co-ordinator, 22 September 2008). Some are said to drive every morning to street corners

frequented by job seekers to pick up prospective employees and pay them cash at the end of the day. The trade unions castigated this development as they claimed it made it impossible for them to organise workers in this category (Interview, NUM National Co-ordinator Construction, 19 August 2008).

Most of the subcontractors are said to be repulsive to trade unions. One trade unionist recounted how at one of the sites the union made contacts with some of the subcontracted workers. They were baffled to discover that the following day these workers had all been replaced by new workers, after the employer discovered that they had been in contact with the union. He explained:

> I spent almost the whole day explaining to three subcontracted workers on why they should join the union and was successful in signing up two out of the three who were employed by one subcontractor. When they got to their employer, the one who did not join the union reported to the employer that the two had joined a union and that was the end of their employment. The following day we were joined by two new faces (Interview, Shop steward Cape Town, 24 September 2008).

This form of employment has of late become the most prevalent form of employment in the industry, despite the insecurity.

3.2.6 Migrant workers

The prevalent use of migrant workers paints another dimension to the labour relations in the construction industry in South Africa. Migrant labour has been a significant part of South Africa labour force since the discovery of gold and

diamond in the late nineteenth century. However, unlike in the past, most of today's migrants are illegal.

The construction industry is one of the industries in South Africa with some of the highest levels of migrant labour, usually from the neighbouring and regional countries. According to the trade unions, migrant workers constitute over 70% of the workforce in the construction industry (Interview, NUM National Co-ordinator Construction, 19 August 2008; Interview, BCAWU National Co-ordinator 26 August 2008). The industry is an entry point of many migrants into the South African labour market as it demands a high proportion of unskilled labour. Competition pressure demands the use of cheap and flexible labour.

However, the study observed an unusually low engagement of migrant labour by the main contractors. The unions claimed that management had made a deliberate attempt to reduce migrant labour in the projects to avoid attention from the media due to the high profile of the 2010 Soccer World Cup (Interview, NUM National Co-ordinator Construction, 19 August 2008). One organiser remarked on the prevalence of migrant labour in the industry:

> At this project there was close to over a hundred construction workers, most of who were working in the country without permits and all were apparently from one neighbouring country. They worked and lived on site under deplorable conditions not acceptable to local employees (Interview, BCAWU National Organiser, 22 September 2008).

Migrant labour, however, is still very significant in the 2010 stadium construction projects, but it come in through the labour brokers and subcontractors. An interview revealed why most migrants are not trade union members:

> Trade unions are only for South Africans and not for a migrant like me, as the moment my boss discovers I attended a trade union meeting that is the end of my job. I want to be a trade union member but my job and status does not allow me to be one (Interview, Construction Worker Soccer City, 20 September 2008).

The union acknowledged the presence of migrant workers in the projects, and complained that migrant workers were elusive and resistant to most traditional union organising efforts (Interview, NUM National Co-ordinator Construction, 19 August 2008). The unions claimed they faced same predicament with labour brokers and subcontractor workers. The trade unions revealed that they organise migrants, labour-broker workers and subcontract workers; however, attendance at trade union meetings indicated that permanent staff dominated the debate and issues relating to other groups of workers were hardly discussed.

3.3 Trade Unions in 2010 Construction Projects

3.3.1 Overview

The history of trade unions in South Africa is intimately linked to the colonial and apartheid legacy. It is impossible to review the history of trade unions without making reference to the issue of race (Ncube, 1985). Black and white trade unions evolved from different backgrounds and went through different trajectories. The white trade unions evolved from migrant workers from Europe while black trade unions emerged out of

political frustration and economic destitution that affected the country's black people (Ncube, 1985:146). The first trade unions in the construction industry were craft unions formed by migrant artisans. Although black trade unions emerged in the early twentieth century, they were only recognised after the 1979 Wiehanh Commission recommendations.

During the struggle against apartheid, political parties were banned for much of the period and it was largely through the trade unions that the struggle for freedom was articulated. The trade unions and trade unionists during this era played a dual role against workplace injustice and apartheid. Buhlungu (2003) suggests that during the anti-apartheid struggle the trade union officials were both organisers and activists.

In the construction industry trade unions have been traditionally fragmented and very weak. In 1987 COSATU resolved to bring together the different unions that were organising in the construction industry, to form one big union. Hence the Construction and Allied Workers Union (CAWU) was set up in 1987 out of four unions as a COSATU project (COSATU, 1997). This was in line with COSATU principle of 'one union one industry'. However, the COSATU project failed to meet the challenge in the construction industry. As a result, COSATU reviewed its position at its Seventh Congress in 1997, and resolved to merge CAWU and NUM. This was aimed at creating synergy from merging a weak affiliate to a strong one. Currently there are over five trade unions organising in the construction industry, but only NUM and BCAWU have a significant membership.

3.3.2 National Union of Mineworkers

NUM was formed in 1982 as a Council of Unions of South Africa (CUSA) project; it was meant to be a trade union for black workers in the mining industry. It is one of the biggest COSATU affiliates, currently organising over 250 000 workers from a peak of over 300 000. NUM was originally a mining industry union but now organises in three sectors: mining, building and energy. In the construction industry, NUM organises about 78 000 workers (Interview, NUM National Co-ordinator Construction, 19 August 2008).

3.3.3 Building, Construction and Allied Workers Union

BCAWU is the oldest union in the industry, with a membership of around 28 000. It is affiliated to NACTU, which has a policy of independence from the government, political parties and religious groups. However, this study was surprised to observe that BCAWU members use politically inclined slogans at their meetings, which contradicts their policy of political independence.

The study observed that BCAWU initially used to have a majority membership at most of the 2010 projects. This has since changed, as NUM is now the majority union at most of the 2010 stadium construction projects. Ironically the majority of the employers declared they preferred working with BCAWU rather than with NUM:

> BCAWU is a less trouble maker compared to NUM. We used to have fewer problems and strikes when it was the majority trade union and most of us employers generally prefer to work with them compared to NUM. NUM changed the industrial relations in the

industry (Interview, Human Resources Manager Cape Town, 12 August 2008).

The employers and the trade unions both concurred that there is a very low level of unionisation at 2010 projects. The average was estimated at around 20%, and it was only around 4% when construction of the projects commenced (Interview, Human Resources Manager, Nelspruit 28 October 2008; Interview, NUM National Co-ordinator Construction, 19 August 2008).

3.4 Stadiums: Civil Engineering or Building Engineering Projects?

From the onset there was a question of whether the construction of the stadiums constituted building engineering projects or civil engineering projects. This distinction is significant as it result in radically different industrial regimes.

The civil engineering sector is regulated by a Minister sectoral determination promulgated in terms of section 56 of the Basic Conditions of Employment Act of 1997. This provides minimum conditions of employment. There are no bargaining councils in this industry, but negotiations for conditions above the minimum are conducted at national level; employers are represented by the South African Federation for Civil Engineering Contractors (SAFCEC), and the trade unions are represented by BCAWU and NUM.

On the other hand, the building engineering industry is regulated by bargaining councils which are sector and area specific, and are constituted in terms of section 27 of the Labour Relations Act of 1995. However, of late many of the bargaining

councils have been disintegrating .There are currently only four operating bargaining councils nationally. These are the Cape of Good Hope, Kimberley, North and West Boland and Bloemfontein building bargaining councils. The KwaZulu-Natal and the Gauteng building bargaining councils collapsed in the late 1990s and early 2000s respectively (Interview, Executive Manager Collective Bargaining, Department of Labour, 11 August 2008).

There was no consensus on whether these projects were building or civil engineering projects. The civil engineering sectoral determination defines the civil sector as:

> ...the sector in which the employer (other than local authorities) and employees are associated for the purpose of carrying out work in connection with one or more of the following:
>
> (a) The construction of: aerodrome runaways or aprons; aqueducts; bins or bunkers; bridges; cable ducts; cassions; raft or other maritime structures; canals, cooling water or other towers; dams, docks, harbours, quaysor wharves; earthworks, encasements; housings or support for plant, machinery or equipment; factory or works chimneys; filter beds; land or sea defence works; mine head gear, pipelines piers, railways, reservoirs, river works, roads or streets; sewerage works, sewers, shafts or tunnels, silos; sports fields or grounds, swimming baths; viaducts or water treatment plants ... (Department of Labour: Sectorial Determination 2 Civil Engineering Sector Government, Gazette No 26049 February 2004).

One of the building sector collective bargaining agreements defines the building sector as:

> ... without in any way limiting the ordinary expression of the word, the industry in which employers and their employees are associated

> for the purpose of erecting, completing, renovating, repairing, and maintaining or altering buildings and structures whether the work... (Bargaining Council for Building Industry(Cape of Good Hope) Extension of Collective Bargaining Agreement to non parties, Government Gazette No 8711 July 27, 2007).

Normally the client would determine at the tendering stage, in consultation with the architect, whether a project is a building project or a civil engineering project. All the stadium construction projects were tendered as building projects. This came as a surprise to the trade unions who argued that the projects were civil engineering projects. One of the unionists remarked:

> We do not know who exactly made the decision that the projects are building when the majority of the work is civil engineering. The demarcation was made without consulting the trade unions and we had to challenge this (Interview, NUM National Co-ordinator Construction, 19 August 2008).

This decision had significant implications on the industrial relations of the projects. It is not clear why the local authority and the contractors preferred the project as building projects when the nature of the work apparently suggested they were civil engineering projects. One of the managers argued:

> The stadiums have a roof and hence they are buildings, unlike the sports field or grounds which are referred in the sectoral determination as civil projects (Interview, Human Resources Manager Nelspruit, 28 October 2008).

While the reasons behind the decision were not clarified, it is significant to note that the two sectors are regulated by separate labour relations regimes, with civil engineering projects much more highly regulated than building engineering

projects. The trade unions were structurally too weak to challenge this decision (Interview, NUM National Co-ordinator Construction, 19 August 2008).

3.5 Government Recruitment Policy

To achieve its socio-economic goals of poverty reduction, employment creation and skills development, the government adopted a policy which requires all contractors of public projects to employ at least 70% of the workforce from the local community within a radius of 70 kilometres of the project (DPW, 1998). This was also designed to facilitate sustainable economic activity in rural areas.

The policy had some impact on the labour relations at some of the project and on trade union organising strategies. A manager commented:

> We support the government policy which guarantees employment to the local population. This goes a long way in poverty alleviation and skills development. In addition this helps us attain our corporate governance goal of returning something to the surrounding communities where we get our business (Interview, Human Resources Manager Nelspruit, 28 October 2008).

However, some employers lamented the enforcement of this policy as they claimed it negatively affected their operations:

> The policy forcing us to recruit from the local community is absurd. The government should just create employment throughout the country and abolish this policy. Each time we are faced with new workers to train who may never use the new acquired skills again after demobilisation. I have seen how absurd this policy is when we were contracted to construct bridges over a national road that

> stretched for over 700 kilometres. Each time we moved construction from one bridge to the next we had to carry out a staff audit to verify the eligibility of the workers to continue working on the project. Those coming from outside the required radius had to be terminated (Interview, Human Resources Manager Soccer City Stadium, 15 August 2008).

The trade unions were ambivalent on the impact of this policy to their organising strategies and sources of power. One trade unionist remarked:

> This policy is designed to suppress the voice of the trade unions as it guarantees permanent existence of weak trade unions at the workplace. The workers who come in every time are new to the industry and the trade unions and this may cause friction among the workforce. The government must abolish this policy to promote a strong trade union movement in the industry (Interview, NUM National Co-ordinator Construction, 19 August 2008).

But another trade unionist differed:

> Most of the workers are from Soweto and this policy here is not an issue as we are all from the same community. Therefore, it does not make any difference on us as a trade union. As far as we are concerned, the policy makes no difference to our organising strategies (Interview, Shop Steward Soccer City stadium, 17 September 2008).

This study observed that the impact of this policy was affected by the geographical location of a given project. For the projects that are located in major urban centres such as Johannesburg and Cape Town this was not an issue, unlike in smaller urban areas such as Polokwane and Nelspruit adjoining rural settlements.

3.6 Comparison of selected sites

See Table 3.1 page 55 for a graphical summary of the selected sites.

Table 3.1: A comparison of the selected sites

	Cape Town **Green Point Stadium**	**Johannesburg** **Soccer City Stadium**	**Nelspruit** **Mbombela Stadium**
Total workforce	±2000	±2000	±1500
Main contractors	Murray and Roberts, WBHO	Grinaker LTA and Interbeton	Basil Read and WBHO
Sector	Building Engineering	Civil Engineering	Civil Engineering
Trade unions represented	NUM main trade union, BCAWU minority trade union.	NUM only trade union at site - Recognition Agreement.	NUM main trade union, BCAWU minority trade union

Industrial action and causes	Three reported industrial actions – causes: transport, transport allowance and project bonus.	No reported industrial action but a four-hour work stoppag e over bonus.	Several industrial actions - over eighty strikes reported. Causes: bonus, sector dispute demarcation, land question.
Subcontractors and labour brokers	Average number 20 and constitute 60% of workforce.	Average number over 30 and constitute over 60% of workforce.	Average number over 15 and constitute over 60% of workforce.
Shop stewards	Part-time basis, elected by all workers but only full-time workers eligible.	Full-time, elected by all workers but must be from permanent staff.	Part-time, can be from any employee category.
Project labour agreement	N/A	Recognition Agreement with NUM	N/A
Trade union density	Less than 20%.	More than 60%.	Less than 20%.
Collective bargaining	Bargaining Council - Cape of Good Hope Building Bargaining Council.	Ministerial Sectoral Determination.	Minister Sectoral Determination.

3.6.1 Cape Town: Green Point Stadium

This is the only 2010 project where the industrial relations are regulated by a bargaining council. The stadium is a new construction project which commenced in 2007 as a joint venture between the main contractors WBHO and Murray and Roberts. It proved very difficult to determine the exact number of employees on this project as there are various employers – the main contractors, subcontractors and labour brokers – who come on and off the project depending on the task contracted to perform. However, the main contractors estimated that there were around 2 000 workers working on the project (Interview, Human Resources Manager, Cape Town, 12 August 2008). The main

contractors employ less than 40% of the total workforce, and the rest work for subcontractors and labour brokers.

Subcontractors are on and off the project at any time depending on their contract of work; hence their number on the project fluctuates but is usually around thirty. There are also three labour brokers. The subcontractors employ workers on their own terms and conditions, with no sanction from the main contractors. The subcontractors sometimes subcontract part of their work to smaller subcontractors. The subcontractors and labour brokers are required to register with the bargaining council as employers of the workers they employ. However, the bargaining council gives them a sixty-day window period to comply with this provision. As a result most have resorted to employing workers for less than sixty days to evade this regulation.

There are two trade unions organising workers at the Green Point stadium construction project- NUM and BCAWU. Reflecting the general trend in the industry, the trade unions on this project are facing immense challenges in organising workers. One manager commented:

> There is no union worth the name in this sector. Trade unions are only strong in the mines. In construction the workers see no reason to be trade union members. Most of our staff is LDC and their contracts are tied to the project. I would be surprised if the two unions have 20% membership between them at this project. We only see them when there is a strike .That's when they come to recruit members (Interview, Human Resources Manager Cape Town Green Point Stadium, 12 August 2008).

The trade unions concurred with the employers that their membership was very low at the project but attempted to qualify it:

> Our membership in the industry and at this project is very low due to structural barriers faced by the trade unions. All the contractors are making more use of subcontractors and labour brokers to evade the trade unions. The workers for the labour brokers and subcontractors are very difficult to unionise as their employers victimise them if they become union members (Interview, NUM Regional Co-ordinator Cape Town, 22 September 2008).

The bargaining Council also confirmed the low levels of unionisation at the site and in the sector in general. According to the bargaining council the trade unions are struggling to meet the required levels of representativeness at the council. (Interview, Executive Manager: Cape Building Bargaining Council, 23 September 2008). The study ironically observed that the majority union at the bargaining council, the Building Workers Union (BWU), was not represented at the 2010 Cape Town stadium construction project as it does not have a significant membership there.

Despite the provision for organising rights in the Labour Relations Act, the two trade unions are facing many barriers in organising the workers on this project:

> We are required to give at least two weeks' notice if we want to access the workers at the stadium and this may be declined by the employers, and one of the union organisers has been banned from accessing the stadium. This makes our work as trade unions impossible (Interview, NUM Regional Organiser Cape Town, 22 September 2008).

The restriction of the trade unions by the contractors at this project can be viewed as absurd and reflects the adversarial relationship between the employers and trade unions.

The shop stewards on this project are elected by all the workers but must be from the permanent staff; in addition they do shop steward duties on a part-time basis. This is against the trend at most big construction projects where shop stewards are now normally full-time. The trade unions only allow permanent workers to be elected as shop stewards and the other workers are only accepted as ordinary members. One trade unionist explained:

> Shop stewards have to be permanent staff because they know what is happening in the company. We cannot have an LDC or subcontractor worker as shop stewards because they can lose their job any time. The union cannot rely on them because they are not part of the company in the first instance. Those who are not permanent workers do not enjoy some of the industry benefits. Hence we cannot have someone as a shop steward who does not enjoy some of the benefits as this would create friction (Interview, BCAWU National Organiser Cape Town, 22 September 2008).

The employers cited the lack of representativeness as the main reason for the absence of permanent shop stewards:

> We cannot allow having a permanent shop steward when over 80% of our workforce is not unionised. The trade unions need to attract members first before we can have permanent shop stewards (Interview, Human Resources Manager Cape Town, 12 August 2008).

The study observed that the presence of the part-time shop stewards hardly made any difference as they have limited time to carry out shop steward duties due to a tight work schedule.

There are clear indications that some policies adopted by trade unions alienate the subcontract and labour-broker workers who, ironically, constitute the majority of the workforce. This confirms that they are failing to adopt and adapt the new organising strategies as propounded in Milkman (2000), Clawson (2003) and Lopez (2004).

Most complex construction projects usually have what is referred to as a project labour agreement (PLA). This is a collective agreement that regulates industrial relations for a given project. The Green Point stadium does not have such an agreement, as terms and conditions of employment are set by the Building Bargaining Council of the Cape of Good Hope.

The bargaining council had initially proposed setting up an office at the 2010 stadium construction site, but the request was declined by the joint venture's main contractors (Interview, Executive Manager Cape Building Bargaining Council, 23 September 2008). The bargaining council had hoped that this would have ensured that all players at the site would have easy access to the council and to ensure compliance with industry terms and conditions of employment. The refusal by the main contractors to this request raises eyebrows.

The study observed that, at the grassroots, the trade unions are perceived by the ordinary workers as competitors of the bargaining council as they offer similar and supplementary benefits such as a medical aid scheme, funeral cover and

pension cover. The trade unions use these benefits as a way to attract and retain membership.

The study noted with surprise that a significant number of ordinary workers could not distinguish between the trade union and the bargaining council. Some feel the trade unions are irrelevant as they offer the same services already offered by the bargaining council (Interview, Construction Worker, Cape Town Stadium, 25 September 2008). This high level of ignorance reflects the poor organising strategies and structures of the trade unions at the site.

The study noted the presence of a very strong Works Committee at the site, which is elected by all the workers but is not affiliated to any of the trade unions. The purpose of this committee, according to the workers, is to handle any collective issues related to work and to act as a channel of communication between management and all the workers (Interview, Construction Worker, Cape Town Stadium, 25 September 2008). Most of the workers felt that the Workers Committee was more representative and better positioned to articulate their plight. The committee meets every month or when necessary. The study noted the significance of the committee as it was responsible for initiating most of the strikes at the project:

> All the strikes here were organised and handled by the workers themselves outside the trade unions through a Workers Committee. The trade union only got involved at the much late stage of the strikes (Interview, BWI 2010 Campaign Co-ordinator, 23 September 2008).

The fact that the strikes were not organised by the unions reflects that the trade unions are very weak and have poor structures.

As was the case at most of the projects, there was a dispute on whether the project was a building or a civil engineering project. However, unlike at other projects, the grassroots employees were in agreement with the employer in defining the project as a building project:

> We prefer the building sector because it has better pay conditions and grading system compared to the civil engineering sector. We are therefore in agreement with our employers in using the building engineering sector conditions (Interview, Shop Steward Cape Town Stadium, 24 September 2008).

The trade unions at the national level however, preferred the stadiums to be civil engineering projects rather than building projects because, according to their argument, the building engineering sector is too fragmented nationally when compared with the civil engineering sector (Interview, NUM Regional Co-ordinator, Cape Town, 22 September 2008).

The Cape Town project had one more surprising contrast with other projects, as the employers here are said to be firmly behind the existence of a bargaining council, unlike the employers in other areas where the bargaining councils have collapsed (Interview, Executive Manager Cape Building Bargaining Council, Cape Town 23 September 2008). Many reasons were suggested regarding the

reason for this variation. According to the unions, the Cape Building Bargaining Council is dominated by white 'conservatives' who firmly support the bargaining council as a matter of race solidarity. They are then able to dominate it by sponsoring 'yellow trade unions' (Interview, NUM Regional Coordinator Cape Town, 22 September 2008).

3.6.2 Johannesburg: Soccer City stadium

This project is under a joint venture between two main contractors: Grinaker-LTA and Interberton. There are an average of two thousand workers on site working for the joint venture main contractors, subcontractors and labour brokers.

Before construction commenced on this project, the management of the joint venture extensively engaged the trade union, NUM and negotiated a framework agreement for industrial relations for the project. This agreement, referred to as a recognition agreement, defines the rights of the trade union, discipline and grievance-handling procedures, and many other pertinent industrial relations issues. The recognition agreement applies to all contractors and labour brokers at the site. NUM is recognised as the majority trade union but must have majority membership of the core staff.

Since the government requires community-based recruitment on public projects, 70% of the employees on this project are drawn from the local community. This is in line with government socio-economic policy. The recognition agreement makes

a presumption that all workers on limited duration contracts are from the local community; hence they are not entitled to transport or a transport allowance and housing or a housing allowance. In line with government recruitment policy, the project joint venture set up a recruitment desk in Soweto, where all new workers are screened before recruitment. After recruitment all the workers undergo an induction process which covers an introduction to industrial relations, health and safety, and other relevant issues. All the new employees on the project have to be recruited through this recruitment desk (Grinaker LTA-Interberton –NUM Soccer City Stadium Recognition Agreement, 2007).

This project as was tendered as a building engineering project. However, the employer volunteered to use the civil engineering rates of pay, which are superior, without any pressure from the trade union (Interview, Senior Shop Steward Soccer City Stadium, 17 September 2008).

The workers of every contractor on site are required to select a shop steward through a secret ballot. The elected worker will work as a shop steward on a part-time basis. In addition to the part-time shop stewards for each and every contractor, all the workers on site elect one shop steward who works for the whole project as a full-time shop steward (Interview, Senior Shop Steward Soccer City Stadium,17 September 2008). All the shop stewards from the individual contractors on site constitute a shop steward forum, which meets once every month or as and when necessary.

The study noted that the trade union at this project does not have problems in accessing workers. Trade union meetings are conducted once a month for an hour, paid by the employer. There is a site industrial relations forum which is a communication and co-ordinating forum, and comprises equal representation from the employers and the shop steward committee (Interview, Senior Shop Steward Soccer City Stadium, 17 September 2008).

The trade union density on this project was reported at over 60% by both the employers and the trade unions, which is unusual compared with the general trend in the industry. This is explained by the close collaboration between the employers and the trade union. The co-operation between the trade union and management has resulted in an agency shop agreement which allows the union to charge for services to non-members. Hence most workers preferred joining the trade union than remaining as non-members (Interview, Construction Workers Soccer City Stadium, 20 September 2008).

In the recognition agreement the union and management agreed to refer all disputes to arbitration. This implies that the union has given up its right to strike (Grinaker-LTA-Interberton-NUM Soccer City Construction Recognition Agreement, 2007).

On average there are about 30 subcontractors and labour brokers on site. All the contractors and labour brokers on the project are bound by the provisions of the recognition agreement. However, the union indicated that there, nevertheless are

some subcontractors who violate the agreement. Such violations are few however, as the union is 'responsible' for policing the agreement.

The study observed that despite a very strict recruitment procedure, migrant workers still find way onto the project through labour brokers and subcontractors. The union revealed that it organises migrant workers, but the study observed that their participation in the union is very low. The union leadership structures do not accommodate migrant workers. The migrant workers themselves perceive the trade union as an organisation for local citizens. The trade union does not engage any special strategy in organising migrant workers (Interview, Construction Worker Soccer City Stadium,25 September 2008).

Industrial relations at the 2010 stadium became a contentious issue marked by a strike wave across most of the 2010 stadium construction projects. The Soccer City project was, however, spared from this wave and was reported to be the only site with a 'clean' industrial action record. However, investigations by this study revealed that the project witnessed a four-hour work stoppage which was resolved with minimum impact on production (Interview, Human Resources Manager Soccer City Stadium, 15 August 2008).

The main contractors at the Soccer City stadium have exhibited a culture of general tolerance and co-operation with the trade union. This is unusual in the industry, where the relations between the unions and management are usually adversarial (Interview, NUM National Co-ordinator Construction,19 August

2008). The study observed that the collaboration with the unions exhibited by the employers on this project did not start on this project. They attempted to influence employers in the industry to adopt the same culture and proposed a project labour agreement for all the 2010 projects, but the proposal was shot down (Interview, Industrial Relations Manager SAFSEC, 05 September 2008).

3.6.3 Nelspruit: Mbombela Stadium

The stadium is being constructed by a joint venture between Basil Read and WBHO as the main contractors. There are about 1 500 workers employed on the project, and about 30% of them are employed by the main contractors. The remainder are employed by subcontractors and labour brokers. There is an average of 30 subcontractors and labour brokers on site (Interview, Human Resources Manager Nelspruit Stadium,28 October 2008).

The stadium is shrouded in a land ownership dispute which has immense impact on industrial relations at the project. The stadium is being constructed about ten kilometres outside the town on a piece of land which is part of the land restored to the Matsefeni community as part of a land claim. This land is collectively owned by the community, who are mostly farm workers. Surprisingly, the Nelspruit local authority authorised the construction of the stadium without the consent of the local community. The local community pressure group opposed the annexure of the land by the local authority, and organised demonstrations. The local authority later clandestinely bought the land from one of the community leaders for a rather

absurd figure -one rand. The issue was taken to court. The local authority offered to build a school for the local community, and to provide some jobs and contracts in the construction of the stadium instead of money (Interview, Shop Steward Nelspruit Stadium,31 October 2008).

Several negotiations were conducted to resolve the land issue, but the contractors were not involved. In line with government socio-economic policy, at least 70% of the workers are from the local community. Some of them are also in the local community pressure group leadership which is involved in contesting the annexure of their land.

The first shop steward at this site was initially from the core staff, as the trade union then only allowed a shop steward from the permanent staff. This caused problems as the shop steward did not understand the local community politics and the land question as he was from Johannesburg. The workers from the community on limited duration contracts challenged the union policy that only permanent staff could be shop stewards. One of them remarked:

> How can we be led by a person who does not have an intimate understanding of our plight as a community? Our problems are not only tied to work but they transcend from the community where we live. Most of these permanent staff come with the employers from Johannesburg and are usually his 'blue-eyed' boys. They always side with the employer each time we had grievances and we could not tolerate this (Interview, Construction Workers Nelspruit Stadium, 29 October 2008).

The LDC workers from the local community challenged the union position that an LDC worker could not be a shop steward. The LDC workers claimed that shop stewards from the core workers were aligned to management. They argued that it was not fair to be represented by someone from a minority who has better terms and conditions of employment. The local community workers 'hijacked' the union after realising that it was in contradiction of their interest as community members. The union did not offer much resistance to the 'takeover'. The union succumbed to the pressure and the shop steward was replaced by a worker on limited duration contract, who ironically was the chairman of the community pressure group.

The Nelspruit stadium was tendered as a building project (instead of a civil engineering project), and therefore adopted the building sector rate of pay negotiated through the Gauteng voluntary bargaining forum, where the main contractors have their head offices. There is no project labour agreement for this project. The building sector rates are much lower than the civil rates, and this resulted in disparity in pay with the other 2010 stadium construction projects. This sparked a strike, which was referred to the CCMA for determination. The employer later withdrew the case and agreed to pay civil engineering rates, after pressure from the union and the strikes. This prompted the local authority to direct the contractors to comply with the workers' demands (Interview, Shop Steward Nelspruit Stadium, 31 October 2008). The contractors and the local authority agreed to pay the civil rates but this did not change the status of the project as a building project.

The two main trade unions – BCAWU and NUM – organise the workers at the stadium. Initially when construction commenced, the level of unionisation was less than 4%, and BCAWU was the majority union (Interview, Human Resources Manager Nelspruit Stadium, 28 October 2008). However, this position has since changed, as NUM is now the majority union at the project. The trade union density as reported by management has since risen to around 20%.

The subcontractors employ most of the workforce at the site but their contracts with the main contractors impose industry conditions on all subcontractors' workers. However, enforcement is a problem as there are still violations on pay and other conditions. In response to the violations by subcontractors to the minimum conditions as set in the agreements, the trade union under the new leadership from the community organised a strike at the project in sympathy with subcontractor's workers who were subjected to deplorable conditions of work (Interview, Shop Steward Nelspruit Stadium, 31 October 2008).

The displacement of the union leadership by the workers from the community strengthened the trade union as it managed to link the workplace struggles to the community struggles. This enabled the union to engage in strategies that allow the articulation of associational power to symbolic power.

Chapter Four

TRADE UNION POWER AND ORGANISING STRATEGIES

4.1 Union Power

Industrial action and trade union density are overt and covert measures of trade union power respectively. According to Salamon (2000:411), industrial action:

> Includes any temporary suspension of normal arrangement initiated unilaterally by employees (whether through their union or not), or management, with the aim of exerting pressure within the collective bargaining process.

While the capacity of a trade union to successfully engage in industrial action can be used as a measure of trade union power it is, however, not always the strong trade unions that use industrial action. According to Aminnzade (cited in Klandermans, 1984), strong trade unions have the means to take action but they also have a less frequent need to resort to industrial action. This is amplified by Proven and Cloward (cited in Klandermans, 1984), who argue that strong organisations (trade unions) prevent action. Taking from this context therefore, industrial action is a phenomenon which is common in both strong and weak trade unions.

Industrial action is a collective action by workers; it is grounded in the use of old traditional sources of power. Kelly (1998) uses mobilisation theory to explain the

causes of industrial action. According to his argument, workers are more willing to engage in industrial action when they experience a sense of injustice or unfairness in the employment relation and when they hold a collectivist orientation to work.

Industrial action is a common phenomenon in South African industrial relations. Industrial actions in South Africa, as in other countries, are not homogeneous as they vary in form and magnitude – from a few hours' work stoppages to violent and protracted industrial actions such as the 2007 Public Sector strike, for example. The willingness of individual workers to take up industrial action is connected to the question of the renewal of the trade union, according to Clawson (2003). Can Clawson's argument be relevant to the South African construction industry? Is the spate of strikes that rocked the construction of 2010 stadiums linked to a trade union renewal, or is it a mere reflection to the weaknesses of the trade unions?

An analysis of the Department of Labour's (DoL) 2005 and 2006 Industrial Action annual reports in South Africa highlight the construction industry as one of the industries having the lowest levels of industrial action and man-hours lost to strikes (DoL, 2005, 2006). However, recent events seem to be challenging these statistics.

The industrial actions in the 2010 projects varied in form and duration, from the four-hour stoppage at Soccer City to the protracted and violent three-week strike

at Nelspruit. Industrial actions are grounded on the use of traditional sources of power. They vindicate the capacity of the workers to draw from these sources of power. Therefore, an analysis of the industrial actions can help us to clearly understand whether there has been erosion of the old sources of power and the possibility of the establishment of new source of power that may be derived from articulation of the old sources of power to the new.

4.2 Industrial Actions in Selected 2010 Stadium Construction Sites: Use of Old Source of Power

4.2.1 *Soccer City: Johannesburg*

This project has experienced the least number of industrial actions and has almost achieved harmonious industrial relations. The only strike recorded at this site was a four-hour work stoppage over a project bonus dispute. Management and the trade union could not agree on the amount for a project bonus (Interview, Human Resources Manager Soccer City Stadium,15 August 2008). The workers downed tools for about four hours before management conceded to their demands. This dispute was resolved expeditiously, such that many sources and analysts argue whether this should be described as an industrial action.

Before having interviews with the stakeholders at the site, and based only on press reports, this study initially presumed that there had been no industrial action at this site. It was only after the interviews with management at the stadium that the study established that a brief and unreported industrial action had taken place.

As an indicator of the ambivalence inherent in their role, the shop stewards were not prepared to reveal a negative relationship between the trade union and the employer:

> We do not have any problems with our employer here. We have a project labour agreement which prescribes everything and whenever we have a problem we just make reference to the project labour agreement. Our employer is fair and the workers have no grievance, which is reflected by the fact that we have never recorded an industrial action (Interview, Shop Steward Soccer City Stadium, 17 September 2008).

The claim by the shop steward that there had never been an industrial action at Soccer City was however, refuted by management, who revealed that there had been a four-hour work stoppage. Despite a very high level of institutionalisation of conflict at this project, the workers were still able to draw from the old sources of power.

4.2.2 Green Point Stadium: Cape Town

The Green Point Stadium reported at least two industrial actions by the time this study was conducted (see Table 4.1). The interviews with the various stakeholders on this project indicated that there had in fact been more industrial actions than recorded, as only the big industrial actions with an impact on production were recorded (Interview, BCAWU National Organiser,22 September 2008).

Table 4.1: Industrial Actions at Green Point Stadium, Cape Town

Green Point Stadium, Cape Town Main contractors: WBHO, Murray and Roberts Trade Unions: NUM, BCAWU			
No.	**Date**	**Cause**	**Comments**
1	27 Aug 2007	Transport arrangements and transport allowances	• Unprotected strike for 2 days; involved 800 to 1 000 workers; strike organised by Workers Committee. • Workers returned to work after interventions by COSATU, NUM and BCAWU.
2	18 Sept 2007	As above	• Unprotected strike commenced on 18 September and workers returned to work on 25 September .Strike initially organised by Workers Committee. • Alleged violence and damage to property. • Striking workers were locked out of the site. • The employer obtained a court interdict ordering the workers to return to work. • Between 20% and 25% of workforce unionised, 70% of the workers work for subcontractors.

The first strike was over a dispute about transport provision by the contractors to and from the site to town where the workers connected to public transport to and from home. The employers provided transport to the pick-up point, but workers were required to walk five minutes from the pick-up point. The second strike was about workers' demand for a transport allowance. The workers on average require R30 per day for transport. Transport cost in an industry where the minimum wage is less than R2 000 per month is a very significant cost (Cottle, 2007).

The strikes at this stadium followed a trend. Most of the strikes were not organised by the trade unions but by the site Workers Committee, which is not

aligned to any of the trade unions but is elected by all the workers on the project. The trade unions were usually drawn into the strikes at a much later stage, generally because management would be seeking ways to resolve the issue. The management would usually approach the trade unions first, as they have structures and legitimacy. Management seemed to be oblivious of the fact that the trade unions were not behind the strike in the first instance. The trade unions on the other hand would normally assume responsibility in an attempt to control the strike and capitalise on the opportunity by recruiting as many new members as possible. Most of the strikes were not protected, and were violent with reported extensive damage to property. In one of the strikes some employees were arrested on suspicion of damaging property (Interview, BCAWU National Organiser, 22 September 2008). Once a significant number of workers engaged in a strike, management would close off the site to protect damage to equipment and this did not mean all the workers were on strike (Interview, Human Resources Manager Green Point Stadium, 24 August 2008).

Management cited opportunism by the trade unions as the major cause of most of the strikes; according to their argument, the workers perceived the 2010 construction projects as an opportunity to make as much money as possible as it is a once-off opportunity.

The workers on this project proved the possibility and success of using associational power outside a trade union. They managed to form a new collective organisation other than a trade union.

4.2.3 Mbombela Stadium: Nelspruit

With over seven recorded industrial actions, this project recorded the highest number of strikes by the time this study was conducted (see Table 4.2). One manager explained:

> We were in a strike mode for a long time .We witnessed at least six strikes and several work stoppages. In fact, for a period close to six months I would say we were in a strike mode. Some time the workers never even said they were on strikes but we could see it by a massive surge in productivity and this dragged for a very long time with some intermittent work stoppages, some of which were violent. In the last one, our patience was stretched too far and we decided to dismiss all the workers (Interview, Human Resources Manager Mbombela Stadium Nelspruit, 28 October 2008).

Table 4.2 Industrial actions at Mbombela Stadium, Nelspruit

Nelspruit (Mbombela) Main contractors: Basil Read, WBHO Trade Union: NUM			
No.	**Date**	**Cause**	**Comments**

1	29-30 Nov 2007	Hourly wage rate, transport and travelling allowances, living allowance, alleged violation of BCEA, Project bonus.	The union was behind the strike.
2	11-15 Feb 2008	Demand to be paid at civil engineering sector rates.	The union was behind the strike.
3	2-7 April 2008	Wage disparity with other sites; payment on civil construction rates.	CCMA mediated dispute. Contractors agreed to pay civil engineering rates after instruction from the client – the local authority.
4	11 April 2008	Land dispute with local municipality.	Work stoppage for about 3 hours. The leadership of the union (NUM) was taken over by a shop steward who was a community leader and chairman of community pressure group.
5	24 April 2008	Land dispute with local municipality.	Work stoppage for about 5 hours, initially organised by a community pressure group.
6	6 May 2008	Subcontractor employees not paid.	Sympathy strike for those employees. Strike initially organised by community pressure group.
7	9 June 2008	Land dispute with local municipality.	Work stoppage for about 2 hours; initially organised by community pressure group.
8	July 2008	Payment of performance bonus.	Strike lasted 3 weeks; initially organised by community pressure group. Strike involved alleged violence and damage to property; four union members arrested for damage of equipment.500 workers dismissed, but later reinstated.

The causes of the strikes were varied and complex but include wage rate, violation of the Basic Conditions of Employment Act, project bonus, civil engineering rates, subcontractors and the land question. The issue of whether the project was a civil engineering or a building engineering one caused a number of strikes, as the

project had initially adopted building engineering rates which were inferior to civil engineering rates. Some of the other sites, such as Soccer City in Johannesburg, had switched to civil engineering rates before a strike. This created disparity in the rates of pay among the workers at the different projects. The workers disputed the decision to use the building engineering rates. One worker explained:

> All the other 2010 stadiums construction are using the civil engineering rates while here we were using the building rates which are far less to the civil rates. We decided to go on strike to push the management to pay us the civil rates. We do not know who made the decision that we should use the building rates when all the other 2010 sites were using civil rates. We are all constructing stadiums for 2010 and hence must get the same rewards-fair and simple. (Interview, Construction Worker Mbombela Stadium, 29 October 2008).

The strikes forced the local authority to pass a directive to the contractors to concede to the workers' demand due to political pressure. The local authority had designated the project as a building project at the tendering stage, and it was on this basis that the project was tendered. The local authority agreed to meet the financial obligation linked to this decision. This was unusual from a local authority, as they are traditionally reluctant to be involved in labour relations issues on construction projects since they are not the employers.

The last strike, in June 2008, was violent, as a motor vehicle and a guardroom were set alight; four trade union officials were arrested. All the strikes at this site were unprotected as they were in breach of the Labour Relation Act of 1995. In the June 2008 strike, the main contractor responded by dismissing its entire

workforce of 500 and advertising in the press for new employees. The site had witnessed a series of intermittent strikes for a long duration and the employer responded by dismissing all the workers (Interview, Human Resources Manager, Mbombela Stadium, 28 October 2008). It is significant to note that although all the workers at the site were reported to be on strike, the main contractor could only dismiss those who were in his employment. He had no jurisdiction over the employees of subcontractors and labour brokers. This was the first 2010 construction project to dismiss workers because of an industrial action.

Trade unions locally and globally castigated the decision and there was an outcry from various other quarters. The then President of South Africa happened to be on a development report-back 'imbizo' in the area soon after the dismissals. The trade unions and the community organised some marches and demonstrations during this event in protest against the dismissals and to highlight the general exploitation and poor conditions of work at the stadium. The workers were later reinstated after an apparent intervention by the president (Interview, Shop Steward Mbombela Stadium, 31 October 2008).

By organising demonstrations and protests at political meetings the workers at Nelspruit stadium were able to use strategies that allowed articulation of associational power to symbolic power, and used this as a new source of power. They were able to use their role in the community to fight for an industrial relations problem. This was payback time, as this proved that the relationship between the community and the workers can be symbiotic.

One of the major key drivers of industrial actions was the land dispute between the local community and the local authority. More than four strikes were a result of the land question. This brought another dimension to the industrial relations at the project, as the cause of the strikes did not concern the employer. The workers used their role as workers to advance the interest of the community. One of the shop stewards narrated:

> We are the workers and members of the community at the same time and we decided the only effective way that we could resolve our community problems was through the use of our collective power as workers. The employer as the contractor was not to blame for these strikes. Our strikes were targeted at the employer's client, the local authority, who had unlawfully taken our land, and the only way we could put pressure was to stop this project which had all the eyes of the world (Interview, Shop Steward Mbombela Stadium, 31 October 2008).

Most of the strikes were characterised by violence and were linked to community pressure groups which later 'hijacked' the trade union.

4.2.4 Peter Mokaba Stadium: Polokwane

This project recorded at least three strikes by the time this study was conducted (see Table 4.3). The causes of the strikes varied from project bonus, solidarity with labour brokers workers and violations of agreement. All the strikes were in violation of the Labour Relations Act and hence were not protected.

Table 4.3: Industrial actions at Peter Mokaba Stadium, Polokwane

Polokwane (Peter Mokaba Stadium) Main contractors: WBHO Trade Unions: BCAWU, NUM			
No.	**Date**	**Cause**	**Comments**
1	23-25 January 2008	Labour broker failing to pay in accordance with minimum wage rates.	Unprotected strike organised initially by LDC but BCAWU later took over. Strike was in solidarity with the labour broker's employees.
2	24 June to 2 July 2008 and 16-30 July 2008	Minimum wage rate and project bonus.	The strike was unprotected and the workers returned to work after the employer obtained a court interdict. However, the unprotected strike resumed later in July. It was settled when the workers accepted R1 000 for the remaining bonus. NUM organised this strike.

Though it was on a lower scale and less organised compared to Nelspruit, the issue of involvement of local community organisations was also a factor at this project. Decisions to go on strike were normally passed at mass meetings which were not necessarily controlled by the trade unions, and usually the decision of the local workers (who are normally LDC and a majority) prevailed. The shop steward explained:

> The decision to go on strike is usually passed on mass meetings which are not trade union meetings but attended by all workers on site. As a result such meetings may pass a decision violating the Labour Relations Act and the union cannot obviously control it. The workers would argue that the decision was not passed by the union in the first instance. Some of the LDC usually claims they cannot be bound by agreements made before they were employed (Interview, Shop Steward Peter Mokaba Stadium Polokwane, 20 August 2008).

The study observed that although the trade unions ended up leading the strikes, most of the strikes were initiated outside the trade unions. This could be expected as the majority of the workers were not trade union members. In most of the

strikes management would accuse the trade unions of failing to control its membership, ignoring the fact that the majority of the workers were not trade union members.

4.2.5 Moses Mabhida Stadium: Durban

The first strike concerned a dispute over a project bonus which was coupled to other demands: safety standards, absence of an ambulance and violation of minimum wages by some of the subcontractors at the site (see Table 4.4). The causes of the strikes varied as they included project bonus, violation of agreements by subcontractors and travel allowance.

Table 4.4: Industrial actions at Moses Mabhida Stadium, Durban

Durban (Moses Mabhida) Main contractors: Group Five, WBHO Trade Union: NUM		
Date	**Cause**	**Comments**
13 Sept 2007	Safety standards, absence of site ambulance,	Work stoppage for part of the day.

	violation of minimum wage agreements by subcontractors.	
7-19 Nov 2007	Health and safety improvements; appointment of safety officers; project bonus; violation of minimum wages by subcontractors; (payment of civil engineering rates).	Strike allegedly protected and involved about 1 200 workers. Clashes with police occurred. Strike occurred after Department of Labour condemned safety standards on the site. Employers obtained an interdict preventing strikers from entering the site while on strike and damaging property. NUM threatened secondary strikes by workers at other stadiums.
3 Dec 2007	Project bonus and travel allowances.	

Most of the strikes were reported as violent, and on some of the strikes the workers organised demonstrations and marches around the town highlighting the levels of exploitation and poor conditions of employment in the industry. The majority of the strikes were not protected as they were in violation of the Labour Relations Act.

4.3 The 2010 Industrial Actions: An Analysis

There has been some form of industrial action at all the 2010 construction projects, albeit of varied magnitude. This confirms that the construction workers have the capacity to draw on traditional sources of power despite limitations. The Nelspruit case, for example, has shown that the use of traditional sources of power

is not limited to industrial relations issues but can be used even to fight for community issues. This also indicates that the workers should not be viewed merely as workers, but they have other identities which may allow the articulation of associational power to symbolic power. Trade unions need to take note of this if they are to succeed in organising vulnerable workers.

Many scholars such as Milkman (2000), Clawson (2003) and Lopez (2004) have proposed worker-community alliances as a new strategy for trade union organising. The main purpose for such an alliance, according to their arguments, is apparently for the benefit of the trade unions facing challenges from erosion of traditional sources of power which are usually workplace-based. This study suggests that this relationship can be symbiotic, as was shown at Nelspruit. The benefit from the alliance was not only one way (at Nelspruit) as the workers were able to use associational power, which they articulated with symbolic power through the alliance with the community for the benefit of both parties. Many of the analysts ignore the fact that the alliance could also directly benefit the community.The the usual presumption is that it is only for the benefit of the trade union.

Most of the strikes had common characteristics, such as that they were not led by the unions but by workers outside the trade unions. The trade unions usually had to 'hijack' the strikes as a way of controlling them but at times were not even successful in doing so. The strikes were wildcat in nature, pointing to a weakness of the trade unions and vindicating the argument postulated by Aminnzade (cited

in Klandermans, 1984:108), who argued 'that strong trade unions have the means to take action but have a less frequent need to engage in industrial action'.

The study shows that if trade unions are too weak to articulate the position of workers, the workers may counter react by forming informal collective organisations outside the trade union. The workers will then be able to draw from associational power but outside the trade union. These informal organisations were common at almost all the projects used in this study but the level of informality and organisation varied. At Nelspruit, for example, the workers had an informal collective organisation which was community-based and initially operated outside the trade union but later succeeded in 'taking' over the trade union. This was a highly organised collective group- though informal. At Polokwane the existence of an informal organisation was also apparent though loosely organised. Cape Town had a Workers Committee which was independent of the trade unions and could be argued to have assumed the role of a trade union.

The formation of informal organisations outside the trade unions is a form of repudiation to the terms and conditions negotiated by the trade unions, as argued by Allens (cited in Hyman, 1972). According to his argument, 'unofficial action as in informal trade unionism, occur because formal trade unions are incapable of fulfilling their function satisfactorily and for this reason lost control over their members' (Allens, cited in Hyman, 1972:49). This is clearly vindicated in the 2010 construction projects used in this study.

4.4 Institutionalisation of Industrial Conflict

According to Marx (cited in Ncube, 1985:1), conflict is inherent in an employment relationship. The capitalist system creates two parties – the employer and the employee – with conflicting interests and an unequal relationship. According to Hyman (1972:75), 'conflict of interest in an employment relationship is scarcely questionable' as conflict has been institutionalised through collective bargaining which allows the parties in the employment relationship to make compromises. In agreement, Dublin (cited in Hyman, 1972:75) argues that 'we have built the practise of collective bargaining as a social device for bringing conflict to a successful resolution'. This study vindicates the fact that inherent conflict in employment relations can be successfully managed through the institutionalisation of the conflict as shown at Soccer city stadium.

At all the projects used in this study there were however, different levels of institutionalisation of conflict. Conflict is managed by setting up bargaining councils and forums, as well as discipline and grievance handling procedures. The Soccer City case study shows the highest levels of conflict institutionalisation, where the trade union is fully recognised, conflict is accepted and its manifestations are socially regulated. The management at Soccer City viewed trade unions not as an enemy but as a tool that could be used to achieve and maintain stability. This is in agreement with Hyman (1972:76), who argues that 'trade unions have achieved in eradicating the causes of intense social conflict and the industrial conflict is expressed in innocuous forms now that the legitimacy of

trade unionism has been generally accepted' but conversely warned that the 'institutional needs of unions themselves leads naturally to moderate and conservative policies'. Hyman (1972:80) further argues that 'as trade unions gain acceptance so industrial conflict is rendered increasingly professionalised and antiseptic'. The institutionalisation of conflict which promotes collaboration of management with labour can make a contribution to efficient management, as was shown at Soccer City. According to one manager:

> We find it easy [*sic*] to have a strong union than not to have or have a very weak one. We find it easy [*sic*] to deal with five union representatives than deal with two thousand workers (Interview, Human Resources Manager Soccer City Stadium, 15 August 2008).

The positive acceptance of the trade union by management at Soccer City, unlike at other 2010 projects, has resulted in the integration of the unions into the administration structures of the firms. The trade union at Soccer City has ostensibly taken over the duty of ensuring that subcontractors and labour brokers comply with the industry agreements and the recognition agreement. The trade union has become part of the establishment, as argued by Hyman (1972:79). At Soccer City there is strong evidence of 'mature industrial relations' which manage to accommodate the inherent industrial conflict. Or can we conversely argue that the trade union was overtly hijacked by management?

Compared to Soccer City, Cape Town and Nelspruit projects were less institutionalised, and this explains why they accounted for more strikes than Soccer City. Soccer City also strongly suggests that conflict cannot be suppressed

simply by incorporating the trade union hierarchy, as argued by Hyman (1972:82). The workers still find ways to express their grievances despite a high institutionalisation of conflict. This is usually common where a significant number of the workers are not unionised. Despite a very high level of conflict institutionalisation, the workers at Soccer City went on a four-hour work stoppage. This agrees with Danvendort (cited in Hyman, 1972:100), who highlighted the limits of conflict institutionalisation. According to his argument,

> Institutionalisation of conflict through trade unionism leads in turn to dissension within the union to unauthorised action in the form of unauthorised strikes and the more sophisticated trade unions respond by attempting to control such conflict by leading the strikes (Danvendort, cited in Hyman, 1972:100).

This was observed at most of the sites used in this study – most of the strikes were initiated by the workers without the trade unions, but the trade unions usually hijacked the strike in order to lead the strike.

4.5 Why Weak Trade Unions?

4.5.1 Overview

The construction industry is one industry in South Africa where the labour movement can be pronounced as weak if we use trade union density and militancy as measures of trade union power. In 2005 the union density in the industry was put at just 10.4% (Labour Force Survey, 2005). The study has shown that despite

a weak trade union the workers in the 2010 projects were able to make use of traditional sources of power, as was shown in the industrial actions.

As the industry was in decline for an inordinate period, there was decline in human resources development. At present, therefore, there is a critical shortage of skilled manpower in the industry. The shortage of skills is threatening the capacity of the industry to deliver in the face of the current unprecedented boom (Garrun, 2008:3). This has in turn enhanced the marketplace power of workers and trade unions. The highly skilled workers in the industry have a much higher level of marketplace power due to the current critical shortage of skilled personnel in the industry. Many of them see no need to join trade unions and gain from associational power. This is confirmed by the fact that most trade union members are from the unskilled and semi-skilled grades (Interview, NUM National Co-ordinator Construction, 19 August 2008).

The trade unions in the construction industry have been traditionally weak, save for a few early craft unions that existed in the industry in the early years. Compared to other industries such as mining and the metal industries, the construction industry generally has weak structural power. This study has identified a number of factors that account for this weakness. They include government recruitment policy, migrant labour, and trade union failure to recognise the profile of the workforce. Each of these is discussed below.

4.5.2 Government recruitment policy

There is no consensus within the trade unions on whether the government policy on community-based recruitment for public construction projects had a negative impact on the labour movement. There are two schools of thought on the impact of this policy. On one hand are those who argue that the policy is responsible for the weak labour movement in the industry, as it undermines the trade unions' traditional sources of power. They claim the policy is responsible for flooding the industry with workers from the local community who are inherently reluctant to join trade unions due to the nature of their contract of employment, which is short-term. These workers are therefore exposed to exploitation.

This study challenges the claim that the workers from the local community are reluctant to join the labour movement due to the nature of their contract of employment. The Nelspruit case study suggests that the workers from the local community are not only willing to be trade union members but, given a chance, they are even prepared to lead the union and become the agents of change.

While the policy cannot be held accountable for the weak trade union movement in the industry, there is some credibility to the notion that the policy results in the alignment of government interests to the interests of the contractors in the industry by creating and promoting a form of employment which is difficult to organise using the traditional trade union organising strategies. There is a strong argument that the policy promotes the permanent existence of a weak trade union by

promoting the use of casual labour in the industry, which is inherently non-unionised. It is therefore debatable who actually benefits from this policy between the employers and employees. However, the Nelspruit case study proved that these workers are not only organisable but that they can assist the trade union in innovating and discovering new sources of power.

4.5.3 Migrant labour

According to NUM, migrant labour accounts for over 70% of the industry total workforce, and most of these migrants are from the neighbouring and regional countries (Interview, NUM National Co-ordinator Construction, 19 August 2008). According to the unions, most of the employers in the industry have switched to the use of cheap and flexible migrant labour. The migrant workers are vulnerable to exploitation and abuse. Trade unions face a challenge in organising migrant workers as they are alleged to be 'resistant' to traditional organising strategies.

The construction industry is the entry point for migrant workers into the South African labour market. The presence of migrant labour in the construction of 2010 stadiums is complicated by the fact that they are mostly employed by labour brokers and subcontractors. As they enter the labour market from a weaker point as migrants, the labour brokers and the subcontractors further worsen their predicament as they are in the category of workers that are traditionally difficult for trade unions to organise due to their status.

Migrant workers do not constitute a very high proportion of the workforce in the 2010 projects, according to the trade unions in the projects. However, migrant labour is still found on the projects, usually working for subcontractors and labour brokers.

The trade unions indicated that they do organise migrant workers; however, they only accept those with the proper documentation to work in the country. This is ironic as the majority of the migrants do not have such documentation. The study observed that the few migrant workers in the projects are not actively involved in most of the trade union activities. The trade unions organising in the 21010 projects have adopted an indifferent approach in as far as migrants are concerned. The unions have apparently failed to make use of the new forms of organising ideal for vulnerable workers as propounded by Sherman and Voss (2000). They argued that trade unions need to recognise the worker culture, interest and work situations.

4.5.4 Trade Union failure to recognise the workforce profile

This study observed that the workforce in the construction industry is not homogeneous but is segmented into the core, limited duration contract, labour-broker and subcontracted workers, in line with the Von Holdt and Webster (2008) typology. These workers have different rights, privileges and sources of power. This ostensibly demands that trade unions engage different organising strategies when organising workers in these varied categories as there is no 'one size fit all' approach.

This study observed that the organising strategies engaged by the trade unions in the 2010 construction projects are oblivious to the varied worker categories in the industry. The trade unions ostensibly presume that all their members are or should be from the core staff. For example, at all the trade union meetings and conferences attended during this study, only the issues affecting the core staff dominated the debate while issues for other categories were not even discussed or were pushed to the periphery. The other categories of workers such as migrant, labour-broker and subcontracted are glaringly missing in the trade unions structures.

According to Goldman (2003:21), employers have segmented the workforce into different categories with different rights and privileges, which now makes it difficult for workers and trade unions to find common cause. According to her argument, this has resulted in the erosion of the collective interest on which trade unions are based. This study argues, however, that the trade unions are doing very little to find or create collective interest among the different workers. They have apparently failed to recognise the various categories of workers within the industry. This has partly accounted for a weak trade union in the sector.

4.6 The 2010 Summit: Result of New or Old Sources of Power?

The 2010 construction boom was not business as usual, contrary to what the employers and the government wanted the workers to believe. The workers

naturally saw this as a window opportunity with a potential to uplift their lives. Employers and workers had varying perceptions on what the 2010 construction boom could bring. As a result of this difference the employers in the industry and the government saw no need for a special dispensation in industrial relations for the construction of 2010 projects.

The trade unions suspect the reason why the government and the employers were reluctant to put in place a special dispensation for the industrial relations in the construction of 2010 projects was because they perceived the labour movement in the industry as weak and therefore irrelevant. According to the trade unions the government was only concerned in seeing the completion of the stadiums (Interview, NUM National Co-ordinator Construction, 19 August 2008).

The time frame required to complete the stadiums is very limited and hence demands minimum disruption. The completion of the stadiums in time is critical for the successful hosting of the 2010 Soccer World Cup. This has put pressure on both the contractors and the employees. The structural power of the workers has been enhanced in the process.

The labour movement has traditionally been weak in the construction industry. The Department of Labour's Industrial Action Annual Reports for 2005 and 2006 indicate the construction industry as one of the industries with the lowest levels of industrial action in South Africa. The contractors and government were therefore surprised by a sudden upsurge in industrial actions in the 2010 projects. The

strikes in the stadium construction prompted debate on the capacity of South Africa to meet the FIFA deadlines on stadium construction.

The government, through the Department of Sports and Recreation, which is the custodian of all 2010 preparations, approached the CCMA for advice and guidance on how the industrial relations problem that had surfaced in the 2010 projects could be resolved. The aim was to ensure that the problem would not affect the delivery of the 2010 infrastructure. A summit was convened by the Department of Sports and Recreation in collaboration with CCMA. All the stakeholders in the delivery of the 2110 infrastructure were invited; these included organised labour, organised business and the government (Department of Sports and Recreation and CCMA, 2008). The summit acknowledged the significance of the games to South Africa and the need for co-operation in order to sustain harmonious industrial relations for successful delivery of the 2010 infrastructure.

The summit enabled the stakeholders to recognise the importance of dialogue in the industry, which was missing, and the need to displace the reactionary culture in the industry. The summit resolved to come up with a long-term stabilising effort and to strive for a decent work agenda in the industry. Poor communication was identified as one of the sources of the problem, an indication that South Africa failed to learn from other countries which have hosted such major sports events. It failed to be proactive, but was reactive, as shown by the summit which was a response to the strikes. South Africa could have learned from other countries, such as from the experience of the 2000 Sydney Olympics, which have

been described as one of the best success stories in the handling of industrial relations during the preparations and hosting of a major sporting event. At Sydney 2000 the government, labour and business signed a memorandum of understanding which outlined the industrial relations framework that was to be adopted during the construction of the infrastructure for the games (Webb, 2001). This measure ensured that harmonious industrial relations prevailed throughout the construction of the various projects for the games; as a result the construction was almost entirely free of industrial action.

The striking difference between Sydney 2000 and South Africa 2010 has to do with the relationship of the parties involved in the delivery of the infrastructure required for the games. The parties in Sydney 2000 adopted a collaborative approach while the South African parties did not.

The summit called by the Department of Sports and Recreation is clear indication of the outcome from the workers' use of traditional associational sources of power, as the summit was a reaction to the strikes. Hence the perception that workers in the construction industry can no longer succesfully make use of associational power is a myth.

Although the summit was a reaction to the strikes at the 2010 projects, most of these strikes were not organised by the trade unions. The summit therefore ignored or omitted to include the people who were actually behind the 'problem'. This also suggests that the institutionalisation of conflict in the employment

relationship has resulted in the trade unions being used just as a way of control. This is in agreement with Hyman (1972:75).

4.7 Organising the Privileged?

A trade union is a collective of workers who, regardless of status, come together as a unit to protect their collective interest. The rationale of having a trade union is to enhance the collective power of the workers to match that of the employer, which is inherently superior.

The study observed a new form of trade unionism emerging in the construction industry. The trade unions have been ostensibly transformed into a class of the privileged, which can strongly be argued to be cascading into a labour aristocracy. The unions have shifted away from the traditional principle of trade unions – 'an injury to one is an injury to all' – as they have now almost become elitist institutions. The trade union is apparently now a club of the elite who get superior benefits compared to the rest. The trade unions in the industry ostensibly represents the interests of the core staff, who are the elite of the industry, enjoying benefits such as transport, housing, pension and medical – benefits not enjoyed by the majority of the workers in the industry. The study noted, for example, that at Green Point and Soccer City stadiums the trade unions are in no way disputing why the workers outside the core are not getting these benefits. This strongly suggests that the trade unions in the sector have been hijacked by an elite class of workers.

The apparent transformation of the trade union into an elitist institution is clearly reflected in their policies, organising strategies and collective bargaining agreements. At Nelspruit, for example, the non-core workers had to force a way to penetrate and 'hijack' the union after suffering from alienation by the union. At most of these projects the non-core workers could not be elected as shop stewards. It is therefore unfortunate that some of the trade unions' strategies and policies are biased against the workers who ironically constitute a majority in the industry.

4.8 Trade Union Traditional Forms of Organising

It is clear that the trade unions' organising effort in the construction industry mainly focuses on the core staff while paying lip service to the other categories of workers such as the labour brokered and subcontracted. The trade unions perceive their members to be only the permanent workers. The trade unions in the industry mainly use the traditional forms of organising, which confirms the point by Hyman (1972:81) who argued that 'the institutional needs of a trade union leads to conservative and moderate policies'.

Where the trade unions are adopting the new organising strategies that draw from articulation of associational to symbolic power, it is rather by force or coincidence, as shown at the Nelspruit case study. At Nelspruit, the creation of linkages between community and trade union problems was not created by the trade unions; neither was it a coincidence, but was imposed by the workers. The

workers played a dual role, as workers and as members of the community, and quite often they used these roles interchangeably to suit a particular advantage.

The workers at Nelspruit highlighted a shift to new organising strategies by engaging in political and social unionism. They combined social and political unionism when they linked the community struggles to the workplace struggles through the demonstrations of the dismissed workers with the support of the community at political rallies. This resulted in the articulation of associational power to symbolic power as they were appealing to the public sense of justice and taking the struggle away from the workplace to the public arena.

As proof of the extensive use of traditional forms of organising, most of the unions' recruitment strategies are centred at plant-level recruitment. The trade unions hardly engage the workers outside the workplace. This is despite the fact that the workers, for example at Green Point stadium, mostly reside in the same neighbourhoods of Gugulethu and Khayalitsha and share the same mode of daily transport to work. The BCAWU national organiser, for example, ignorantly declared that his union did not engage workers outside their workplaces. This strongly suggests that the trade unions are oblivious to the fact that certain categories of workers – such as migrant workers and those hired by labour brokers and subcontractors – are so vulnerable such that they cannot be effectively contacted or organised at the workplace.

4.9 New Sources of Power and Organising Strategies

This study confirms that the workers in the construction industry make use of traditional sources of power despite the inherent limitations. New sources of power can be established through the articulation of associational power to symbolic power to compensate for the weakening of structural power. The Nelspruit case study indicates the potential of articulating associational power to symbolic power. The community 'took over' the union structures and implemented their own new strategies that were grounded in the articulation of associational to symbolic power. They also linked political unionism to symbolic power when, for example, they demonstrated at political rallies to appeal to the public sense of moral justice. They adopted the new organising strategies by creating an intimate link between community struggles and workplace struggles. This is clearly represented by a shop steward who played dual roles as a shop steward and community leader.

The difference between community issues and workplace issues became blurred as the people involved were one and the same. The strategy adopted by the workers at Nelspruit conforms to Lopez's (2004) new forms of organising in a culture of anti-unionism which simultaneously combines the use of internal, community and corporate campaigns with political organising. However, the fact that the trade union had to be hijacked by the community for this to be realised strongly suggests lack of clear strategies by the trade unions grounded in the use of new sources of power and organising strategies. The case study, however,

strongly suggests that there is potential in articulating the old to new sources of power, which can give leverage to the workers and their trade unions.

BCAWU was initially the majority trade union in most of the 2010 stadium construction projects. However, NUM managed to expand the proportion of its membership in the projects and displaced BCAWU as the majority trade union at almost all the projects. This study attempted to investigate the reasons behind this. The study observed that although both the unions apparently eschewed adoption of new forms of organising, NUM was better adapted to change. At Nelspruit stadium NUM adapted to change when it gave insignificant resistance to 'the takeover' of the union structures by the community. It easily adapted to the use of political and social movement unionism adopted by the workers through their links with the community. In addition, NUM has a better financial resource base compared to BCAWU, which makes it able to fund extensive organising strategies. It is the only trade union in South Africa, for example, with a training college that is dedicated to training shop stewards. NUM has identified the construction sector as an area of potential growth in the face of a decline in the mining sector, from which it draws the majority of its membership.

4.10 2010 BWI Campaign for Decent Work – New Source of Power and Organising Strategy?

The Soccer World Cup is one of the most popular major sporting events with a very strong public appeal which attracts attention from various spheres. The global union in the construction industry, Building and Woodworkers

International (BWI), in collaboration with the local South African trade unions and NGOs, decided to use the 2010 construction projects as a platform to campaign for decent work in the construction industry (Cottle, 2007).

The campaign was launched at the World Social Forum held in Nairobi in 2007, and was then later implemented in South Africa in October 2007. The campaign is targeted at mobilising football fans world-wide and to put pressure on FIFA, government and the companies involved in the construction of 2010 projects. The partners of the project are BWI, Labour Research Service and Suisse Labour Assistance (SLA). The trade unions involved are BCAWU, NUM and SABAWO, which are all affiliates of BWI (Cottle, 2007).

The use of this strategy by the trade unions is targeted at drawing on moral and symbolic power. The campaign produced booklets and vouchers highlighting the deplorable conditions of employment in the industry. It contrasted, for example, the disparity in pay between the lowest-paid worker in the industry and that of the highest-paid chief executive of one of the major construction firms. According to Cottle (2007), remuneration of executives in the construction industry was increased by an average of 36% while the lowest-paid workers got a mere 8%. According to the campaign, the increase for construction executives was the highest of all economic sectors in South Africa. In addition, the sector posted an increase of profit by 36%.

The campaign further questions whether the development outcome of the 2010 construction boom is in the interest of the poor or the construction bosses. It highlights the fact that the demand for flexible forms of employment in the sector has created jobs of very low quality with a poor remuneration that makes no impact on poverty alleviation (Cottle, 2007). This challenge the government policy on community-based recruitment, which apparently ignores the quality of the jobs, created.

The campaign is conducted and the materials are distributed through the Internet, marches, demonstrations, brochures and other mediums. The campaign makes various press releases at opportune times, but targets drawing support from the public. One such press release was an opinion published in September 2007 titled: '*Exploited stadium workers right to down tools'* and another in September 2008 titled: '*2010 construction workers feel the pinch while bosses score'*. In November 2007 the campaign led a march in Durban by the 2010 construction workers who were on strike, with banners and flyers exposing the exploitation of workers in the 2010 construction projects.

The strategy draws from symbolic leverage which involves making an intersection between exploitation and social discrimination and appeals to the sense of moral justice (Von Holdt and Webster, 2008). As an example, the campaign highlighted the fact that it would take a general worker in the industry constructing the prestigious 2010 stadiums 139 years to earn an average construction sector executive's one-year income, while an artisan would take 56 years (Cottle 2007).

This form of campaign clearly involves recasting the construction workers' poor working conditions as morally wrong by exposing the high levels of exploitation in the industry, thereby appealing to the public sense of justice.

The study noted that FIFA is neither the employer nor the client in the construction of 2010 stadiums. The employers are the various contractors engaged by the respective local authorities, who are the clients. FIFA only sets the minimum conditions required for a host country to qualify to host the games. The host country sets up a Local Organising Committee (LOC) which oversees the construction of the stadiums. As part of the decent campaign programme, the trade unions in the construction industry led a delegation to FIFA head office in Switzerland to lodge an appeal that it uses its leverage to ensure decent work in the construction of the 2010 stadiums. This is despite that FIFA is neither the client nor the employer.

One intriguing observation made by this study in as far as this campaign strategy is concerned is the fact that only a few shop stewards were privy to this strategy while a majority of the ordinary workforce declared ignorance. This ostensibly is because the campaign is driven from top to bottom, but nevertheless managed to record some success. While this form of campaign is a positive indication of coalition building among the competing trade unions in the industry and international solidarity, some of the industry trade union problems still emanate from trade union rivalry. This campaign, which is driven by the global unions in the construction industry, has drawn all the main trade unions in the industry

together and opened up debate on the possibility of the unions working together as a united force beyond 2010.

The World Cup has a huge profile which attracts extensive attention from the media, and this creates a leverage that the trade unions can draw from. The campaign programme used media press releases that clearly captured public attention and empathy, making an appeal to the public sense of justice on the question of right or wrong. By so doing the trade unions are moving the struggle away from the workplace into the public arena. Although the campaign has not yet uplifted the workers' situation in the industry, it has shown some potential as it draws from the articulation of associational power to symbolic power and may be the new form of organising for the future as argued by Clawson (2004).

Chapter Five

CONCLUSION

The study examined whether a boom in the construction industry can establish new sources of power for the trade unions in the construction industry whose structural power has been extensively undermined by the reorganisation of the production and labour processes.

The study suggests that workers in the construction industry have potential to develop new associational strategies that recognise the potential of symbolic power, vindicating the argument by Von Holdt and Webster (2008). However, the trade unions and the employers in the industry have highly institutionalised conflict, but excluding the workers outside the core who ironically constitute the majority in the industry. The institutional needs of the trade unions have resulted in them adopting moderate and conservative policies, conforming to the argument by Hyman (1972:81). This has resulted in them failing to adopt the new organising strategies that draw from new sources of power.

Many trade unionists and analysts argue that workers in the flexible forms of employment, such as those hired by subcontractors and labour brokers, are not organisable, as they claim they are repulsive to union organising efforts. This study poses a strong challenge to such an assertion, as it highlights that most of these workers in the various 2010 projects were able to form and lead very strong

informal collective organisations outside the trade unions that were at times very successful in articulating their plight. This strongly suggests that these workers can in fact be organised effectively, contrary to the widely held belief. The problem may be emanating from the organising strategies engaged in by the trade unions which may be alienating them. The Nelspruit case study, for example, suggests that the workers outside the core cannot only be organised collectively but, given a chance, are prepared to lead the trade union and bring in innovative strategies that are glaringly lacking in the industry, that articulate associational power to symbolic power, which may work as a new source of power for the trade unions.

The study exposes a trade union movement in the construction industry that has apparently alienated itself from the majority of the workforce. The trade unions in the construction industry have ostensibly been transformed into elite institutions and almost resemble a labour aristocracy. This new form of trade unionism has created a highly institutionalised relationship with the employers in the industry to manage the inherent conflict in the employment relationship. The trade unions in the industry merely exist to safeguard the interest of the minority (the core) who have superior terms and conditions of employment. This has tremendously compromised the position of the trade unions as a collective voice of the workers at the workplace as they have ceased to represent the majority. However, when faced with such a predicament, the workers will not just mourn but are forced into informal collective organisations outside the trade unions. When this happens it is a clear repudiation of the trade unions by the workers.

The institutionalisation of relations between the trade unions and the employers has resulted in the trade unions eschewing the new forms of organising that recognise the workers' status and allow the development of new associational strategies that recognise the potential of symbolic power. The trade unions are, for example, adopting strategies that that alienate vulnerable workers such as labour-brokers and subcontractor workers. The trade unions deliberately exclude such workers from their leadership and structures. It is ironic that the trade unions lament failure to organise workers in flexible employment and yet adopt strategies that exclude them.

It is generally accepted that employers, through their extensive adoption of the flexible forms of employment, are the main responsible factor in undermining the power of the trade union movement. This study strongly challenges this position by suggesting that the trade unions and the government are also partly responsible for weakening the labour movement. The trade unions have adopted policies, strategies and collective bargaining agreements that alienate the majority of the workforce in the industry. On the other hand, the government is also responsible for the adoption and implementation of policies that overtly undermine the structural power of the labour movement.

The use of the traditional and new sources of power is not only confined within and for workplace issues as shown in this study. Workers have many identities; for example, they are workers and at the same time members of the community.

The workers at Nelspruit were able to use their worker associational power not only for workplace struggles but also for community struggles. They successfully managed to link workplace and community issues, and in the process articulated the old sources of power to the new.

In response to the use of associational power by the workers, the government called an all-stakeholders summit to try to resolve the problem. However, the summit ignored the people who were responsible for the strikes in the projects, as most of the strikes were not initially caused by the trade unions but by the workers themselves through some informal collective organisations. This can be an indication of the use of the trade union as a tool to create and sustain stability for management.

In conclusion, while this study confirms that there are potential new sources of trade union power which can be established through the development of new associational strategies that recognise the potential of symbolic power. This however, can only be fully realised if the trade unions in the construction industry abandon strategies that alienate the workers outside the core staff who ironically constitute the majority in the industry.

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Appendix

List of Interviews

1. Human Resources Manager, Green Point Stadium, Cape Town. Interviewed on 24 August 2008 in Johannesburg.
2. Executive Manager, Collective Bargaining, Department of Labour. Interviewed on 11 August 2008 in Johannesburg.
3. Industrial Relations Manager, Green Point Stadium, Cape Town. Interviewed on 23 September 2008 in Cape Town.
4. Human Resources Manager Soccer City stadium. Interviewed on 15 August 2008 in Johannesburg.
5. Senior Commissioner, CCMA. Interviewed on 13 August 2008 in Johannesburg.
6. NUM National Co-ordinator Construction. Interviewed on 19 August 2008 in Johannesburg.
7. BCAWU National Co-ordinator. Interviewed on 26 August 2008 in Johannesburg.
8. SAFSEC Industrial Relations Manager. Interviewed on 5 September 2008 in Johannesburg.
9. Department of Sports and Recreation, Director. Interviewed on15 September 2008 in Johannesburg.
10. NUM Regional Co-ordinator, Cape Town. Interviewed on 22 September 2008 in Cape Town.
11. BCAWU National Organiser. Interviewed on 22 September 2008 in Cape Town.
12. Executive Manager, Cape of Good Hope Building Bargaining Council. Interviewed on 23 September 2008 in Cape Town.
13. BWI 2010 Campaign Co-ordinator. Interviewed on 23 September 2008 in Cape Town.
14. Human Resources Manager, Nelspruit Stadium. Interviewed on 28 October 2008 in Nelspruit.
15. NUM Senior Shop Steward, Soccer City Stadium. Interviewed on 17 September 2008 in Johannesburg.
16. NUM Shop Steward, Cape Town. Interviewed on 24 September 2008 in Cape Town.
17. BCAWU Shop Steward, Cape Town. Interviewed on 24 September 2008 in Cape Town.

18. NUM Shop Steward, Nelspruit. Interviewed on 31 October 2008 in Nelspruit.
19. NUM Regional Organiser, Nelspruit. Interviewed on 31 October 2008 in Nelspruit.
20. BCAWU Senior Shop Steward, Polokwane. Interviewed on 20 August 2008 in Johannesburg.
21. NUM Shop Steward, Durban. Interviewed on 24 September 2008 in Johannesburg.

Focus Groups

1. Ten Construction Industry Workers at Soccer City Stadium in Johannesburg. Interviewed on 20 September 2008.
2. Ten Construction Industry Workers at Green Point Stadium in Cape Town. Interviewed on 25 September 2008.
3. Eight Construction Industry Workers at Nelspruit Stadium in Nelspruit. Interviewed on 29 October 2008.

Selected Meetings and Conferences

1. BCAWU Shop Steward Conference held in Johannesburg on 20 August 2008.
2. NUM Shop Stewards Workshop held in Johannesburg on 24 October 2008.
3. Attended several trade union site meetings at Soccer City, Cape Town and Nelspruit stadiums, attended between July 2008 and November 2008.

Documents

1. Soccer City Stadium Grinaker LTA-NUM Recognition Agreement.
2. Department of Sport and Recreation-CCMA s Construction of the 2010 FIFA World Cup Summit Report 2008.
3. Various collective bargaining agreements accessed from the Department of Labour Archives in Pretoria.
4. Trade union documents, memoranda, circulars, notices accessed from the NUM and BCAWU records.