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2011-12-22
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University of the Witwatersrand

Global Labour University

Research report

Organising labour broker workers:
The case of Giwusa at AEL and Samwu in Tshwane

Submitted to the faculty of humanities in partial fulfilment of M.A. in Labour and Globalisation

By

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Declaration

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

Signed_____ This_____day of_____2011

Robin Alexey Rees

Acknowledgements

Thanks to Samwu and Giwusa workers, shop stewards, officials and comrades who gave willingly and generously of their time and experience and facilitated interaction through the structures. Thanks to Bridget Kenny for patient, systematic and encouraging feedback, to Naledi for giving me some space, Arthur Lekalake and Sizwe Tyiso for translation and transcription respectively and to Kashia for great support and understanding at home. Most of all to the workers whose daily hidden and public struggles against subordination, oppression and exploitation under capitalism, are the foundation for hope and a better future.

Abstract

In a context framed by neo-liberalism, employers increasingly employ labour broker workers. Trade unions find it broadly difficult to organise these workers. Giwusa, a general union and Samwu an industrial union have relative success in organising broker workers at a manufacturing plant and municipality respectively. The comparative study of these cases finds that organisational form is not a necessary condition for success and there are similarities between the cases including the workplace organising focus and the common class and cultural experiences of labour broker workers. This experience linked to their material conditions of work, provides a foundation for their willingness to organise. Crucially, the unionsô class politics explains the two different organisational approaches. In the Giwusa case permanent shop stewards drive organisation, supported by the union and based on the market bargaining power of broker workers. In the Samwu case broker workers themselves drive organising from below and challenge both their marginalisation in the union and at the workplace, through the exercise of associational power.

Abbreviations

AIC	African Initiated Churches
AEL	African Explosives Limited
AECI	African Explosives and Chemical Industries
AFL	American Federation of Labour
AFL-CIO	American Federation of Labour and Congress of Industrial Organizations
ANC	African National Congress
Azapo	Azanian PeoplesôOrganisation
BCEA	Basic Conditions of Employment Act
CCMA	Commission for Conciliation, Mediation and Arbitration
Ceppwawu	Chemical, Energy, Paper, Printing, Wood and Allied Workers Union
CIO	Committee on Industrial Organization
Cosatu	Congress of South African Trade Unions
CTMWA	Cape Town Municipal Workers Union
CoT	City of Tshwane
CWIU	Chemical WorkersôIndustrial Union
GEAR	Growth, Employment and Redistribution
Fosatu	Federation of South African Trade Unions
Giwusa	General Industries Workers Union of South Africa
Imatu	Independent Municipal and Allied Trade Union (South Africa)
LRA	Labour Relations Act
LLF	Local Labour Forum
Mwusa	Municipal WorkersôUnion of South Africa
Nactu	National Council of Trade Unions
NBCCI	National Bargaining Council for the Chemical Industries
NLRA	National Labour Relations Act
NUM	National Union of Mineworkers
Numsa	National Union of Metalworkers of South Africa
NUPSW	National Union of Public Sector Workers
PAC	Pan-Africanist Congress

Ppwawu	Paper, Printing, Wood and Allied WorkersôUnion
PMWU	Pretoria Municipal Workers Union
Saawu	South African Allied Workers Union
Sabmawu	South African Black Municipal and Allied Workers Union
Sacwu	South African Chemical Workers Union
SALGBC	South African Local Government Bargaining Council
Samwu	South African Municipal WorkersôUnion
Satawu	South African Transport and Allied Workers Union
TGWU	Transport and General WorkersôUnion
TUACC	Trade Union Advisory and Co-ordinating Council
Uasa	United Association of South Africa
UDF	United Democratic Front
UIF	Unemployment Insurance Fund

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Chapter 1: Introduction

Trade unions in South Africa have had limited success in organising flexible workers, including those falling under labour brokers. The central concern of this thesis is to understand factors in the trade unions that contribute to organising labour broker workers. I do this by examining the relative success of the South African Municipal Workers Union (Samwu) and the General Industries Workers Union (Giwusa) in organising workers employed through labour brokers in the of City of Tshwane municipality and at African Explosives Limited (AEL) respectively.

The comparison of the Samwu and Giwusa cases allows for a greater understanding of the impact and importance of organisational form, worker agency and class politics in achieving such success. Samwu is an industrial union based in the workplace, whilst Giwusa is a general workers union specifically attempting to (re)locate into the community. This then provides for a consideration of the impact of organisational form on the cases. Furthermore the cases take account of different conditions under a public sector and a private sector employer as well as the different skill levels of workers.

The organisational form of a trade union formally defines which workers belong or could belong to a particular union, including which workplaces and which workers at and across these workplaces (e.g. by occupation, industry or across industry), over what geography (local, regional, national, international) and location: workplace or community, employed or unemployed as well as numerous combinations of some or all of these. Worker agency refers to the practices and meanings that workers as social actors bring into the union and which they draw on to shape the union and their interaction with it. Union politics refers to how the union organises and represents its members both in relation to the rest of the working class and in relation to the capitalist class and the state. It is primarily about the union's class politics including that which informs the union bureaucracies.

Why are these important questions

The importance of addressing such questions is both practical and theoretical. The use of broker labours has sharply increased since 1994 (Theron, 2004). At the end of 2010 they represented 6.8% of total South African employment and were ñthe fastest growing segment of the South African labour market, with average annual growth of 9.4% between 2000 and 2010, compared to 3.6% in non-agency temp work and an average annual decline of 1.2% in permanent workò (Adcorp, 2010).[1] The lack of success in organising these workers means not only reduced protection and voice for these workers but the undermining of the collectivity of *other* workers who face the threat, real or implied of being replaced.

Historically the South African independent black trade union movement played a crucial role in defending workers against employer strategies of low pay and limited or no benefits. It advanced initially non-existent rights under and beyond the racial capitalism of apartheid. The democratic practice of the unions provided collective voice to workers and substantially influenced democratic practice in other parts of society (Buhlungu, 2008). Given this historical role it is important to understand factors that *could* contribute towards union revitalisation including organising the unorganised.

Secondly whilst there has been a substantial and growing academic literature from the early 1990s focused on revitalising the labour movement, particularly rooted in work on the United States and some work in South Africa, there are a number of gaps in this literature (Buhlungu, 2008; Buhlungu and Webster, 2004; Chun, 2005; Clawson, 2003; Grossman, 2009; Kenny, 2007; Kenny, 2004; Kenny and Webster, 1999; Lopez, 2004; Milkman, 2004; Silver, 2003; Tait, 2005; Theron, 2009; Von Holdt and Webster, 2008; Voss and Sherman,

[1] The importance of the figures lies in the trends. Adcorp Holdings Ltd itself is the largest labour broker in the country and through Capacity supplies labour to AEL. Whilst not exclusively labour broking the company had an estimated annual revenue of close to five billion rand in 2009 (Mahomedy, 2009). It is very keen to defend the social importance of labour broking in an argument that supports the regulation of labour brokers rather than their banning (which Cosatu calls for). Towards this it publishes employment figures and is currently at loggerheads with Statistics South Africa regarding the premises on which it constructs the data (see Lehohla, 2011). Adcorp has already advised its shareholders that regulating labour brokers would not harm profits as regulation would drive smaller competitors out of the market (Adcorp, 2010).

2000; Webster et al, 2008). We have had institutional analyses of trade unions in transition and we are seeing analyses of workersô agency in the processes. But we still lack a clear political analysis of trade unions organising and mobilising labour broker workers. It is through this that we are able to grasp some of the broader contradictions of unions and to better understand the kind of process and struggles necessary to shift these to respond to workersôneeds. This thesis contributes toward that analysis.

The argument

Neo-liberalism frames the wider context under which organising takes place, constructing ñinsecurityò at home and work, in a conscious strategy to attack working class gains and power (see Harvey, 2003). This has given rise to changed social relations in the plant and society as a whole and fragmented previous solidarities.

A broad literature on union revitalisation highlights the organising dilemmas that unions face and their responses to this challenge (see for example Buhlungu and Webster, 2004; Milkman, 2004; Von Holdt and Webster, 2008). Parts of the literature understand organisational form and industrial unionism in particular as a major obstacle in the organisation of precarious labour. However form cannot in itself explain why trade unions do not challenge and change these limits (Grossman, 2009; Theron, 2009). E.P. Thompson and his application help me to understand what workers themselves bring into organisation and how this shapes the form and meaning of such association. This rescues the agency of the working class and provides a critique to an overly institutional reading of trade unions.

Organisational form

Chapter 4 argues that whilst organisational form may be important for historical reasons it has not, in the Giwusa and Samwu cases, been a necessary condition for the successful organising of labour broker workers. Both unions, despite their different organisational form, one being an industrial union and the other a general union, have had some success in organising the labour broker workers. Other factors including the strength of workplace

organisation, relations between labour broker and permanent workers, how long and how many labour broker workers are at the workplace, as well as the unionôs political priorities play a more important role.

Social agency

How labour broker workers themselves impact on the challenge of organising is the subject of Chapter 5. Broker workers in Samwu and Giwusa, have, when provided with the opportunity indicated great willingness to take action to confront their problems. In this as well as other senses they have been an important force revitalising local workplace (and by implication) the wider union. What is it in the experience of this layer of workers that helps to explain the relative organising successes of these cases?

It is clear that in both unions the labour broker workers are of similar demographics (young) and in both they had little experience with unions. In Samwu an older mentor played an important role whilst in Giwusa it is the older and permanent shop stewards who do the mentoring. Broker workers impact on union organisation through the understandings and social meanings they bring into the workplace. On the one hand there is a perception that trade unions belong to an historical past of struggles that no longer exists. On the other, some of these young and better educated workers bring important social experiences drawn from school, church, cultural and political organisation. These equip them with both technical and organisational skills and awareness. The experiences in both cases are very similar.

This is an important factor that coupled with their material circumstances explains a willingness to organise. How this potential is realised is crucially shaped by the unionôs class politics.

Class Politics

Despite similarities between the cases (organising broker workers with common class and cultural experiences at the workplace) there were two broadly different approaches towards organising. These are examined in Chapter 6. In the first organisation is ñdrivenò and ñanchoredò by Giwusa shop stewards. They pursue a programme directed at *both* permanent and labour

broker workers. They challenge understandings that might divide workers, take up cases and target the primary employer. In the second labour broker workers drive their own organisation and formally join Samwu. Samwu engages in slow and often legalistic processes without the necessary power to bring about change. Driven to change their material conditions at the workplace and confront unequal treatment both at work and in the union, broker workers organise and act. In the process they influence the union branch and eventually the municipality. How do we explain these different approaches?

Drawing on an organisational legacy of strong workplace organisation Giwusa shop stewards organise broker workers through strategies that build worker unity. Crucially this is framed politically by the union leadership who understand labour broker workers as one of the forces for reviving militant unionism. The skills of the broker workers in the strategic industry of explosive production, strengthens their bargaining power with AEL who employs them directly but on fixed term contracts.

In contrast municipal labour broker workers drive their organisation from below. Samwu is unable to build unity between labour broker and permanent workers because of limited resources and weak workplace organisation. This failure is explained partly through a centralised industrial relations architecture that dominates union rhythms and displaces the importance of agendas from below. Bureaucratic approaches by Branch leadership in negotiations with the council do not rely on worker mobilisation on the ground. This may be because of leadership corruption and ambivalence to the employer (the ANC) who is also Samwuôs political ally.

Persistent self organisation by labour broker workers on the ground, including exercising associational power through marches and strike action, challenges and undermines their marginalisation both inside the union and in the Council and wins them direct but contracted employment.

Chapter 2: Literature review

Introduction

Organising workers employed by labour brokers can be understood through several existing literatures. The chapter begins by looking at neo-liberalism which has framed my understanding of the problem in its generation of widespread inequality and the expanded use of flexible and insecure labour. I use Polanyi to begin understanding how the expansion of this unregulated market results in society producing a counter movement. The extensive literature on union revitalisation and organising excluded and marginalised workers helps to define the organising dilemmas and challenges faced by unions. Within there are arguments that the organisational form of trade unions influences the success or otherwise of successfully organising excluded workers. I find these arguments too structural thus resulting in the exclusion of agency. E.P. Thompson and his application assist to rescue the agency of the working class. It is important for my argument to compliment this with a literature that facilitates understanding of the class politics of trade unions and the boundaries that workers construct between themselves so as to grasp the exercise of agency in the context of an existing union politics.

Neo-liberalism, labour and insecurity

Various political and economic factors assist to broadly explain the expansion of neo-liberalism. I am framing my understanding of the expansion of vulnerable forms of labour through an examination of how neo-liberalism contributes to changing conditions of labour and how these contribute to shaping worker grievances.

Neo-liberalism as an ideology has justified the growing deregulation of labour. It has resulted in increasing inequality and insecurity globally, impacting on the workplace, at home and across society generally. As Webster et al (2008) conclude, whilst insecurity has been a feature since the industrial revolution, ñwhat is new is the strategy of neo-liberalism to *consciously manufacture* insecurity as a strategy to undermine the collective power of civil society movementsò(Ibid: vii).

David Harvey (2005) explains the rapid spread of neo-liberalism from the late 1970s as the programme and policies aimed at the ñrestoration of class power,ò in the face of a growing crisis of capital accumulation. A crisis expressed through the inability to reinvest capital in profitable outlets as well as its face in growing unemployment (Ibid: 31). He shows shifts in the composition of the upper class benefiting from this, which is not the same as the past. He particularly points in Britain to the rising power of a new class of entrepreneurs and in the US to the gains for CEOôs and financiers. Corporations increasingly make profits through finance and not only production. Neo-liberalism strongly promotes private property, free markets and trade, whilst limiting the role of the state to achieving these aims. The theory calls for minimum state intervention into the market. The turn to neo-liberalism has resulted in widespread deregulation and privatisation, as well as state pull-back from a range of social welfare activities. Taken as a whole this ideological agenda has resulted in growing inequalities (Harvey, 2005).

From the early 1980s there has been pressure from capital to restructure the South African state and both reduce costs and increase efficiency (Macun and Psoulis, 2000). Inheriting the apartheid state the ANC in government post 1994 quickly adopted the Growth, Equity and Redistribution (GEAR) policies of 1996, a neo-liberal macro-economic policy. GEAR policies included:

- Monetary policy that focused on inflation targeting and reduced budget deficits. This resulted in serious constraints on budget expenditure including reduced transfers to local government, declining infrastructural investment and welfare;
- A corresponding process of commercialisation and privatisation of state assets and functions, increasing the involvement of the private sector;
- The liberalisation of capital flows both in and out of the country resulting in the disinvestment of six large corporations and the increased power of foreign as well as institutional investors able to ensure increasing focus on narrow short-term gains;

- Fiscal policy aimed primarily at lowering tax rates for corporations;
- Developing flexible labour markets; and
- Freer trade through tariff reductions that resulted in declining manufacturing capacity and increasing import penetration.

A number of commentators highlight the consequent increasing inequality, growing unemployment and under employment, declining production capacity, as well as a range of cost recovery measures imposed on working class communities (such as pre-paid water meters) (Marais, 2001; Bond, 2005 & 2006; Macdonald and Ruiters, 2005; Macdonald 2008). The reregulation of the labour market facilitated labour broking (Theron, 2005).

Municipalities with the vastly increased geographical service areas of post-apartheid received smaller national transfers and were constrained by the same policies from raising tax locally. Municipalities responded through implementing wage restraint, lowering labour costs by employing contract and casual labour and the by privatising and commercialising services (Bond, 2005, Samson, 2004). The public sector becomes an agent for shifting public money into the private sector for profit (Grossman, 2009). Samwu local and national struggles against privatisation, the Cosatu campaign against privatisation, as well as the Samwu national wage strikes of 2002, 2005 and most recently in 2009, express parts of the reaction to these. To facilitate substantial city wide restructuring National Treasury also made available once-off transfers through its Restructuring Grant. Tellingly first implemented to fund Johannesburgôs iGoli 2002 plan, the City of Tshwane (CoT) later began to receive tranches of the grant. A key condition for the grant was that Council labour costs should not exceed 28% of their total operating budget. A report by a Council official states that this constraint led to increased "reliance on the services of contract or casual workers who are sourced through third parties known as labour brokers and has acted to limit their employment as permanent Council labour" (CoT, 2007a).

In manufacturing, reduced tariffs and freer trade flows have resulted in heightened competition for particular sectors. At the same time long term planning is more difficult given institutional shareholder pressure for short term profit and with wide and often unpredictable fluctuations in the value of local currency. One response from capital has been the wider use of contingent and labour broker labour to increase flexibility, reduce costs and avoid the requirements of the Labour Relations Act (LRA) (Theron, et al, 2004). African Explosives Limited (AEL) is part of AECI (African Explosive and Chemicals Industries), which was in turn historically part of the giant Anglo American before institutional investors forced Anglo to unbundle and specialise in mining (Mohammed, 2007).[2] It produces explosives and detonators largely for the mining industry and dominates significant segments of the local market (Imrie, 2009). As a local supplier it is integrally tied to movements in the mining industry. Increasing competition particularly from Chinese imports of less sophisticated explosive products have led the company to embark on extensive downsizing and automation (Imrie, 2009, Jackson, 2010, Rees, 2008a). In the process there has been extensive retrenchment and particularly from 2000 the increasing use of labour broker workers (Giwusa Permanent interview 9.11.2010).

Numerous scholars have examined the impact of the effects of what Karl Polanyi more than half a century ago called the ñself-regulating marketò (Burawoy, 2003; Silver, 2003; Munck, 2004). Polanyi argued that the expanding self-regulated market leads to waste and destruction ï of humans and of nature. The market is a mechanism to balance the supply and demand of commodities through the price mechanism. Commodities are defined as things produced in order to sell. However land, labour and money are according to Polanyi ñfictitiousòcommodities. Labour, the activity of human beings is not produced for sale, nor is land (nature) and money is a store of value. He shows historically that the expansion of the self-regulating market actually required state intervention and planning. Societies before the

[2] The term institutional investors refers to investors such as Alan Gray, Investec, etc who have vast amounts of money to invest and seek quick short-term returns, in contrast to share owners who commit to the fortune of a particular company and thus its short term ups and downs.

industrial revolution used markets, but these were embedded in society, and not the logic and consequences of the market subordinating society (Polanyi, 1944).

In response to the destructive impact of the unregulated and expanding market a counter movement develops. Polanyi calls the expansion of the market and the simultaneous reaction by a range of groupings in society to its destructions, the ñdouble movement.ò What is required is a ñre-embeddingò of the market into society. The reaction by society is however not necessarily progressive as Polanyi observed in the rise of fascism and the Second World War (Polanyi, 1944). Scholars have raised the question of how recent changes in the political economy have altered conditions for working classes and what responses might be expected (Burawoy, 2003; Silver, 2003; Munck, 2004). They have explicitly linked Polanyiôs discussion of the self-regulating market to neo-liberalism.

As Silver (2003) argues, in the process of its development capitalism makes and unmakes the working class. This process, which unmakes an established working class and remakes an emergent working class, operates often at the same time, in the same process of transforming production and social relations. It does so geographically and across industries ï where capital goes there is the potential for organising. So whilst there are changes, Silver suggests there are also opportunities. It is also true that there are substantial changes in the production process, the structure of the working class and even the collapse of wage labour and that such structural change make working class unity more difficult. These same processes, however, also create conditions to undermine such divisions (Grossman, 2009).

In summary neo-liberalism constructs ñinsecurityò at home and at work in a conscious strategy to attack working class gains and power (see Harvey, 2003). However society reacts to the spread of the unregulated market and in the constant unmaking of established working classes there is often in the same process a remaking of the working class and out of this, specific possibilities for resistance. Curiously the unmaking of permanent labour in the

municipality and at AEL is at the same time and place the making of the new working class in the form of labour broker workers

Silver offers really useful insights; however her emphasis on structure may be too causal in terms of resistance and thus undermining of a far greater role for agency. Similarly the Polanyian perspective does not explain how to build opposition, the ñactive society,ò instead he understands it as spontaneous, and thus cannot accommodate issues such as resources, capacity or legacy, in building counter hegemony. Polanyi also does not take proper account of capitalist power and thus the bloody resistance emanating from such class interests; and at least in classical Marxism and some of its subsequent developments, the need to organise and build a countervailing power to deal with capital (Buroway, 2003; Webster et al, 2008).

More specifically Webster et al (2008) highlight several points of weakness in the Polanyian understanding of a counter movement stressing that the biggest obstacle to building the movement lies in workersô insecurities resulting from a turn away from agency.

Polanyi raises the importance of subordinating the market to society, re-embedding it in society; but does not explain what society is. Buroway (2003) understands society as a historical product which has a social structure and institutions which includes and excludes (spatially and socially) based on social characteristics and the distribution of power. Society has racial, gendered and class divisions. Consequently a resulting counter movement is not simply solidarisitic but would also carry and need to *challenge and reveal* such tensions, conflicts and interests.

Polanyi suggests that the counter movement emerges spontaneously to the self-regulated market without explaining who and why will there be a response (Munck, 2004), nor that movements have to be constructed and in particular there is ñno understanding of how the formation of the working class is an active process.ò There are also issues of various resources, leadership, its vision, issues of commitment and imagination (Webster et al, 2008:8-9).

Thirdly Polanyi does not locate the labour movement and there is a question as to how does this ñoldòsocial movement fit into and organise with the ñnewò social movements. Castells for example (quoted in Munck, 2004) suggests that unions are not up to the task whilst Silver (2003) points to the making and unmaking of the working class (as outlined above) specifically with reference to the role and power of Labour.

However strength is not spontaneous, nor produced by capital accumulation, it needs ñnew sources of powerò(Webster et al, 2008:11). And this is the fourth problem, Polanyi has no real conceptualisation of power (Silver, 2003, Munck, 2004). Wright (2000: 962) refers to the conceptual difference between associational power, which is: ñvarious forms of power that result from the formation of collective organisation of workers (trade unions and parties)òand structural power which results from workers ñlocation in the economyò. Silver develops this by suggesting that market bargaining power may result from scarce skills or the ability to withdraw and survive in a context of low unemployment. She says that workplace bargaining power emanates from tightly integrated production processes where a stoppage in one part impacts more widely on the other parts. The different structural power of workers implies different associational strategies.

The understandings that this critique raises, with its elaboration of the connection between neo-liberalism and labour, particularly with respect to the divisions of society, agency and the conscious building of organisation, are important to explain my argument. They are elaborated in the sections below.

The organisational forms of trade unions

Craft, industrial and general union

At a formal level the organisational form of a union determines who can or cannot become a member of the union and therefore who the trade union represents. So Hyman (2002) tells us, unions can organise on the basis of occupation, which links to their position in the labour market (craft, white-collar or professional for example). He says this lowers possibilities for members identifying with ñtheirò bosses but represents a ñnarrow and elitist conception of interestsò (Hyman, 2002:11). The industrial union organises all workers in an industry, broadening the scope of representation and solidarity, whilst a general union brings workers together across both industries and occupation but he says, may face problems ñsustaining effective cohesionò (Ibid 11). Whatever the form, trade unions ñunite and divide at one and the same timeò (Ibid 11).

Beverly Silver (2003; 2005) places the above in historical perspective showing a trend across time and space for auto production (1930s US, 50s and 60s Europe and in the 70s the semi-peripheral locations of Brazil, South Africa and S. Korea) that the expansion of mass production undermines craft workers and their unions. The creation of a new semi-skilled working class results in new forms of organisation (industrial unions) and becomes part of an upsurge, based on direct action given their strategic location in production. In the process ñnew independent unions were formed and the residue of old organisational structures were swept aside (or forced to transform themselves in response to the mass upsurge from below)ò (Silver, 2005:445).

In South Africa, with similar structural logic reducing the form of organisation causally to the production process, Webster (1985) tells us that from the 1970s, ñChanges in the labour process led to a shift in the balance of power: the decline of the ólabour aristocratô saw the rise of the production worker. As a consequence a new form of workplace organisation emerged ï the industrial union, which through the strategic location of its members in the

labour process was able to challenge the traditional forms of control in the foundryò(Webster, 1985:261). But this ñnew form,òwas also a choice, given that other choices included the preceding craft or perhaps more saliently a choice as against building a general union. The rise of manufacturing and semi-skilled workers provides the basis for industrial unionism but does not explain the choice for this form of organisation rather than the general union. Both Silver and Webster leave little room for agency.

In the debate on union revitalisation in the United States a number of authors point to the organisational form and history of trade unions to explain both obstacles and generators of revitalisation (Lopez, 2004; Clawson 2003; Voss and Sherman 2000). Milkmanôs (2006) work seeks to understand union revitalisation in Los Angeles amongst immigrant workers who are highly fragmented between workplaces and face constant employer threats to outsource or replace them. She argues that one of the explanations for successful organisation relates to the specific histories, organisational form and methods of the AFL trade unions despite their being characterised as less progressive than the CIO. She shows that the AFL unions developed in a pre-mass production era and learned techniques to organise craft and occupational categories across workplaces, ñtaking the wages out of production.òThis situation anticipates the aggressive ñpost-industrialò restructuring implemented by employers from the late 1970s. Furthermore the unions had learned to win employer recognition without reliance on the law ï something elaborated further under the politics section (below). In contrast the CIO as a mass based industrial union is unable to respond effectively to the new challenges. Its emergence in the 1930s and 1940s was based on expanding mass manufacturing, New Deal politics committing to economic regulation and reduced inequality; and the 1935 National Labour Relations Act (NLRA) which legally recognised the right of workers to organise and ñhelped propel union density to its peak level in the mid-1950sò(Milkman, 2006:5). More broadly unions continue to give-up their hard won gains in a downward process of concession bargaining (Albo, 2009). Milkmanôs point is that organisational form impacted on union organisation capacity and imaginations.

Poor workers unions

Tait (2005), also writing on US labour, argues that trade union organisational form and base in the workplace hinders revitalisation, constructing exclusivity. She lists a number of external forces that act to undermine trade union power: capital mobility; declining manufacturing employment and a rise in contingent employment; an increasing number of workers in the labour market and an increased ability of employers to resist unionisation in the workplace together with unfriendly labour legislation in the U.S. But, such challenges have occurred in the past and she therefore seeks an explanation for the decline and failure to organise the unorganised in the internal reaction of unions. Here she lists four reasons. One of these is that organising ñcraft by craft and industry by industryòunecessarily constrains the broadening of membership and that the division between workplace and community is not only artificial but assumes falsely that the best site for working class struggle is in the workplace (Ibid:7). Three other reasons forwarded are the culture of business unionism; unionists that would not believe in the possibility of organising contingent workers, women, immigrants or the poor; and their racial, ethnic, gendered and immigrant prejudices. Examining an experience of what she calls ñpoor workers unionsòshe argues that these unions organised initially in the community around issues ranging from rent to welfare, but then broadened logically into the workplace. Whilst acknowledging that these unions are small she asserts that their biggest contribution, some having sustained themselves over periods of a number of decades, is their potential to influence established unions to change their conceptions of organising (Ibid:2).

Tait includes in her exploration of new forms of organisation: community, workers centres and welfare-based unions. She asserts that contrary to Michelsôiron law of oligarchy, which posits that there is a tendency towards oligarchic leadership and conservatism[3] (see e.g., Voss and Sherman, 2000, for a discussion), that poor workers unions have found the basis to both

[3] Michels studied largely the European socialist parties. He found a growing distance between full-timers and the membership and that in preserving their own survival in the organization they articulated conservative interests (Voss and Sherman, 2000).

institutionalise and sustain mobilisation based on the rank and file, although perhaps in contradiction to the law, given their small scale (Tait, 2005).

In attempting to explain why the independent black trade unions have not organised ñperipheral workersòsome argue that in South Africa the industrial union cannot deal with the fragmented workplace of outsourcing, labour broking and casualisation under neo-liberalism, rooting part of the explanation in form (Ilrig, 2009). Others conclude for example that whilst South Africaôs industrial base is relatively strong, the increasing size of service and informal sector ñdemand new forms of organisation by labourò(Buhlungu and Webster, 2004: 243). Or that alternatively, where contingent workers are at the same workplace or that the work process is integrated that existing unions can organise the casualised, but would need to ñadopt innovative and provocative organising strategiesò(Van Holdt and Webster, 2008:342). However what is not explained is why then, the union fails to actually initiate these.

Furthermore some writers assume that because a trade union is not organising the periphery, let alone the unemployed, that they adequately or ñonlyòserve the needs/interests of their membership (Ilrig, 2009; Tait, 2005) and that membership and organisation in the core industrial workplace ñremains relatively robustò(Van Holdt and Webster, 2008: 334). Without some kind of change it is suggested that this would continue, for example: unless there is a return to social movement unionism and a turn to organise the unorganised and link with communities, trade unions ñwill remain confined to core workplaces and core workersò(Von Holdt, 2003:307). Such assumptions also emanate from parts of the social movement, such as the APF (Grossman and Ngwane, forthcoming).

However these claims are not borne out in the reality of declining membership and downward concession bargaining. Treating categories of ñcoreòand ñnon-coreòlabour as fixed, without exploring their relationship and impact on each other as well as the impact of socio-economic crisis is not only ahistorical but selective. How do we understand ñrelatively robustòorganisation when the permanent auto worker of yesterday is either retrenched today or unable to

defend the contingent worker who is. Business unionism went on a cycle downwards desperately but unable to defend the gains of the (declining, increasingly unconfident) ñstable coreò(Lopez, 2004; Grossman, 2009; see also Kenny and Webster, 1999). The neo-liberal onslaught entered the boardroom, top and middle managerial layers, as well as administration and the factory floor (Crotty et al, 1998).

Furthermore focusing uncritically on constructs such as declining manufacturing and increasing services may result in us missing the point that just as the permanent becomes the unemployed so parts of manufacturing ñbecomeòservices. A number of authors show that a significant part of service growth lies precisely in such externalisation, in South Africa for example there has been significant growth in ñbusiness services,òunder which fall security, contract cleaning etc. (Roberts and Mohamed, 2006; Theron 2004). For Theron (2009) it is precisely the interconnections with the major employer that require revealing. Any discussion on form has to go further and acknowledge that characterisations of certain forms are themselves not static and may change over time and place.

Whilst the Cosatu of the 1980s was a federation of national industrial trade unions, the Cosatu shop steward local incorporated student, unemployed etc representatives, and its industrial union base far from exclusive generated what Silver in another context calls hegemonic and non-exclusionary demands and issues that became and were extended to other workers (Silver 2003). Labels such as industrial or general unions, do not explain what stopped an industrial union expanding its scope (defining industry for example to include the excluded and subcontracted cleaner in the chemical factory) or the probability that the general union may have to structure internally along industrial lines (Grossman, 2009; Theron, 2009). Nor if we look at history does it show unevenness of power and participation within the union between say small and big factories or more and less prominent geographical locations (urban vs. rural) and thus the possibility of a hierarchy of layers, inclusions and exclusions right inside the union and amongst the ñincluded.òBut externalisation changes the meaning of who is the employer and thus the

workplace under the Labour Relations Act. The workplace previously comprising auto workers united with cleaning workers under one industrial union is now, under the formal logic of industrial unionism, divided into two unions: a car workers union and a cleaning workers union. This of course is a problem for worker unity but to solve it we have to also ask what then stopped/prevented the struggle for a wider unity in the workplace? (Kenny, 2004; Grossman, 2009).

Further issues of form would have to contextualise how unions link and co-ordinate with each other, as well as with social movements. Co-ordination between unions is important for building wider solidarity (Hyman 2004:11). What then stops trade unions of any form building co-ordination and unity in struggles in or across workplaces? Historically and particularly during the 1980s in South Africa there was a far greater spirit and practice of solidarity within and across trade unions (Buhlungu, 2010). Today unions are more likely to be competing for membership even if they are part of the same federation.

Organisational form also refers to characterising unions in terms of an assumed set of attributes or as a set of models. So most pertinently, some unions in the US are defined as business unions characterised as organising from the top based on a servicing rather than an organising model and rooted in narrow bread and butter issues. This is compared to social movement unionism with the attributes of rank and file organising, collective action going beyond the strike, alliances with community organisations and framing demands beyond the labour market (Lopez, 2004; Barchiesi and Kenny, 2008). Barchiesi and Kenny however critique the notion of social movement unionism as applied to South Africa, arguing that it is not so much a model but rather a set of contingent factors which resulted in workers responding to their immediate vulnerabilities. As such the concept conceals rather than offers explanation and a way forward.

Strong arguments for social movement unionism include a call for the fusion

of trade unions and social movements in an argument for preparation of the next great upsurge of labour (Clawson, 2003). Such arguments locate in a wider debate regarding the extent that working class organisation at the point of production (exploitation) is able to provide leadership, unity and hegemony in relation to society as a whole, what Silver calls Marxist type struggles as against one that favours broad coalitions and unity against the market and commodification (Polanyian struggles) (Buroway, 2003).

Organisational form constructs boundaries to formal membership, but cannot in itself explain why these boundaries are not challenged and changed or alliances built to overcome such limitations. Beyond the boundaries of membership there are other kinds of boundaries between workers.

Discussion on boundaries

Silverôs (2003) discussion on boundary drawing is useful. At a general level she speaks of a struggle not only over the content of working class rights but also who actually accesses these rights. Whilst capitalism is able to provide rights to some workers, systemically it cannot accommodate all workers (presumably this is more acute in semi-peripheral SA with one of the highest gini co-efficients in the world). Exclusions therefore follow and are expressed through ñboundary-drawing strategies,ò that take three broad forms: segmented labour markets (driven by capital), citizenship (largely initiated by states) and ñclass identities on non class basesò (which workers themselves pursue) (ibid: 24).

Drawing on Arrighi (1990) she argues that ñMarx was incorrect to infer that just because capitalists treat workers as interchangeable, *workers themselves* would willingly relinquish non class bases of identity. Indeed, precisely because the ongoing unmaking and remaking of the working classes creates dislocations and competitive pressures on workers, there is also an endemic tendency for workers to draw non class bordersò (Silver,2003:22). In other words as Arrighi (2009) states: ñthe only thing that matters for capital is the possibility of exploitationé (but when) workers are subjected to this disposition

of capitalé they mobilize whatever status difference they can identify or construct to win privileged treatment from the capitalists. They will mobilize along gender lines, national lines, ethnicity or whatever, to obtain a privileged treatment from capital (ibid: 17).ò ñExclusionary boundary drawingò by the state and capital for their benefit may turn ñdifferenceòamongst workers into a tension ridden divide as occurred between South Africa migrant and resident urban workers (Mamdani,1996 in Silver, 2003:24).

This then alerts us to how the ruling classes or parts of the working class might use and drive ñdifferencesò between permanent and non-permanent workers for their own ñinterestsò. More specifically Kenny (2007) roots divisions between contingent and permanent workers in retail in relation to the meaning attributed to ñworker,ò thus moving beyond institutional explanations to understand why trade unions have not made progress in organising contingent labour. ñThe legacy of trade unionism in the 1980s embedded a broad rhetoric of workplace rights in post-apartheid South Africa, but it also reproduced the ideal subject of these rights as the full time, permanent workeré Institutional strategies, and organising legacies, then, are built on pre-existing traditions of ñworkerò identity, reinforced in law, through control, as well as trade union actions. Under democracy, the right to worker inclusion narrowed to the direct employment relation and the sphere of the workplace , and rights become based on an ideal category that no longer characterised experiences within retailingò (ibid:487). Kennyôs work pushes us to take agency seriously.

Some of the processes through which workers shape and construct boundaries may be part of the wider agency of the working classes in their own making. Such acts of agency do not only construct boundaries but in particular circumstances not all of their own making, blunt, breach or destroy them.

The working class as social actors

A number of authors suggest the importance of understanding what workers themselves bring into organisation and how this shapes the form and meaning of such association. This literature provides a critique to an overly institutional reading of trade unions.

Writing on the historical development of the English working class, EP Thompson (1963) shows the working class as actual social actors, active in their own making as a class, in a process that ñowes as much to agency as to conditioning.ò Rather than being passive victims, it is their conscious efforts that contribute to the making of history (Thompson, 1963:9). Sitas (1995) in his research on migrant metal workers on the East Rand shows how networks were built around migrant ñcultural formations.ò In a context of exclusion from both ñmeaningful participationò in urban life and in the factories, these facilitated the spread of unionisation and the wider sharing of this experience amongst migrant workers on the East Rand. As their conditions (in the hostels and at the factories) ñforced men to seek and find Fosatu union offices,ò they brought into the process of mobilisation their understandings and meanings. ñLineage, language, values and expressions that were deemed to be ñethnicò were used as threads to weave the solidarity of a social movement unionismò (Ibid:12). However just as importantly such solidarities built as blacks and workers were undermined later. Politically defined urban issues took priority over migrant rural, homestead matters and excluded pressing concerns in urban areas of worsening hostel living conditions. In the factories the unskilled migrants were displaced and the attacks resulting from the early 1980s recession led to disillusionment in the ability of unions to defend against retrenchments. The migrant leadership of the emerging unions further shifted over the 1980s to a new more skilled worker leadership based in the expanding sectors (Sitas,1995).

Buhlungu (2008) tells us that workers shape what they build and that organisational forms and intellectual influences do not just take shape in a vacuum. In building the emergent trade unions he says that workers brought with them experiences from organisations and cultures including student,

youth and church associations that ñpredisposed them to a democratic union culture.ò These experiences ñimbuedò its solidarity and identity (ibid: 97).

In understanding the rank and file Milkman (2006) explains that the constituency of immigrants in Los Angeles, United States, had a stronger collective culture than native white Americans and thus really responded to unionisation. At the same time they did not fear dismissal or deportation. In contrast to the myths that they were ñsojournersò, accepted lower standards and feared deportation, she argues that three reasons actually made them easier to organise. These were social networks, their lived experience which was more collective, and their shared experience of prejudice (ibid: 133). This is important, as existing unions and their structures may prejudge the possibility to organise labour broker workers constructing similar ñmythsò regarding vulnerability and fear of dismissal. Where workers come from and what they bring matters and as the story of migrants on the East Rand tell us, this is not cast in stone for all time, what workers bring and how they even see where they come from, changes over time.

Little of the literature on union revitalisation in South Africa goes beyond issues of institutional change, so as to draw fully on worker experience to explain limited organising successes. Lopez (2004) in a case study of organising health workers in Pittsburgh, US, shows the importance of overcoming the legacy of (business) unionism. Here workers viewed unions negatively as responsible for deindustrialisation and corruption. Successfully organising workers was more than the application of social movement tactics, but also entailed constructing a ñnew vision of participatory, powerful unionismò to overcome this legacy (Lopez, 2004:17). Kenny (2007) takes this forward in study of retail workers in South Africa. She shows that union legacy itself is underpinned by the notion of what it means to be a worker. In the context studied, retail contingent workers define themselves as excluded from a notion of worker. This notion is a full time permanent worker (reinforced by law that provides a hierarchy of rights based on the full time permanent). Contingent worker demands for ñinclusionò are for inclusion into the ñnarrow notionò of worker as employee. The very process demanding inclusion at the

point of production thus accentuates ñdivisions of labourò and notions of ñthemò and ñus.ò Using Buroway (2003) she suggests the importance of including demands beyond the point of production: against commodification (free schooling and public transport) and for ñinclusionò at the point of production that covers all workers, such as a living wage and a 40 hour week (Kenny, 2007: 481).

Whilst undoubtedly useful and contributes to understand workersô representation of hierarchy amongst themselves, alone it is not sufficient to explain institutional strategies, organising legacies or legislation that reinforces such identity. To do this requires an understanding of unions as contradictory organisations, with a tendency towards bureaucracy, as they practice under capitalism. Worker experience is crucial to understanding unionsôresponsesôto the challenge of organising labour broker workers, as well as to what broker workers bring into the union. However without distracting from what workers themselves bring, it is also about what they are ñallowedòto bring into the organisation. Joining and shaping emerging unions has to be different from joining and shaping the same unions 20 or 30 years later, after they have ñemerged.ò I seek to understand processes that shape this, through an understanding of the unionsôclass politics.

Union class politics

It is important to include an analysis of union politics in our understanding of organising precarious workers. This allows us to grasp some of the broader contradictions of unions and through this to better understand what kind of process and struggles might shift these to respond to workersôneeds.

Bureaucracy

Voss and Sherman (2000) examine an experience of union revitalisation in the United States and conclude that the ñiron law of oligarchyòis not inevitable in ñoldòsocial movements, therefore holding the possibility for breaking the

link between conservatism and bureaucracy (Voss and Sherman, 2000:330).[4] They identify three factors that combine to make this possible. There was an internal union crisis that results from declining membership or employer attacks and as a consequence a new leadership is either elected or imposed from the top. This leadership comes from outside the union movement bringing a different experience drawn from social movements that includes different organising methods, confrontational tactics and vision. They are not used to the service model and ñsaw organising people as the way to build union power.ò Lastly the process was backed by the respective union head office. This explanation sees leadership and their politics (from outside and within) as decisive. Milkman (2004) emphasising the importance of the AFL occupational experience highlighted above, shows that in a number of struggles success came where there is *both* a rank and file mobilisation *and* support (resources, strategy) from the top.

In searching for an understanding to explain the poor response of South African unions to the challenges of organising contingent workers one part of a tentative conclusion is that ñcomplacency induced by institutionalisation prevents the unions from a more than rhetorical commitment to innovationò (Van Holdt and Webster, 2008:351). But the authors do not substantially explore either the bureaucratic underpinnings of ñinstitutionalisationò or the politics of incorporation and demobilisation that might explain such. An earlier piece by Buhlungu and Webster (2004) characterised the heart of the US union revitalisation debate as the shift from business unionism to social movement unionism. They add that South Africa and indeed the South as a whole, needs ñfar more than simply trying to strengthen existing organisations,ò requiring ñimaginative ways of engagementò with capital, parts of the working class and the state (Buhlungu and Webster, 2004:230). In so doing they uncritically elaborate a number of the very problems that might constrain revitalisation and worker struggle, including declining worker control, legalism, bureaucracy and acceptance of achieving worker goals through notions of common interests between workers and capital.

[4] See footnote 2 above

Legalism

Amongst the methods that both Milkman (2004) and Voss and Sherman (2000) refer to as crucial to revitalisation in the US, is building the organised strength of workers on the ground instead of relying on US labour law that increasingly favoured employers. Chun (2005) in a comparative study of janitors struggles in the US and Korea shows how despite a lack of legal rights, workers successfully organised and built the associational power of their unions through alliances and mobilisation resulting in a transforming of workers from ñinvisibilityò to public ñrecognitionò (Chun, 2005:498). Key to this process was ñsymbolic leverageò which constructed the worker disputes beyond narrow contractualism into the moral and political sphere of ñjusticeò (Ibid: 498).

But legalism is just as relevant to South Africa both as legacy and current practice. Through the recognition agreement capital, confronted by the expanding union organisation of emergent unions in the late 1970s and early 1980s, constructed their terms for accepting and providing worker rights to trade unions (Theron, 2009). What much of the South African literature above misses is that the labour law introduced in the early eighties following the Wiehahn reforms, was precisely designed to reduce workers support through workplace organisation and their own activity (Theron, 2009:7).

Legalism of today

In the literature corporatism and the class compromise of the industrial relations framework, Nedlac and the LRA are uncritically seen as gains rather than contributions to worker demobilisation (Webster and Buhlungu, 2004; Buhlungu, 2010). In respect of labour brokers for example, the LRA explicitly provides for the Temporary Employment Service as employer, thus protecting the de facto employer, allowing for the undermining of standards and increased vulnerability of broker workers. It also provides for the individual contract which provides the space for employers to circumvent labour law; and the definition of a workplace, designed to protect large national unions but

making it difficult precisely to win organising rights against labour brokers (Theron, 2009; Theron and Godfrey 2000). Against a union call to ban labour brokers Theron says there is õno regulatory quick fix,ò and that unions õneed to open up new spaces in the workplace as it has been reconstitutedòif they want to carry on the emergent union tradition (Theron, 2009: 17).

Declining worker control

In explaining the decline of the culture of worker control in the black independent trade unions Buhlungu (2008) draws on a number of factors. He explains its birth as necessary, local and workplace based, supported by full-timers, but later undermined by the introduction of community and national political issues. However how national politics or community issues undermine workers control is not explained, and so there is no assessment of the politics and the community issues in particular or of the possibilities for alternative outcomes. Swilling for example in examining the early shop steward councils shows that workers wanted to engage in community issues precisely to assert their dominance over bourgeois interests in the community (Swilling, 1984 in Barchiesi and Kenny, 2008). Further pressures undermining democratic union culture according to Buhlungu come from both employers and the ANC whose more centralised and unmandated style results in quick decisions at the top. These pressures are strengthened through the economic changes resulting from globalisation. These together undermine internal democracy. At the same time class formation leads amongst other things to the õfracturing of activist-organiser fusion.òThe process of democratic transition in 1994 further demobilises the union, negatively impacting on democracy (Buhlungu, 2008:102). Significantly Buhlungu points to the ascendancy of administrative modernisation and bureaucratic control which strengthens the power of full-timers against the control of workers but avoids characterising the class politics of such a bureaucracy. Nor does he unpack the class politics dominant either in the unions or the ANC, focusing merely on its centralisation, and how these themselves may contribute to worker demobilisation.

Theron (2009) highlights the impossibility for substantial worker control if finances are controlled at union head offices by a full time staff. Buhlungu does not explore the process that union leaders played in demobilising workers including building their hope in bourgeois parliament and processes such as Nedlac over which they have little or no control over outcome. His explanation remains remarkably structural without pointing to features that were a result of political choice, somewhat ironical given his correct and earlier emphasis on worker experience. Other factors that Von Holdt highlights is a decompression of the working class with skilled workers moving upwards at the workplace or into government, greater individualism and the dismantling of shop stewards who previously united in their representation of workers, though he cautions and shows a messy and often violent historical democratic practice (Von Holdt, 2003).

In the shift that facilitates a revitalisation of unions in the US is also a shift in the attitude of top AFL-CIO leadership from that of business unions seeking partnerships with corporate capital against international competition, to confronting capital as the prime ñarchitectsò of neo-liberalism, including shifting resources away from funding the Democratic Party to organising workers on the ground (Lopez, 2004:7). This shift from partnership to confrontation with capital is given further expression by Grossman (2009). In writing of outsourced workers at UCT, he says that in building protection and looking for gains, the outsourced workers confront the pillars of the dominant politics of trade unions. These he characterises as:

National bargaining structures that were built historically for maximum unity and to spread gains to the weak but which now strengthen bureaucracy, and where minimums become maximums and then actual wages; allowing employers to justify ñstarvation wages and intolerable conditionsò;
Protective legislation which whilst inadequate never the less make the compliant employer look both legitimate and moral;
Limited law of strikes where workers are unable to strike legally against the main employer; and

Industrial unionism which instead of building unity, ends up dividing workers between separate unions (Grossman, 2009: 4).

He argues that the major problem underpinning these and the ñroutinism and proceduralism,ò based on agreements and the law, are ñparticular forms of the old politics of class collaboration,ò defined as a way of expressing the politics of workers through the ñshared interests between employers and workers, reflected in a shared commitment to profitability, competitiveness, attracting capital investment, and routines of óindustrial peaceô (Grossman, 2009:4).

In conclusion

Institutional analyses of trade unions are unable to explain why an industrial trade union confronted by restructuring and fragmentation in the workplace is unable to change its scope and build worker unity. Part of broadening understanding towards an explanation entails properly incorporating workersô agency; and we are seeing analyses of workersôagency in the processes. But we still lack a clear political analysis of trade unions organising and mobilising labour broker workers. This thesis contributes toward that analysis.

Chapter 3: Method

The chapter begins with an outline of why I studied Samwu and Giwusa in the research. This is followed by an explanation of the different research methods used and their limitations. Finally the chapter concludes with a section on the ethics of the research.

I chose two different unions to explore the research into organising labour broker workers. These are the South African Municipal Workers Union (Samwu), the largest national industrial union in the South African municipal sector and the General Industries Workers Union of South Africa (Giwusa). Giwusa is a general workers union which is currently opening its membership and decision making to the unemployed and has recently located some its key local structures in the community. The unions were chosen for several reasons. Both unions have had some ñsuccessòin organising workers employed by labour brokers into their union and in achieving workersô demands for direct employment by the prime employer and they have different organisational forms. As such they offer useful cases to explore the basis for such success and how their differing organisational form, traditions and organisational and political practices impacted on the process.

The comparison of the Samwu and Giwusa cases provides ña frame of reference within which to make sense of the research findingsò(de Vaus,2001:40). De Vaus highlights that in the case study method comparison follows the ñexhaustive analysis of individual casesòwhere ñcontextual information is collected about a case so that we have a context within which to understand causal processesé if similar results are found for particular cases in the study, then we develop greater confidence in the findings of the casesò (ibid: 50-51). Buroway argues that ñThe extended case method derives generalizations by constituting the social situation as anomalous with regard to some pre-existing theory (that is, an existing body of generalizations), which is then reconstructedò(1991:280). Thus the comparison is based on pre-existing theory which suggests that it is important to compare two cases

of different organisational form. It is out of this comparison that I am able to reconstruct the theory to show that form is not everything.

A comparison of the Samwu and Giwusa successes thus allows for a greater understanding of the impact and importance of organisational form, traditions and organisational and political practices on the process and may bring to light other factors. Samwu is an industrial union based in the workplace, whilst Giwusa is a general workers union specifically attempting to (re)locate into the community ï thus presenting successes derived from different organisational forms. Furthermore the examples take account of different conditions under a public sector and a private sector employer, including differences in worker skill levels.

The particular areas of ñsuccessòreferred to above and focused on in the study was the organisation of labour broker workers in the municipality of Tshwane (which is the product of the integration of the Pretoria, Centurian and other municipalities) into Samwu; and in the case of Giwusa the organisation of labour broker workers at the Modderfontein plant of African Explosives Limited (AEL).

In doing the research I made use of four methods. Firstly documentary research in order to access any relevant union resolutions, policy or discussions with respect to organising labour broker workers or related categories of workers. This has included union newspapers, briefings, memoranda, minutes of meetings as well as legal opinions and congress resolutions. It has also but to a far more limited extent, given the focus of the research, entailed drawing on City of Tshwane Council resolutions, labour broker contract tender awards and individual contracts. Given that both the union material and the Council material were supplied by union officials there may be some selectivity and thus cannot be considered as fully comprehensive. Furthermore in some areas, general meetings for example, there is not a systematic written record or these were not easily accessible. However given triangulation through interviews as explained below this is not considered to be a problem. Further contextual and historical information was

gathered through the web, including the Samwu web site and an internet search particularly for press coverage of strikes and marches and AEL, Adcorp and Capacity company information.

Secondly key informant interviews were held with two union officials from Giwusa and three from Samwu in order to provide historical and contextual information regarding the unionsô attention towards organising labour broker workers and as a basis for possible snowballing. These were face to face or telephone interviews based on a semi-structured questionnaire. As I am engaged in a comparison it is useful to have some standardization in the broad questions. At the same time I needed to allow flexibility for further questioning and clarity and to understand ñthe full story and not simply answers to standardized questionsò (Wiess,1994: 3). I only used telephone interviews when I ran out of time but they were essential in the absence of anything else. I knew or had met all the people that I interviewed over the phone. The interviews included:

John Appolis interview 1: 4.8.2010 (Newtown); GIWUSA General Secretary from 2003-2010
John Appolis interview 2: 6.12.2010 (Kensington) At the time of this interview he had stepped down as General Secretary
John Appolis interview 3: 25.1.2011 (by telephone)
Noko Nkgoeng: 31.8.2010 (Germiston); Giwusa Branch organiser servicing AEL.
Zebelon Monkoe 8.12.2010, current Samwu Tshwane Branch Secretary and former branch Chairperson (By telephone).
Roger Ronnie 8.12.2010, former Samwu General Secretary (By telephone)
John Mawbey 11.1.2011 Samwu Education and Training Officer (focused on Samwuôs history as he has researched and written an unpublished book)

I also drew on three previous interviews that I conducted at the end of 2007 and the beginning of 2008 in research for a Naledi paper on labour brokers (Rees, 2008b), as follows:

Mike Mthembu 24.1.08, Samwu Tshwane Branch Secretary at the time. He was joined towards the end of the interview by Zebelon Monkoe who was then the Branch Chairperson. Mthembu was part of the Pretoria Municipal Workers Union (PMWU) that merged with Samwu in 1988.

Interview with labour broker shop stewards from Milnex, Quatrokor and ZF (6) 16/1/2008

Interview with labour broker shop stewards from Milnex, Quatrokor and ZF (6) 25/1/2008

Focus Groups

Focus groups served as a core source of information for gathering information on labour broker workersô experience and understanding of unionism, processes that shaped them towards joining the union and the impact of the unionsô politics and form. Macun and Posel (1998:115) suggest that there is a broad consensus that ñfocus groups are typically defined as bringing together a small group of people to participate in a carefully planned discussion on a defined topic, the aim of the technique being to make use of group interaction to produce data and insights.ò The method has the advantage of changing the balance of power between the facilitator who poses the questions and guides the discussion, drawing on a more collective experience from the participants, which may also result of course in compliance to a group dynamic or disagreement. In the use of focus groups many speak of it as providing ñvoiceò to the marginalized (Morgan, 2006:133). Moderation is crucial and more or less structure (number of questions) depends on the goal of the research as does the issue of either encouraging participation or leaving participants, recording this and following it up afterwards. However smaller groups allow each participant more time to present their views and for better control/direction from the moderator (Ibid).

Summarising the strengths of the technique Macun and Posel say that it:

- Is efficient, allowing a number of interviews over a short time period;
- Allows for the exploration of new areas;

- ñMay deepen and shape the participantôs self-understandings, heightening their awareness of, and insight into, those aspects of their experience under discussion.ò(Ibid:122)
- Reduces the unequal relationship of interviewee to interviewer that occurs through an individual encounter and may result in ñmoulding responses.òAnd whilst ñbroad power relationshipsòare not done away with, they are ñminimizedò. Power moves to participants who create ñmeaning in interaction with each other about their social experiencesòallowing a ñsense of solidarityò (Ibid:123).

There is acceptance that ñeach group interaction will be uniqueòand that the group may ñshape or further createòindividual responses (Ibid:125). However using (Mishler, 1986), Macun and Posel say that this problem actually confronts all research methods. They then suggest that reliability ñis best tackled through triangulationò(Ibid: 129). This means using different research methods to generate ñcomplimentaryòdata on the same question (ibid: 129).

The focus groups comprised of three groups of five labour broker shop stewards (or former shop stewards) each, two groups from Samwu and one from Giwusa and one group of two permanent shop stewards from Giwusa (a total of 17 shop stewards). I facilitated the focus groups. To overcome potential language problems I was accompanied by a translator, Arthur Lekalake. As it turned out all focus groups took place in English (participants were encouraged to speak the language of their choice but chose English). Choosing English may simply reflect power relations and undoubtedly would have weakened the richness of their contributions. However considerations of time, resources and my own enthusiasm to directly ñhearòresponses acted to close the other option.

In order to set the tone and facilitate collective focus in each of the first focus groups held with the broker stewards, participants were asked to draw a river reflecting the ups (sun/smile) and downs (snake/frown) of working for a labour broker and their organisational experience. They did this in groups of 2 or 3

and then presented this. Visualisation of this kind is a useful way of encouraging participation, presenting and understanding experience (Keith, 1999).

The respective unions organised the stewards with the request that they should be directly familiar with the history and current challenges associated with organising labour broker workers, with at least some of them having been employed under the labour broker, themselves. In the case of Samwu the first focus group consisted of shop stewards from the labour brokers contracted to do waste removal and servicing the inner city of Tshwane (reflecting the large Pretoria West depot and a number of smaller ones). Their workplaces and organisation under Milnex, the broker responsible for waste in 2007, were central in a range of militant action, including the three week strike in 2007. The second of the Samwu focus groups consisted of shop stewards from the labour brokers contracted to do work in parks, (there was no particular specification regarding their depots but in reality they came from a depot in Soshanguve and from Moregloed in Queenswood) and had worked historically for the labour brokers ZF and Quatrokor. Both waste and parks fall under the Department of Housing, City Planning and Environment. These sections used high levels of labour broker labour from the companies of Milnex, ZF labour contractor closed corporation as well as Quatrokor. All the Samwu participants are now directly employed by the council on either a fixed or open ended contract (permanently).

The Giwusa labour broker focus group was made up of five shop stewards. Four were previously labour broker workers but are now employed on contract by AEL directly, a company manufacturing explosives in Modderfontein. One of the participants remains an employee of the labour broker Capacity. They are all familiar with the challenge and process of organising. The focus group of permanent AEL shop stewards, anticipated to comprise six shop stewards only consisted of two, never the less went ahead.

Shop stewards rather than ordinary members were chosen as participants because they would have been a militant part of the successful organising

process, access to shop stewards is easier than to ordinary workers and as key actors in the process were likely to have greater knowledge of the union and its politics.

The transcribed data collected from the focus groups was subject to a process of coding in an attempt to thematically organise and then analyse it. The results from the key informant interviews and the document analysis were also incorporated.

The focus groups met on the following dates:
Giwusa labour broker shop stewards 9.9.2010 (3 hours, Germiston Giwusa offices)
Giwusa labour broker shop stewards 23.9.2010 (2.5 hours, Germiston Giwusa offices)
Samwu waste labour broker shop stewards 30.8.2010 interview (2 hours, Tshwane Samwu offices)
Samwu parks labour broker shop stewards 17.9.2010 (2 hours, Tshwane Samwu offices)
Giwusa Permanent interview 9.11.2010 (3 hours, Germiston Giwusa offices)

I was given a tour around the AEL Modderfontein work site, by two permanent shop stewards, but this did not entail entering buildings. I had also during 2007 been shown around the City of Tshwane. This provided useful background history both on production and organisation. On certain specific questions I made a telephone follow-up to another Giwusa permanent shop steward.

AEL factory visit 1.9.2010
Giwusa Permanent interview 22.1.2010 over the phone

Life Stories

In order to understand in greater detail what experience workers bring with them and the social forces that have shaped this, I conducted five face-to-face

interviews with the labour broker stewards exploring their life stories. This was done after the focus groups were complete ensuring their greater understanding of the research and an aspect of triangulation. The additional contact with the shop stewards concerned aimed to secure greater confidence and a fuller story (Weiss, 1995). These were qualitative interviews allowing the participant to tell their story and the interviewee to pursue different lines of clarity depending on that story (ibid). As in the overall study I sought results based less on ñcounting and correlating and more on interpretation, summary and integrationé supported more by quotations and case descriptions than by tables or statistical measuresò(Ibid:3) It entailed asking the respondents to relate their life stories and to highlight social experiences they thought contributed towards them eventually joining the union. As such it was also about clarifying their organisational and political experience, as well as their work experience. An interview of about 3 hours was conducted with each of the labour broker shop stewards except for one of the Samwu shop stewards who I interviewed twice. Two of the interviews were with Giwusa and three with Samwu shop stewards respectively. One of the Giwusa shop stewards was a man and the other a woman, thus reflecting some gender balance (something neglected in the study due partly but absolutely not entirely to the predominant male leadership). In addition the male was chosen because he was still working for Capacity (the labour broker) whilst the women previously employed by Capacity was now directly employed by AEL on a fixed term contract. The three Samwu shop stewards are all now working directly for the municipality, two worked for brokers as waste workers and the other in Parks. The interviews are captured in the table below.

Table 1: Schedule of life story interviews

Union	Name	Date	Place	Duration
Giwusa	Mandla	6.10.2010	Germiston Giwusa offices	3 hours
Giwusa	Mpo	10.11.2010	Germiston Giwusa offices	2.5 hours
Samwu	Bethwell	5.10.2010	Tshwane Samwu office	3.5 hours

Samwu	Welile	23.10.2010	Tshwane	2.5 hours
Samwu	Welile	30.10.2010	Tshwane	2.5 hours
Samwu	Xolani	5.11.2010	Tshwane Samwu office	3 hours

The pursuit of the detailed life stores proved fruitful. However full justice in this area would require not only speaking to more respondents but also doing so in even greater depth. Time and logistical constraints would not allow this.

Limits of methods and problems emerging

Due to work pressures as well as union commitments some stewards only attended one focus group. In two cases it was a woman who was unable to return. This diluted the gendered perspective of women which was already under represented in the study given that both focus groups and interview respondents were predominantly male. The postponement of the AEL permanent shop steward focus group on several occasions restricts the wider opinion and experience of the other permanent shop stewards.

As referred to under the section on focus groups above, all interaction with participants was in English and this would restrict local metaphor and expression. Further constructs result to the extent that participants construct their responses to associate with my ñwhiteò middle class background. This however needs to be balanced with what I suggest below are advantages that result from my union background.

I am not aware of any limitations to the research that derived from my position as a former trade unionist (in Samwu and Ppwawu respectively) and as an employee at the time, at Naledi, Cosatuôs research unit. In fact the knowledge and connections built during my work as a unionist have strengthened the research by providing insights, enhancing access to participants and contributing towards trade unions approving and supporting the research. This has also assisted to make participant interactions more confident and trusting. However like any other interview-respondent situation, a participant may make associations as a result of my background and then feel that he or she should develop answers accordingly.

In general time and resource constraints, including speaking to shop stewards and not to workers directly, limits the voice of workers on the ground as well as the nuance and expression that might derive from that.

Ethical considerations

Participant informed consent was obtained after I explained the research and its ethics to those invited to participate. They were informed that involvement in the research was voluntary, and that refusal to participate would not result in any negative consequences; that the research would assist the author to complete his Masterôs Degree at the University of Witwatersrand and could provide information and findings that participants, their union and the union movement would find useful. Participants then provided their written consent.

I explained that participation in the research should not be risky and whilst it is not possible to maintain confidentiality given both union involvement in facilitating the research and the focus groups, anonymity could be maintained. This was done by recording views and opinions using a coding system for participants. I assured participants that should any consequences arise due to their participation in the research that I would offer whatever assistance I could at the time.

Written permission was sought from both trade unions regarding the research. They both indicated their willingness to support the study and to facilitate access to potential participants. I undertook to make the research results available to each union and to brief them, if required.

Chapter 4: Organisational form

Introduction

In the chapter I firstly outline arguments in the literature that emphasise the importance of organisational form in organisational renewal and in organising labour brokers. I then assess these arguments in relation to the evidence collected from the Giwusa and Samwu cases. Lastly I draw conclusions as to how organisational form has impacted on their organisational strategies.

Arguments around organisational form

Organisational form structures the ñdemarcation of unionsô membership constituencyòinto occupational, industrial or general unions (Hyman, 2002:11). Industrial and general unions are not ñdiscrete formsògiven that the general union can organise industrially and the industrial union broaden its coverage so as to make ñthe pursuit of an industrial strategy impracticalò (Theron, 2009:7). Labour broker workers are temporary workers and move between different jobs at different companies but pertinently in this argument move across different industries. As such, an industrial union would not be able to maintain its membership and thus organisation outside its ñindustry.ò To organise successfully requires new organisational forms able to operate across these sectors (John Appolis, 4.8.2010; Ilrig 2009).

Milkman (2004) argues that the craft union (the AFL) born under conditions with high levels of flexibility that approximate current workplace restructuring, rather than the industrial union, has the necessary resources, tactics and historical repertoires to organise across occupations and skills in different workplaces.

From another angle, labour broker workersô insecurity and fear of losing work requires space away from the workplace so as to organise outside of the eyes of employers, where they feel freer. In addition labour broker workers, because of unemployment between jobs, have features closer to the classical

unemployed, than to a worker with a job. For these two reasons the community becomes a stronger base to organise from than the workplace. Issues these workers confront centrally entail community type demands for housing, affordable services etc. (John Appolis, 4.8.2010). Furthermore it is not the case that the workplace is the best place to organise as it is more exclusive than the community, (Tait, 2005).

Applying the arguments to the evidence

Organisational form establishes the basis on which a worker can or cannot belong to the union. This then reflects more specifically in for example the unionôs constitutional scope. However, whether the workers covered under the scope actually belong to the union, is a matter of organising. Thus in both cases the organisational form of the union, Samwu as an industrial union and Giwusa as a general union, does not in and of itself preclude the organisation of labour brokers. The *formal* constraint for Samwu as an industrial union is that it is limited to organising workers (broker or otherwise) who carry out the work of a municipality (independent of whether they are employed by the public or private sector). Giwusa on the other hand, as a general union does not face such restriction and is able to pursue the organisation of workers (broker or otherwise) across industrial demarcations. However the point here is that nothing in the Samwu and Giwusa scope precluded either union from organising labour broker workers at AEL or at the Tshwane Municipality.

Historically the nature of the employer in municipalities was local government. As such Samwu was largely a *one* employer union. The impact of neo-liberal restructuring has introduced changes to both ownership and the workplace, including privatisation and commercialisation. Some parts of Samwu (including shop stewards and organisers in Tshwane) understood that Samwu only organised workers directly employed by municipalities and that organising private sector workers would provide Samwu support for privatisation, a policy that was strongly opposed (my personal interaction in

Samwu).[5] This may have influenced the weak response to initiating the organisation of broker workers but cannot be explained as a result of organisational form. More particularly this did not prevent the recruitment in 2001/2 of labour broker workers in Tshwane when they came to the branch office wanting to join. The organiser quickly found clarity from head office that it was in fact Samwu policy to organise such workers (Samwu waste broker shop stewards 30.8.2010; Xolani life story, 5.11.2010)[6]. Furthermore where existing union scope (including bargaining scope) suggested excluding the possibility of organising or covering such private sector workers by the bargain, Samwu as an industrial union has made the effort to change this. It has however been very unsuccessful in achieving this with the South African Local Government Bargaining Council (Salga) in part because of employer resistance (this is discussed in chapter 6). The former General Secretary of the union indicates that many of these changes were initiated and adopted without any opposition or debate from within the union (Roger Ronnie, 8.12.2010). Thus the ñindustryòof municipality, previously and largely defined as public sector which through the application of neo-liberal policy shifts to include private sector participation, is redefined. The fact that Samwu is an industrial union does not in and of itself either prevent the actual organisation of labour broker workers or prevent the initiation of policy changes that would legitimise or formalise such a possibility.

This is strong support for Grossman (2009) and Theron (2009). They both make the point that what we need to explain is why an ñindustrialòunion confronted with such changes does *not* organise, change or redefine their industrial scope to cover such excluded workers; rather than to conclude that it is their organisational form that explains the exclusion (Grossman, 2009; Theron, 2009).

[5] There is a similar understanding within parts of Cosatu that organising labour broker workers would mean accepting labour broking itself.

[6] Another but later example concerns truck drivers employed by Capacity and working in Tshwane. The then branch secretary thought that they were covered by the Transport Bargaining Council and should be organized by Satawu (Rees, 2008b). These workers are now being organised by Samwu.

It may be true that labour broker worker workers move across industries, from retail to manufacturing (John Appolis, 4.8.2010) or within manufacturing (one of the interviewed AEL shop stewards), but the evidence from both the Giwusa and Samwu cases indicated that *once* at AEL or the Tshwane municipality, there was substantial workplace (and therefore ñindustryò) stability of labour supply from brokers. Of the shop stewards interviewed in the municipality, waste stewards had been employed for 12-13 years often after they had finished school; whilst the parks stewards had been employed for 5-8 years. A report on labour brokers produced by an official in the Tshwane Council stated that many of the broker workers across the municipality as a whole had been employed for more than 5 years (CoT, 2007a). In the case of AEL, the stewards had worked for 4 years or longer. As a union commentary noted, ñworkers of Capacity Outsourcing are placed *permanently* at AELò (Giwusa, 2008:2, my emphasis).

In the Giwusa case this stability may be explained by the skill level of the workers and AELôs interest in its sustained application. The semi-skilled machine operators at AEL, as well as the higher skill applications like quality control, may thus lend themselves to a certain amount of ñindustrialòstability. In addition the very networks linked to being placed in such positions at AEL would also promote a stability of ñindustrialòlabour supply, in this case Capacity and its established offices on the premises. Ironically labour brokers have a material interest in sustaining such stability and uninterrupted supply in so far as this provides the profits they make from such supply.

Stability of supply in the Samwu case is harder to explain in terms of skill given that many of the workers would have had lower levels of skill. However the point is that there was stability and workers were employed to work in the municipality over lengthy periods. What changed was the name of the labour broker who supplied them (see Table 5 on page 81).

The above is not an argument against the logic towards general rather than industrial unions or that there is not movement across industries. Rather the evidence from the Giwusa and Samwu cases suggests that there was no

added advantage that Giwusa, the general union held over Samwu the industrial union as a consequence of an organisational form that theoretically provides labour broker workers continued membership of the union even if they move to another industry.

Giwusa has generated an experience of organising labour brokers. This includes Capacity in particular, at workplaces such as the Star and the AEL (John Appolis, 6.12.2010). Whilst the form provides for this, this has entailed choices around organisational priorities that are *not* determined by form itself. Thus Giwusa has also resolved to strategically focus on certain industrial sectors, as well as layers of workers, including broker workers, recognising their existing power in certain industries (John Appolis, 4.8.2010; Giwusa, 2010).

The integration of interests of a particular union constituency is also about size and geography. Samwu is a national industrial union with a membership of about a 100 000 predominantly permanent workers, employed directly by municipalities. Giwusa at just under 4 000 members, is a much smaller union, also of largely permanent workers located across several provinces.

Sites of organising

One difficulty in organising labour broker workers lies in their fear of dismissal or more leniently but as disruptive for organisation, their transfer by the broker to another worksite (John Appolis, 4.8.2010; Theron, 2004). Dismissal of workers by the client (e.g. AEL) does not necessarily mean dismissal or more appropriately removal from the books of the labour broker. The labour broker earns money through the supply of labour and thus has an interest in the continued supply of such labour even at another workplace (Theron, 2004).

Dismissal and possible unemployment between contracts has led Giwusa to set up residential based shop steward councils. These, they anticipate, would allow broker workers to raise community demands and strengthen their struggle through links with social movements (Appolis, Giwusa 2010).

However examination of the actual Giwusa organising experience at AEL suggests that the primary place/site where union shop stewards organised the Capacity workers was at the AEL workplace and not in the community. Shop stewards, informed in advance by management that so many workers from Capacity were to be employed within a certain department, approached the workers encouraging them to join Giwusa (Giwusa Permanent interview 22.1.2010). Alternatively, attracted by union notices on public boards, broker workers themselves attended, watched and listened to union general meetings resolving in some cases that the issues being discussed affected them as well (Giwusa broker shop stewards 9.9.2010).

ñIt's true that organisingé starts in the factory becauseé of advertising your availabilityé as an organization... If youé put a notice on the notice boardé (for a) meeting in Tembisa, it does advertise your availability but not to an extent that one can be convinced that I must go there. So in essence it starts in the planté It starts with a shop stewardé who should be able to see new peopleé coming in(to) the work areaé Maybe we arrange for a mass meeting in Tembisa and you go there and you find a handful of membersé Organising in the company is more effective thané in the communityé The communityé was supposed to be more fruitfulé (The company has) regulations in place, you can't do this, you can't do this'(Giwusa broker shop stewards 23.9.2010).

Discussions with permanent AEL shop stewards confirm that there was a long process of organising at the workplace. Despite the fear of dismissal, action at the workplace such as winning cases and publicising the small victories that resulted, as well as education that highlighted common worker problems created by management, became an important basis for recruitment and organising (Giwusa Permanent interview 9.11.2010; John Appolis, 4.8.2010). The process highlights the importance of sufficiently strong *workplace* organisation amongst permanent workers, as the foundation from which to organise labour broker workers, as a necessary, but not sufficient condition to explain the Giwusa case.

Giwusaôs focus towards broker workers is based on its strategic assessment that such layers are militant and have the potential to renew and reinvigorate existing layers (John Appolis, 4.8.2010). Such a political understanding leads the union to pay attention, provide resources and focus on organising them. Its organisational form and experimentation derives from these understandings. It is the strategic understandings and mobilisation of institutional resources towards achieving this that contribute to the successful organisation of brokers. These points are however more substantially elaborated in later chapters. This however weakens Milkmanôs (2004) point that organisational form alone (or mainly) impacts on union organisation capacity and imaginations or at least its generalisation.

The Samwu experience in Tshwane is similar in so far as the major space for organisation focused around the workplace and not the community. However in contrast to the Giwusa experience the organisation of labour broker workers was largely unsupported by permanent workers, reflecting in part their weaker workplace organisation. Faced by seemingly more severe threats of dismissal, Samwu labour broker workers also had to approach organising differently. Workers organised ñundergroundòfrom the beginning to avoid dismissal. As leaders, ñwhen we formulated any plan, our strategic point was somewhere on streets. We could meet in a Paul Kruger or in a park, everywhere, just to say, ôGuys what do we do now? What is a way forward?ô And thatôs where we startò(Bethwell life story, 5.10.2010). Broker workers were either not issued with overalls or as occurred later, issued overalls of a different colour in order to distinguish them. Permanent municipal workers were however issued with several overalls and might sell one to a broker worker. Wearing these, the worker activists disguised themselves, moving from site to site addressing groups of workers, ñthat thing was a disguise. When walking thereé they thought you were from the City Councilé That disguise helped me a loté because I used to disguiseé and go and address massesò(Welile life story, 23.10.2010). Even as confidence grew however, some workers would continue to avoid attending lunchtime meetings in case management saw them there. This also resulted in organising over Saturdays

when management was absent (ibid) and in one case there was reference to holding meetings on trains on the way to work (Xolani life story, 5.11.2010).

Samwu broker workers often explained that it was better to meet separately from permanent workers and their shop stewards for fear of being reported to management or because they felt that their issues were not accommodated by permanent workers (Bethwell life story, 5.10.2010; Samwu parks broker shop stewards 17.9.2010). Tension was especially bad at waste, ñWe used to leave these permanent employees. They used to insult us, ôYou Mother fuckers,ôand all those kind of things. They used to insult us with very big insultsé and itôs painful, those insults are painful, insulting your mother, not knowing your mother, itôs painful. We said no itôs fine weôll get them. Now because of (that) the angeré was growingò(Welile life story, 23.10.2010).

In the methods of organising there are similarities with the historical experience of building both the independent black industrial and general unions of the 1970s and 80s. Organising meant doing this quietly, without employer knowledge, until there was sufficient numbers and strength to present the union to the employer, whether the site for this was at home or work. In this case quietly might mean organising behind the backs of permanent Samwu workers, who they mistrusted. There is nothing in the organisational form of the union that prevented the organisation of labour broker workers. However permanent workers and union organisers did not initiate this, instead in some cases there was outright antagonism and difference towards the broker workers.

In both the Giwusa and Samwu cases the workplace rather than the community seems to remain the major site for building and sustaining worker organisation. Workers find ways to do this, despite real dangers and fear, out of the sight and hearing of their bosses. However there is a very significant difference regarding the role of permanent workers or more particularly the role of shop stewards (workplace leadership). In the case of Giwusa through strong workplace organisation, permanent shop stewards are active and driving the organisation of labour broker workers, despite caution from their

own membership, whom they engage. Under Samwu the permanent shop steward plays a very limited role in organisation and worse is openly antagonistic to it.

Conclusion

Whilst organisational form may be important for historical reasons this chapter has argued that it has not, in the Giwusa and Samwu cases, been a necessary condition for the successful organising of labour broker workers. In this comparison we have two different organisational forms ð the general and the industrial union ð and both unions managed to successfully organise labour broker workers. The evidence indicates that other factors, including the strength of workplace organisation, relations between labour broker and permanent workers, how long and how many labour broker workers are at the workplace (stability, turnover) as well as the political priorities of the union, play a more important role. It is also critical to examine how labour broker workers themselves, through their experience, impact on the challenge of organising. This is the subject of the next chapter.

Chapter 5: Worker Agency

Introduction

In both the Samwu and Giwusa cases, unionised broker workers were, if provided opportunity and organisational circumstance, more willing to take action around their problems than the older union members. In this as well as other senses they have been a force to revitalise local workplace (and by implication) wider union organisation, claiming attention for their issues inside the unions. Workersôexperience refers to the practices and meanings that workers as social actors bring with them into the union; it includes their political histories, cultural as well as aged, gendered and ethnic interpretations and symbols (Thompson 1963). What is it in the experience of these broker workers that helps to explain both their willingness to act and the relative organising successes of these cases?

The chapter indicates that two social characteristics stand out as differences between the broker and permanent workers: their age and education levels. Together these may if combined with other factors, provide initial explanation. These differences need to be understood together with workersôwider ideological understanding of organisation, their role in it, and their notion of rights and equality. It also needs to be understood that some of these features, as illustrated below, may not in themselves lead to collective organisation at all.

Generation

Both the Giwusa and Samwu cases indicated similar generational differences between the permanent and labour broker workers. A greater understanding of these contributes to our understanding of how these dynamics impact on building organisation.

Young workers

Many of the broker workers came straight from school to the workplace. Despite the initial and limited understanding of unions, young broker workers

who turn to organisation brought a burning militancy that challenged old practices.

ñAEL has a tendency of employing young people and most of them you find are not exposed (previously) to the working environmentò (Giwusa broker shop stewards 9.9.2010). A similar situation existed under the municipality. As one former Tshwane labour broker worker indicated, he joined the labour broker ñfresh from schoolò (Samwu waste broker shop stewards 30.8.2010).

In order to recruit workers to the union, workers need to have some understanding of what a union is. Many coming fresh from school have particular ideological constructs of unions that need to be challenged or that unravel in the course of their workplace experience.

One opinion suggests that even if ñthey might have the political knowledge, like organisations in community and the stuff, but when it comes to labour movement, how they workéhow they represent the workers, most of them they are not clear.ò And: ñmost of the people when you talk labour movement they think strikeéIôm just new. Iôm just fresh from school, and itôs my first timeéand then now you are telling me about joining the labour movement. Then now I will have to strike éwhich means that there will be no money. Thatôs what we normally seeò (Giwusa broker shop stewards 9.9.2010).

This may be reinforced by the caution of older workers some of whom relate how they had not been able to succeed using strike action or that strikes mean a loss of money. ñThey will tell you: 'okay, Mfowethu (my brother), we areéhere for a longéThis company have never won any strike here, so we canôt afford to go there. We are staying here, we work'. So itôs like we depend on themeéand in some ways sometimes they are afraid of doing things because of their backgroundsò (Giwusa broker shop stewards 9.9.2010). Samwu shop stewards relate a very similar experience, ñThey used to tell us ówe had many strikes here but we were beaten. Hey, we are been here two, three months without eating,ô (laughs) itôs what they will tell you. They canôt tell you about what they have achieved. They will tell you about how they have

suffered during the strikes. And in municipality, óyou canôt do anything. Municipality is municipality. You are still young, you canôt do anything,ôits the way that we were told, you see. They were not encouraging but discouraging. óWe have tried several times but, ahi, itôs too difficult, canôt do it.ôBut now *we* (the young broker workers) said *we will do"*[7] (Xolani life story, 5.11.2010, my emphasis).

These ideological constructs carry greater weight when young workers still feel grateful for their job, whether they have come ñfresh from schoolòor from unemployment and the process of continued and unsuccessful job applications. This understanding connects with the initial euphoria of earning independent money even if it is only committed to past debts including the taxi fare that took them to work in the first place (Giwusa broker shop stewards 9.9.2010).

ñFor the first few weeks you work, you get paid and thatôs where the excitement é comes é You were at a stage whereby you were not having anything. So now you are able to get maybe 200 at the end of the week. That has never happened in the past so it looks like there is a change in your life now. So now you get excitedò(Giwusa broker shop stewards 9.9.2010).

ñYou are getting some little money into your pocket; you can do whatever you want to. But the conditions of work, at this time you donôt care about them, anyway, because you were just introduced. You are just happy. You just sign when they say this is the job for you ... You just sign because you want the jobé the labour broker just give you the forms and you just sign and sign and sign. You donôt even care about what are they saying there (on the contract). Then you work for some few monthsò(Giwusa broker shop stewards 9.9.2010). But as a Samwu shop steward said ñYou know when you find a job in the first place you are happy to be workingé And then weé started to see

[7] What remains unexplored, partly because of the focus of this research, is what this means to the older workers. This is not simple conservatism, it seems to be articulating real, prolonged and tough struggle (which was then the basis for future gain and social development for later generations). It is as if there is no context for their experience, so that it might also be interpreted not only as an obstacle to current struggles but as lessons from the past, in a particular context, and more than anything, something to be respected and acknowledged ï they were after all youth and in the vanguard once.

that the things are not the way we wanted it to beò(Samwu 17.9.2010 interview).

Both Giwusa and Samwu stewards suggest that experiencing sustained unemployment makes workers ñthankfulòto the labour broker or to the municipal supervisor for placing them in employment. This is both testimony of high levels of unemployment and of capitalôs ideological success in constructing themselves as part of the solution rather than the cause of the problem (Grossman and Ngwane, forthcoming). ñWhen I was staying in KZN, itôs not that I didnôt apply for the jobsé but you donôt get employed... So the longer you stay without workingé contributesé . When you get to Capacity and they sayé withé (your) qualification we can give you the job, you say: ó Oh God at last I have got a jobôé You feel that someone is now appreciating what you have and then you feel that you must also be thankfulò(Giwusa broker shop stewards, 23.9.2010). Despite the low wages and terrible conditions that the broker workers faced, ñothersé still lik(ed) that guy because he was the one who hired them.òAffirming capitalôs ideological success is the comment that ñto us it was like life is normalò(Samwu waste broker shop stewards 30.8.2010).

Emerging particularly from the Giwusa evidence was the view that unions are seen as ñsomething of ancient times, becauseé they associate (them) with strikes and liberation from the past. So they consider themselves to be ahead of those times now and they can do things on their own, until unfortunately they happen to meet problems é which will take them back to the very same unionsò(Giwusa broker shop stewards 9.9.2010).

Coupled with this is a further association built by the media, that strikes are generally violent affairs. ñWhatôs been created on the minds of the media is if you are on strike you are already fighting, strike is on the outside of the law. Itôs illegal from the beginning. Once you start to talk about strike to someone who doesnôt know anythingé it means thaté you can go to jail. People that vandalized before were taken to jailò(Giwusa broker shop stewards 23.9.2010). Again the way the notions about unions are conveyed are witness

to how successfully capital has ñimmunisedò itself in post-apartheid South Africa and successfully separated itself from racial capitalism (Grossman and Ngwane forthcoming).

In both cases, labour broker workers were often younger workers who were at least initially grateful for their jobs, lacked direct experience of unions and may have had negative perceptions about unions.

However these understandings of unions and expressions of subservience are not static. A range of evidence illustrates how the younger broker workers are prepared to challenge practices in the workplace and have greater militancy linked to lower levels of family responsibility. In this sense ñthe great influx of young employees made a big differenceé Remember they donôt think twice to do things. They donôt have kids, they donôt have high responsibilitiesé An old person when you are approaching him, before he thinks anything, he thinks about the familyò (Welile life story, 23.10.2010). They are also willing to cross previously constructed social obstacles (such as daring to question management about a reduced wage payment) (Xolani life story, 5.11.2010). These link to the historical power of management and their knowledge of rights (one worker was prevented from taking leave and just took it, the subsequent case was won in his favour) as well as youthful confidence - this *is* my right. Youth were not prepared to bow their head to management in a ñja bossòstyle (Xolani life story, 5.11.2010) or accept working under ñunbearable conditionsò that older workers are ñused toò (Giwusa broker shop stewards 9.9.2010).

Shifting from the presumption that unions are no longer needed seems to rest on a number of factors. Firstly workersô socially constructed needs (such as wage levels) are not met or they confront managementôs power (like a disciplinary case) and cannot solve the problem by themselves. This understanding excludes framing the ñsolutionò as finding another job in future including studying to make this possible. Secondly, depending on the workplace that they are sufficiently reassured that the union has enough power to protect them against dismissal that might result from the act of

joining the union. Thirdly and perhaps largely unexplored, that the way they chose to express themselves inside the union will be respected and heard, rather than simply tolerated or worse, ignored.

The shift to unions is encouraged by those youth who carry a more progressive understanding of trade unions, some linked to particular moments of community and political involvement. A few have knowledge of unions and their struggles through their parents or relatives, ñmy father was a Sacwu member, I am working with the same company,ò(Giwusa broker shop stewards 23.9.2010). My mother ñused to tell meé óWe are striking todayôé So I took note of that. Oh at the workplace they also strike. She used toé like the way they sing é (on) strike, that is why I believe in singing. Even at the depot in the meeting I just start a songé and sing about Samwu, just three minutes, then I talk.òSome brought with them union knowledge/experience garnered from previous employment, ñWhen I first come to the company I was so fortunate because I had been involved in the union before. I was in Nehawu for three yearsé What makes me join the union when I came to AEL was I was with Nehawuò(Giwusa broker shop stewards 9.9.2010); and under the municipality: ñSome worked for mines others were securitiesé that is why it was so easy to explain (the union) to themò(Samwu waste broker shop stewards 30.8.2010).

Although there was not extensive elaboration, one person suggested that he came from a rural area and was active in the ANC Youth League; the ANC leadership in the area were all teachers who belonged to Sadtu. This remains unexplored; a significant number of those interviewed grew up in rural areas. What impact does this layer of rural intellectuals have on young peopleôs understanding of unionism? Related to this, many of the stewards interviewed for the life stories would say that they were *not* involved politically *because* they had not done history at school. Involvement in school politics was associated with studying history.

In both the Giwusa and Samwu cases there were broker workers who were younger and lacked an understanding of unions but there were others who

brought in an understanding of unions drawn from their family or from previous employment.

Older Mentors

The broker workers carrying these ideas and experiences were largely youth. The role of one worker who carried influence in his depot indicated the presence of older ñorganic intellectualsòand the importance of mentoring. He was an ñold guy (who) loved young people. He was maybe about 52. He explained all about the union because he said he worked at Transnet company and then he was involved in the union, Numsa or NUM, I canôt remember. So he explained the background about the union, he explained é that the union can helpé So we got motivatedé We were calling him Madalaé meaning old manò(Bethwell life story, 5.10.2010). More than encouragement to join the union Madala encouraged them to gather information, link and organise other depots, ñfind outé how is the situation, are they enough, are they tired of this labour broking?ôSo we went there. Another thing, this guyé knew about the ANCé He told us about the ANC in 1976, I remember, he explained some of those thingsé In order to win some of these battles we need to risk, it is obviousé After coming backé from these depots he asked, ñGuys how are the results, how are the responses of other guys?ôSo we told himé so and so depot they are scared, they are partly scaredé . So thatôs how he played a role this old manò(ibid).

Crucially he convinced the younger workers to overcome their fear of dismissal, ñHe used to tell these other guys, donôt be scared you are not going to be fired. I know about the union, I used to work at Transneté So he unveiled something to these peopleé and (they) started to see that the union can helpò(Ibid).

In Giwusa it is the older and permanent shop stewards who mentored the younger workers. This has been strengthened and formalised through union policy such as the resolve that there should be one shop steward committee in the workplace that combines labour broker and permanent shop stewards.

In both cases there are strong contrasts in how they experienced the older *permanent* members of the union. Permanents were often seen as disparaging about the possibility that broker workers would be able to change their circumstances.

Concluding generation

It is clear that in both unions the labour broker workers are of similar demographics (young) and in both they had little experience with unions. In SAMWU an older mentor played an important role whilst in Giwusa it is the older and permanent shop stewards who mentor the younger broker shop stewards. Furthermore there are some amongst the youth who have both organisational skills and understanding that they learnt elsewhere. This is discussed in more detail below.

Education

In both cases broker workers have generally higher education levels than permanent workers, and draw strongly from an organisational experience at school.

Level of education

In the Tshwane municipality ñdue to the problems that people were facing in their own backgrounds and é the high rate of unemployment, the greatest influx of young labour broker employees were é matriculatedò. Some also came from the technicons (Welile life story, 23.10.2010). Capacity only recruited workers for AEL who had matric in maths and science (Giwusa, 2010). From the evidence several issues emerge from this.

On the one hand given these qualifications there is an ideological belief that this should have resulted in a better job, ñYou were expecting (to) be gaining experience on the technical field that you were doing. But now you are on the production side é daily é on production, mixing, doing all the stuff ... Then

now the problem startsò(Giwusa broker shop stewards 9.9.2010). This certainly reflects the dominant ideology endorsing a mental/manual division and hierarchy of reward. More generally it is linked to a wider presumption partly based on reality that the more educated you are, the better your employment opportunities will be. This is often reproduced through the family with the encouragement and sacrifice of frequently women headed households (mother/grandmother). This may in part fuel ñarrogance ò and expectancy which may collectivise and drive through union programmes fuelling demands for higher wages, conditions etc. But if unchallenged can consolidate current or future difference and differentiation.

But for some, engaging in labour broker work *is* seen as temporary; and if the work is temporary why place effort into changing things collectively. It may produce the view that ñI have a road outò, a road defined ideologically through individual rather than collective effort. As one shop steward commented, ñWena, you are having this mentality to say: ó will be out of here in two yearsôé They strike; you are not there, because your goal is to work this two yearsò(Giwusa broker shop stewards 23.9.2010). Thus some continue to study and avoid the union and await that next step in their life. ñThey say they donôt careé we went to strike they were working. They were busy with this Unisa thing, they are still hereò(ibid). Despite this a number of the life histories indicated that commonly any study post-matric was cut short through poverty and debt. The extent that there is realisation that there are no immediate or possible alternatives to their employment either through a better employer or towards this through further study, can result in a turn to the collective. The perceived or actual closure of this mobility, allows, based on other experiences, consideration of the collective, through the union.

Such a road to the collective is a result both of the pressures and needs that result from their material conditions and prior organisational and cultural experiences that feed, if not neatly, a turn to democratic workplace organisation. This supports the idea of Thompson (1963) that the process of class formation ñowes as much to agency as to conditioning.ò More particularly, if not as powerfully now as in building the emergent trade unions,

workers brought with them experiences from organisations and cultures including student, youth and church associations that ñpredisposed them to a democratic union culture,òsomething I try and show below (Buhlungu, 2009). What is apparently so different is the strength of the idea of individualism and underlying this - the reinstatement of the omnipotence of capital.

Organisational experiences during school

Some workers bring to the workplace their student organisational and cultural experiences, largely from school but also from post-matric attendance. There were similarities between the Giwusa and Samwu cases. In sometimes crude ways the experiences express notions of mandate and accountability, of different levels of rank and file participation, of debate, meeting procedure, and other more administrative and technical practices associated with building and maintaining democratic organisation.

Bethwell was not involved in organisation at school but generated experience of both debate and helping fellow students. ñAt school (I was) not involved in the organisation (Cosas) but I used to be involved in the debates and in the sporté I used to help some other students, just help them, with chalk and the board in the classroom and I felt as a teacher, as someone that was benefiting themò(Bethwell life story, 5.10.2010).

When the SRC failed to take up the issue of poor teaching he represented the problems of his class to the principal, echoing what later happened with Samwu in Tshwane. ñI was free (to raise issues with the SRC)é There was a time when I wanted to raise an illegal strike at school due to the teachersé (who) were not teaching usé We called the SRC leaders é They didnôt call a meeting, so then I went to the principal. I was brave to face the principal and tell him é that é they are not teaching us they are just going around. I came é as a representative of students (in my class).ò(Bethwell life story, 5.10.2010).

As a youngster, Mandla experienced the power of collective action at school.

ñWhen I came to standard 6 é (there was) a short strikeé There were complaints about the windows, classroom windows were broken. The doors were broken as well. So students were saying they canôt be learning under those conditions (and) they brought this matter to the attention of the principalé We had a very powerful SRC by that year and thatôs when I started knowing that there is this leadership at schoolé They took out all the classesé The principal had to address usé Then the (SRC) president spoke and said itôs not illegal (the boycott) because it was done inside the school and we informed you (the principal) about this é They argued é (and) it was concluded to say the doors will be fixed é with the windows, on that dayé He requested the principal to leave é and he addresses us, from there we moved to our respective classesò(Mandla life story, 6.10.2010).

The same worker was later elected to the student body at university, through his membership of the Christian society. Here he accumulated further organisational skills.

Across both cases others expressed experience of boycotts and action at school. This included standing up to an SRC dominated by thugs practiced in karate and used to getting their way through fear, òHe was a kung-fu guyé You couldnôt talk as you like, you must watch your words really. And that day I was fed upé When he was talking very few people would respond negative because of the fearé Then I said to them, I am in support of what Tsepo is doing but what I hate about Tsepo is his bully kind of styleé and everyone said, but you have a sort of a pointò(Welile life story, 30.10.2010). There were also experiences of quietly organising action behind the backs of the teachers and the principal, ñWe once did it (stopped the school)é The small (SRC)é was operating undergroundé We went to the assembly, we have already organisedé When they say singé we just keep quiteé that small SRCé it was planning, but sending the SRC to doé ò(Xolani life story, 5.11.2010).

Using the education at work

The better educated labour broker workers are able to use their ability to read notice boards as well as the instruction manuals to outmanoeuvre old style managers and supervisors at their own game, whilst the older workers might just accept the situation. In this sense, óworkplace rightsô may be more contradictory and not simply an assertion of ódisciplineô over workers (Kenny, 2007) providing, under certain circumstances, ways to strengthen workplace organisation.

Other organisational and cultural experience

Some workers spoke of experience deriving from political organisation, particularly the ANC Youth League, others of involvement in soccer clubs and the church. Participation in the ANC Youth League taught workers organisational understanding and knowledge. A key broker activist in Tshwane spoke of seeking and then winning protection against local management from a high ranking ANC person. ñI went to some of the big guns of the ANC and Sanco and said comrades I am living in hell, these comrades are doing this. And you know that I have to campaign for ANC (laughs). You see I was using those particular tricks just to get sympathy from them. One phone call was enough. Iôm telling you they just picked up a phone and said which department are youé they have calledé the guy who was headingé (the) departmenté They saidé there is this guyé he is an activist of the ANC, leader in the unioné they must leave (him) aloneò (Welile life story, 23.10.2010).

Church

A fairly strong thread running through all the life histories was involvement in particularly the Apostolic churches (defined as part of a broader Pentecostolism) and an understanding that even though some of them like the ZCC did not encourage political involvement, they were not discouraged to partake in trade unionism. This is contradictory and perhaps diverse (there are many different churches). It is also not always clear how deep such understandings actually influence practice. However several participants

expressed their leadership and actions in the union not only as stewardship for labour but as a plan endorsed by God. This was a purpose; even a reason that explained why there was no funding for studying as the ñplanòwas for him to be in the union (Bethwell life story, 5.10.2010).

As Buhlungu (2008) indicates for the 1980s, churches could be a foundational experience brought into unions. Participants in the research related experiences drawn from the church that they suggested imbued and taught them compassion, respect and a willingness to listen and serve. It also taught them practical skills such as organising events, collecting and recording money as well as singing (Welile life story, 23.10.2010, Bethwell life story, 5.10.2010).

Ergon (2007:451) provides figures to show that in 2001 over 40% of the African population belonged to African Initiated churches (AICs) of which the ñblack Zionistòand ñApostolicòchurches were the largest. He further comments that ñthe majority of churches (particularly AICs and Evangical-Pentecostals) eschew ñpoliticsòto focus on worship, personal ethics and healingò(ibid:459). Anderson (2005:1) however suggests that whilst diverse, the theology of Pentecostal churches (of which African initiated church membership comprise 75%) provides that members are part of an ñegalitarian community where social distinctions on the basis of theological elitism became blurred, and where (in some cases) the social distinctions were further levelled by the use of universal uniforms worn by all the faithful.ò

Many participants come from extremely poor backgrounds, growing up in large families where not a few went hungry and shoe less during parts of their childhood. Often there is an anger expressed against an absent father and an expression that they are working for the betterment of their children. They do not want the same history of ñabandonmentòto be inflicted on their children. As such there remains the hope that this is still possible.

Inequality between workers

In the situation of the municipality in particular there was a strong sense of unfairness/inequality and even antagonism towards permanent workers who earn more, ñsufficient to employ you as their domestic worker to wash your clothes,òwith greater benefits. The question is where does this come from? There is some evidence that this is fuelled by an understanding that to be a *worker* means to be a *permanent* worker and as such exclusion (from permanancy) means something less (Kenny, 2007). But there are also hints for an interpretation based on a wider, more general (liberal?) sense of justice and equality, in part grounded in a belief that law should be equally applicable to all. One participant continually referred to how labour brokers breached principles of the LRA (Samwu parks labour broker shop stewards 17.9.2010), another that there is *one* constitution, implying a set of rights that should be equally applicable to all, whilst another refers to the immorality of ñsellingòjobs to those who are already suffering (Samwu waste broker shop stewards 30.8.2010).

In both cases, workers drew on similar organisational and cultural experiences that brought them to the unions and fuelled their activism.

Conclusion

This chapter illustrates that in both cases broker workers impact on union organisation through their understandings and social meanings that they bring to the workplace; and that these may facilitate their organisation. This is contradictory. On the one hand the workers see trade unions as belonging to an historical past of struggles that no longer exist; caricatured by violent strikes that only result in lost wages. On the other there are some who understand unions differently. Something gained through family, previous work experience or political organisation. Some of these young and better educated workers also bring important social analysis and practical organisational skills learnt from school, church, cultural and political organisation.

The social experiences drawn from school and elsewhere are both diluted and less politicised than past experiences which contributed to the building of the emerging trade unions. Never the less they are an important factor which coupled with the particular material circumstances of these broker workers, helps to explain their willingness to organise in both cases. However, how this potential is brought to fruition depends on how the union interacts and connects with these workers; this is crucially shaped by the unionôs class politics.

Chapter 6: Union class politics

Introduction

In both cases the workplace is the site for organising (Chapter 4) and broker workers have common class and cultural experiences (Chapter 5). However despite these similarities there were two broadly different approaches towards organising and taking up the demands of labour broker workers. In the first organisation is ñdrivenò and ñanchoredò (Appolis interview 4.8.2010) by Giwusa shop stewards consciously pursuing a programme aimed at *both* permanent and labour broker workers to challenge ñconceptsò and understandings that might divide workers, take up cases and ensure that the primary employer is targeted. In the second labour broker workers drive their own organisation and formally join Samwu. Samwu engages in slow and often legalistic processes without the necessary power to bring about change. Driven to change their material conditions at the workplace, provoked by the unequal treatment at work and in the union, broker workers organise and act impacting on both the union and eventually the municipality.

This chapter seeks to explain these different organising paths through the organisational history and politics of the respective union together with an understanding of workersô bargaining power.

THE GIWUSA CASE

AEL first started using workers supplied through labour brokers in 1992; continuing to do so throughout this decade. These workers, employed on short-term contracts, were often former AEL retrenchees. This pattern shifted in several ways from 2000. Firstly AEL began exclusively using young workers who had not less than matric with maths and science. They were supplied by Capacity Outsourcing. Secondly these workers no longer worked short-term at AEL but were rather ñpermanently placedò at AEL. Lastly whilst the labour supply remained ñpredominantlyò male there was increasing feminization resulting in the ñmajorityò of some departments becoming female. To meet the sustained demand from AEL, Capacity established an office not

far from the Modderfontein factory. By the middle of 2008, Capacity supplied 500 labour broker workers into a factory totalling about 3 000 workers (permanent interview 9.11.2010, Giwusa, 2008:1).

Labour broker workers were doing the same work and enduring the same hours as the permanent workers regardless of occupation (as artisans, operators or general workers). However thatôs where the similarities end. The wage rates of permanent AEL workers are set by the National Bargaining Council for the Chemical Industries (NBCCI) and they are paid monthly. Broker workers were paid at an hourly rate set by Capacity which amounted to a lower rate.[8] Furthermore Capacity workers were paid lower shift allowances, did not receive a 13th cheque and were not covered for any of the benefits. The table below summarises this.

Table 2: Outline of wages and conditions for AEL permanent, temporary and labour broker workers

Wages or condition	**AEL permanent worker**	**AEL temporary worker**	**Capacity labour broker worker**
Hours of work	Similar	Similar	Similar
Basic wage & conditions	Set by NBCCI	Set by NBCCI	Set by Capacity & BCEA
Shift allowance	10 ï 12% depending on number of shifts	10 ï 12% depending on number of shifts	6 ï 10% depending on number of shifts
13th Cheque	Yes	Yes	No
Annual leave	Fixed 20 days	Fixed 20 days	BCEA: 1 hour/17 hours worked, not fixed
Medical aid	Yes	No	No
Provident fund	Yes	No	No
Group Life Insurance	Yes	No	No

Derived from Giwusa 2008:2-5

[8] The NBCCI agreements only cover employees in the company bargaining units and have not been extended to include those working in the industry such as the Capacity employees.

According to Giwusa, AEL had consulted the South African Chemical Workers Union (Sacwu) the long established majority union at the Modderfontein plant, about its planned use of labour brokers. Sacwu had not objected as it felt this would increase employment (Giwusa, 2008, Appolis interview 4.8.2010). The historical predecessors of Giwusa (both CWIU and Ceppwawu, see below) remained minorities, with CWIU only recognised in 1998 (Giwusa Permanent interview 9.11.2010). Responding to the increasing numbers of labour broker workers, Giwusa began an engagement with management during 2006. They convinced Sacwu to join them in the negotiations behind the demand that labour broker workers become permanently employed (Giwusa Permanent interview 22.1.2010, Appolis, 25.1.2011).

Giwusa shop stewards began a campaign to recruit and organise labour broker workers, approaching them at work, alerted beforehand by management of the new entrants into the factory. Broker workers were also attracted by notices of union meetings displayed publicly on company notice boards. They began to attend, watch and listen to the union general meetings resolving in some cases that the issues discussed were their issues too. Dismissal and loss of work is a real fear, ñI was just taken byé the labour broker and he can take me out at any timeé Some are even told that if you are joining a union you are going to have this problem we are going to take you outò(Giwusa broker shop stewards 23.9.2010). However in part this is about knowing your ñrights,òand being able to exercise them because ñitôs a fight anyway against the managementòand they will try and find loopholes (ibid).

In a bid to attract labour broker workers into the union, Giwusa shop stewards consciously opened their workplace general meetings to them, itself made possible through existing workplace organisational rights. They made broker issues a regular part of the agenda and included them ñin decision makingò (Giwusa 2008: 4).

Union education programmes politicised the shop stewards about globalisation and casualization. Shop stewards in turn used this knowledge to

educate workers about how labour brokers were part of management strategy to cheapen, undermine and divide labour. As one shop steward said: ñWhat is making division is the flexible approach as far as work is concerned. These divisions are basically done by the bossesé so (they) gain.ò Permanent and labour broker workers are ñdoing the very same job, using the very same machine, breaking together in the same building, working the same shift system but we are not equal é I mean there is different conditionsé ò (Giwusa Permanent interview 9.11.2010). In order to deal with such divisions, shop stewards emphasise ñthe commonalities between them, and (that) the main problemé (was) exploitation at the hands of AELò (Giwusa 2008: 2).

Shop stewards thought about how to bring labour broker workers into the union, ñWhether there is a case from a temp point of view or permanent, we need to treat that case (the) sameé And that was a campaign from our side and then we even go further to invite the same temporaries to elect some shop stewardsé to have the same forum with themé to attend it together. We are going to fight these cases together regardless of this label of temp or permanentò (Giwusa Permanent interview 22.1.2010).

In doing this shop stewards had to confront the attitudes of their own members who saw the broker workers as threats to their jobs and could be condescending and antagonistic to them.

In pursuing this approach towards case handling and in taking up labour broker worker issues, employers seemed to tolerate some flexibility in the way workers were represented. For example at the onset ñsurprisingly, management of Capacity Outsourcing did not object to AEL shop stewards representing workers even though Giwusa had no members amongst Capacityò (Giwusa, 2008: 3-4). In addition AEL itself did not object to shop stewards acting for broker workers even if legally they fell under another ñemployer.ò AEL actually made ñthe situation conduciveé because (of their) relationship with Capacity,ò including ñuse (of) venueò and shop steward ñreleaseé if you are going to have the meeting with Capacityò (Giwusa Permanent interview 9.11.2010).

Capacity however delayed and frustrated the unionôs approach for organisational rights over many months. To break this, AEL shop stewards again involved themselves directly in meetings with Capacity management, raising the organisational rights issues. They also took up immediate worker demands such as concerns that resulted from a unilateral shift from weekly to monthly pay. The latter was backed by a signed workers petition to garner and indicate to management, wider support (Giwusa, 2007 and 2008). In the AEL labour relations structures, Giwusa shop stewards tabled Capacity issues ensuring that the ñTransformation Forum, Negotiating Forum (and) Departmentaléò meetingsé were overloaded with problems of Capacity workers.ò These ñexhaustedò management who then recognised that the ñreal issue is not so much inequalities but the permanent employment of the Capacity Outsourcing Workersò (Giwusa, 2008: 4).

In 2007 the campaign at AEL was taken up through the Giwusa branch which organised a campaign against Capacity. This included involving other organised sections of the Capacity workforce in particular those at the Star workplace in central Johannesburg. Star workers came to a ñdemonstration against Capacity in Modderfonteinò together with ñworkers from other factories.ò Giwusa shop stewards joined the demonstration after AEL management gave them permission (Giwusa Permanent interview 9.11.2010).

The union also used ñcorporate campaignò tactics in an attempt to pressurise and embarrass shareholders. For example they focused on Van Zyl Slabbert, the Chairperson of Capacity. They framed a rhetoric that suggested contradictions between his past involvement in political negotiations leading to a post-apartheid South Africa and the current treatment of labour brokers, as disrespect for the bill of rights (Giwusa Permanent interview 9.11.2010).

Discussions with permanent AEL shop stewards indicate that there was a long process of organising underpinned by the fear of dismissal. However the initiatives in the workplace (such as the winning of a cases) publicising of small victories and the education that highlighted common worker problems,

created the basis for recruitment and organising (Giwusa Permanent interview 9.11.2010, Appolis interview 4.8.2010).

A process of engagement and negotiation with AEL that began formally in 2006 finally resulted in a settlement in August 2008. AEL would not agree to the Giwusa and Sacwu demand for the permanent employment of Capacity workers . The company claimed that this would negatively impact on its cost structure and as they were in the process of automating the plant "sooner or later they will… retrench the people… Their argument as employers (was that) they can't have permanent people today and then tomorrow retrench them… (They) then come with the proposal… (that they) can only afford to absorb them from Capacity to AEL as temps" (Giwusa Permanent interview 22.1.2010). The company agreed that effective from the 1st July 2008 a Capacity worker who had worked at AEL for 2 years would "automatically move over to an AEL temporary employee's contract" (AEL, 2008). The 2008 agreement stipulated their employment for a fixed period ending December 2009 but provided for a possible review of this. Whilst the unions are still negotiating finality on this matter, the company has, in the meantime, extended the workers' contracts until the end of 2011(Giwusa Permanent interview 22.1.2010).

In becoming temps, AEL recognises the workers service whilst employed in AEL by Capacity and if retrenched they will receive severance pay according to the BCEA. The first batch of AEL temps employed in September 2008 increased their monthly wages (by R900 to R1 000) as well as their shift allowances to equal the minimums set by the bargaining council. They are also covered by the bargaining council in terms of future wage increases. The only remaining difference between temp and permanent workers was that they are not covered by the provident or medical benefit funds and the group life insurance (Giwusa 2008b special pamphlet). This represented a partial victory for Giwusa.

By October 2008, 185 Capacity labour broker workers were transformed into AEL temps and by mid-2010 this had increased to 340 (see table below). The

increased use of vulnerable labour by the company and the Giwusa focus has led to changes in union membership. Sacwu has the majority of staff members; each of the largest three unions, Ceppwawu, Giwusa and Sacwu represent a third of the workforce; but amongst AEL temps and labour broker employees, Giwusa now attracts the majority.

Table 3: Table: AEL union membership numbers as at 30.6.2010

Union	Staff	%	Waged	%	AEL temp	%	All AEL	%	Ca-pacity	Total	%
Ceppwawu	9	2	270	35	102	30	381	24	*		
Giwusa	59	13	243	32	183	54	485	31	200	685	32
Sacwu	221	49	249	33	55	16	525	34	*		
Solidarity	44	10	3	0	0	0	47	3			
UASA	56	12	0	0	0	0	56	4			
SAEWU[9]	1	0	0	0	0	0	1	0			
National Mine workers Union	63	14	0	0	0	0	63	4			
Total	453	100	765	100	340	100	1558	100	5-600	2258	100

Derived from AEL, 2010. AEL temps are called contractors in the AEL document; author added the Capacity figures for Giwusa and * indicates that Ceppwawu and Sacwu have a combined membership of about 2-300.

Union History

A number of authors highlight the importance of organisational resources and union legacy in union revitalisation (Milkman, 2004; Voss and Sherman 2000; Lopez, 2004). This is relevant to understanding the sources of organisational and political strength that Giwusa was able to draw on. The Giwusa case depends on a sustained organisational presence inside the factory that includes regular factory meetings, a leadership able to plan strategically and shop stewards trained to take up the issues confronting workers including through casework and grievances. This draws on a longer organisational and political legacy going back to the Chemical Workers Industrial Union (CWIU).

[9] I was unable to find the full name of this union.

Whilst Giwusa was formed in 1993 as a result of a split from the Chemical, Paper, Packaging, Wood and Allied Workers Union (Ceppwawu), its historical roots and organisational tradition lie in the CWIU and its politics a radical ñtendencyòwithin it, ñpredominantlyòrooted on the East Rand (Appolis, interview, 25.1.2011). Ceppwawu itself was formed in 1999 through the merger of CWIU and the Paper, Printing, Wood and Allied Workers Union (Ppwawu). Both Ppwawu and the CWIU had been affiliates of the Federation of South African Trade Unions (Fosatu), before the federation joined with other unions to launch Cosatu in 1985. Between 1974-9 CWIU had belonged to the Trade Union Advisory and Co-ordinating Council (TUACC) (CWIU, 1984). Giwusaôs tradition therefore lies in a strong background of industrial unionism.

CWIU was formed in 1974 in Durban as part of the wave of organisational initiatives that followed the 1973 strikes. The CWIU was a militant emerging union in a tradition committed to building powerful workplace organisation, with elected shop stewards and member accountability together with the principle of non-racism. As part of the Fosatu tradition it was cautious in linking with community and civic organisations which were seen as ñpopulistò and potentially undermining of its accountability to members. The union located in what is crudely called the ñworkeristòcamp. It ñprivileged a class-based analysis of the struggle and the independence of workers organisations from political and community organisations.òThis contrasted with the ñôpopulistsôwho saw the struggle in terms of national liberation and regarded the unions as part of a broader anti-apartheid popular frontò(Barchiesi and Kenny, 2008: 5).

AEL and its workforce (many from the township of Tembisa) are located on the East Rand, historically ñone of the strongholds of labour radicalismò(Ibid: 1). According to union officials, coming from the CWIU or perhaps more particularly, its evolving radical politics on the Witwatersrand and particularly the East Rand, represented a tradition that allowed space and tolerance for such radical views. This clashed with the stronger Alliance politics that had become dominant inside Ceppwawu, articulated through its national

leadership. The resulting clash of traditions as well as differences over the projects that the then Witwatersrand Branch of Ceppwawu was beginning to experiment with (such as retaining and organising unemployed members) resulted in Ceppwawu suspending and then dismissing a number of branch officials . Sections of the branch then took the decision to leave Ceppwawu and form Giwusa[10] (Appolis, 2004; Ceppwawu, 2004). AEL members and shop stewards were part of this move and one of its shop stewards became the new Giwusa Gauteng branch chairperson.

The majority union in AEL was until relatively recently, the South African Chemical Workers Union (Sacwu) one of the then stronger National Council of Trade Unions (Nactu) affiliates. Nactuôs politics were dominantly closer to those of the PAC and Azapo. In the late 90s Sacwu and CWIU took joint strike action for the first time (Giwusa Permanent interview 9.11.2010). 2003 saw the shift of workers from Ceppwawu to the Giwusa, however more recently Ceppwawu has regained a presence in the factory[11]. These historical legacies representing both overlapping and different union traditions have meant that the AEL workforce remains largely divided across unions. It also suggests that organisational form is never static but shifts over time.

The organisational legacy that Giwusa draws on assists to understand the research that the union initiated into labour brokers and Capacity in particular, in order to more effectively develop a strategic plan. This plan included targeting both Capacity and AEL as the primary employer. It is after all AEL which broadly prescribes how much labour and at what cost, Capacity supplies. The legacy also helps to understand the attention paid to building the capacity of shop stewards through education and training and how they

[10] I use the notion of formation because the weight of Giwusaôs members and tradition came from Ceppwawu, but in fact Giwusa had existed, as a registered trade union, before the decision to leave Ceppwawu was made.

[11] The narrative above is largely devoid of the Ceppwawu presence, this is because until just before mid 2010 they had very little organisational presence in the plant. However the Sacwu full-time organiser, whoôd been in the plant since the late 1990s, ñfell out with Sacwu.ò Although he tried to form another union he was unable get it registered. He then ñlinked up with Ceppwawu who employed him as an organiser,ò bringing a number of former Sacwu members into the Ceppwawu fold (Appolis, 25.1.2011).

drew on the strength of other workers (the Star Capacity workers in particular) to demonstrate at AEL.

However organisational legacies deriving historically from the CWIU were also framed and shaped politically.

Union politics

Giwusa draws on a legacy represented through a layer of shop stewards and organisers, of radical and socialist politics independent of and to the left of the SACP. This evolved as a tendency located within the old CWIU. This legacy is important in understanding their approach to organising. Shop stewards had to challenge their own members and convince them of the political importance of organising broker workers. They were armed through training and education by the union about labour broking in general, with union initiated research about Capacity as well as campaigns against labour broking. All of this is located in a political understanding that organising labour brokers is not just about more members but about rebuilding militant unionism.

Finding ways to connect and link with labour broker workers is sufficiently important in the union to warrant policy to create residential locals, considered to facilitate greater access for labour brokers into the union; and to ñstructurally set up different processes and create interaction and organisation within the unionòsuch as the policy on one workplace shop steward committee which joins permanent and labour broker stewards. But as the former Giwusa General Secretary explained: ñWhat we have seen now is that the difficulty is there is no initiativeé the locals have the same problem as in the factoriesé Permanents are not that keen on even getting labour brokers to come to the localsé The difficulty we have is that the base is still permanents é and é they are interpreters and executioners of these positions and viewsò(Appolis interview 4.8.2010).

Is AEL different to this and if so what is different? Shop stewards did seem to understand the political importance as an AEL permanent shop steward explains:

ñThe difference here and the difficulties as trade unionsé shop stewards and workers, is that the majority of the workforce today are non-permanent workersé These people, are not sure of the future, there is a job today but é (they) are not sure tomorrow. That is the difficulty when you compare (to) the 80sò(Giwusa Permanent interview 9.11.2010).

There is ñtoday moreé flexibility and moreé cheap labour that is even regulated by the lawsé Young workers are young leaders of the unions tomorrow andé the strategy of the employers is to frustrate the trade union movement soé young workers cannot understand how important the trade union movement (is) ò(ibid).

ñThe militancy of the young workers or the non-permanent workers should be used in a way of building the organisationé they are militant[12]é which is hopeful for the trade union, for the trade union movement in general. If we focus on that category then we can build a massive force as far as the union is concernedé ò(ibid).

This political understanding carried by shop stewards corresponded with its actual expression in the factory ñthat the majority of the workforce today is non-permanentò(ibid).[13] This is not the situation in all workplaces and they maybe an ñexceptionòin so far as this is concerned (Appolis 6.12.2010). This political understanding was thus able to find some expression in action through existing organisation. The fact that the workers do the same work and face at least some common problems such as problems over continuous shifts, assists the process. It is further assisted in so far as shop stewards

[12] An example he based this observation on was their leading role during the 2009 AEL participation in the industry wide chemical wage strike; this was further observed in the focus group (Giwusa broker shop stewards 9.9.2010) where they expressed anger at the 2010 wage strike being called off and a willingness to have joined a union that did partake in strike action at the time.
[13] Meaning the majority excluding staff at AEL.

could openly talk to and act for labour broker workers without management retribution and in fact would be informed in advance through the selection committee ñhow many people are going to be employed in a particular departmentò(Giwusa Permanent interview 22.1.2010).

Approach to divisions of labour

Arrighiôs (1990) understanding of borders that workers build between themselves when faced with insecurity along with Silverôs (2003) discussion of the borders imposed by capital and the state, are consistent with the evidence below. However these borders are not immutable and can be challenged and exposed politically through struggle.

AEL pursued a cost cutting strategy by cheapening the cost of labour through labour broking. This was facilitated by the state legitimising labour brokers as employers through the 1995 LRA and allowing/facilitating the possibility for them to supply labour at lower cost, with greater legalised flexibility. In this context of divisions, imposed by capital and the state, tension arises. Although not exclusively, the broker workers in AEL also ñdifferò from permanent workers in so far as they represent a younger generation with formally higher educational qualifications.

Speaking of insecurity, one shop steward who is a permanent worker commented: ñMy work as a permanent staff is also at risk because of the labour brokers, because they (the employer) can go so far as to retrench the permanent staff and then re-employ them as labour brokers. So I canôt be sure about my worké I donôt know the next step that AEL is going to do because their aim is to save the costs, so I am also one of the costs, so if they can cut the costs they will start with meò(Giwusa Permanent interview 22.1.2010). AEL did use retrenchees during the 90s, but then began only using younger and more educated workers.

Another shop steward explains that itôs an ñissue of survival é knowing that your job can also be terminated at any point if the bosses see that they are

not a maximizing the profit (Giwusa Permanent interview 9.11.2010). Underlying this is the reality initiated by AEL of ñmassive retrenchments and restructuringòthat continued throughout the 90s resulting in plant closure and a major reduction of the workforce from a national total of over 15 000 to less than 5 000 (ibid; Giwusa, 2008).

Naming gives further expression to the division, with some in AEL calling the broker workers ñnon-residentsó[14] é meaning that they are not permanenté There was a culture made by Sacwu é that most of the workers that can talk are permanent workers and not é temporary workersé if they talk too much the managers will look at them and usually é (they will) not be given opportunityò(Giwusa Permanent interview 9.11.2010).

Providing further understanding for the division is the notion of a worker as a construct from the 1980s that means a full time permanent worker (reinforced by law that provides a hierarchy of rights based on the full time permanent) (Kenny 2007). There is some evidence that underlying workers expression of the hierarchical division of labour is an understanding that to be a worker is to be a fulltime worker and this creates exclusivity (Appolis 6.12.2010).

The key point here is that the Giwusa shop stewards made some strides towards blunting or surmounting these divisions through organisational practices which actively involved broker workers. It was their political understanding of the divisions that led them to stress their commonalities as workers confronting the employer.

Workers' Bargaining Power

Wright (2000) distinguishes associational power (trade unions and political parties) from structural bargaining power (location in the economy). Silver (2003) develops this and identifies conditions that increase market bargaining power (scarce skills and ability to withdraw from the labour market) and

[14] I did not explore this but the metaphor seems very similar to historically excluding migrant workers under apartheid.

workplace bargaining power (based on integrated production). Applying these insights provides understanding as to why AEL may have agreed to employ the Capacity workers as AEL temps. AEL is in the business of making explosives which together with the materials making them up are highly dangerous. It has completed a significant capital investment programme to automate the Modderfontein plant and produce an upgraded and ñmore modern version of the productò(Jackson, 2010) and introduce ñsophisticated machinesò(Giwusa Permanent interview 22.1.2010). Management had begun to invest in the skilling of the young workers provided through labour brokers. ñThey did employ the maths and science workersé they are trainable, they are very much trainable and é can be developed toé artisansé others will maybe go to the HR and some é will do the highly job in terms of (product) qualityò(Ibid). The development of these skills has given these workers market bargaining power. ñIf there is a choice around these issues the company will even opt to the degree of letting the permanents go away and then remain with this temps because they are young and skilfulò(Ibid). The shift to fixed term contracts with AEL after a worker had worked for two years may reflect the expression of workers market bargaining power, whilst the company continues to save some costs and retain flexibility.

The hazardous nature of the product and the associated health and safety risks suggest that management would be far more sensitive to the consequences of disruption at work. The expression of increasing indications of associational power (meetings, demonstrations, representations) through the activity of Giwusa may have further tipped management towards direct but fixed term contract employment. Lastly the ñproducts are hazardous to transport or apply,ò and this favours production locations closer to the end-user (Jackson, 2010). This does not eliminate the possibility of locating production elsewhere to avoid increasing worker power or cost, it does however reduce the risk of such a ñspatial fix.ò

Law/Legalism

Literature on union revitalisation in the United States points to the strength in winning workplace recognition through organisational power and strength on the ground rather than legislation which favours employers (Milkman, 2004; Voss and Sherman, 2000). Locally authors have exposed the limits of laws such as the LRA which allow employers to avoid providing union recognition and consequently organisational rights, and constrict gains and protections through bargaining arrangements, minimum protections and strike laws (Theron 2009; Grossman, 2009).

A core part of the Giwusa strategy to attract and build the confidence of labour broker workers was through using LRA procedural and substantive rights to take up grievances and problems, and then to subsequently publicise such victories. This framework of industrial relations procedures and rights in the factory was itself a consequence of past union and employer struggles.

ñIf a person is dismissed you are saying we are still challenging the case through the unioné then give the confidence and hope that this union is doing something for youò(Giwusa Permanent interview 9.11.2010). When a worker ñwas burnt by acidòand the ñdoctoré saying (he) can no longer work in the chemical environmenté I fought that case that is why he is now working in the head office of Capacityé as a clerk.òAnd significantly ñhe was not a member of the union, I made it on the basis that he is a worker and he should be assistedò(Giwusa Permanent interview 9.11.2010).

Labour broker shop stewards acknowledged that the union was able to offer protection through its knowledge of procedures and substantial rights and these encouraged workers to join the union. Following the dismissal of a worker for absenteeism workers realised the need to join the union so that if this happened to them they would have adequate union protection: ñWe joined the union becauseé people were getting dismissed. I was having a problem ofé absenteeismé I knew I will be dismissed for absenteeism, then why canôt I be protected before that particular case happens to me?ò(Giwusa broker shop stewards 9.9.2010) Others felt they could not represent

themselves; ñYou may be dismissed only to find that it wasnôt a case that would warrant a dismissal, but because of you not having representation then you end up thereò(ibid). In another situation broker workers were employed on a limited contract to build up stock however Giwusa negotiated for them to continue working and as a result they joined the union, ñIf we donôt have union, by the time of retrenchment you should be going out - back straight to Capacity, to the labour broker, sit down and have that difficulties é (This) cause us to join a unionò(ibid).

Whilst the LRA constructs the AEL as the client, rather than the employer of the labour broker workers Giwusa found ways to burden management by raising broker problems in every forum where it interacted with management.

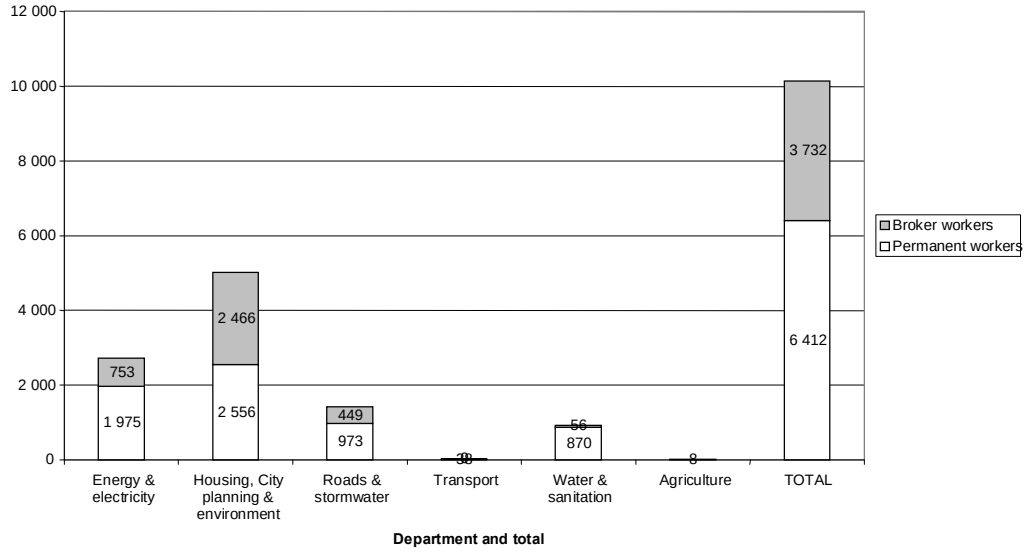
It is clear that the union attracted members through using the law. Workers could see that the union was able and willing to protect them. Layers of AEL temps and labour broker workers were later at the forefront of the 2009 wage strike and keen to strike again in 2010. This suggests that they constructed the union as more than an insurance company that substituted for their collective strength. In this sense a tactical use of the law may have facilitated the initial space to build the organisational strength and confidence of workers on the ground.

THE SAMWU CASE

History of using brokers

The first indication of labour brokers that Samwu knew about in the then Pretoria Municipality, was in 1993, in the water department (Rees, 2008b). Since then labour broking has considerably expanded. A report presented to the Mayor of Tshwane in 2007 identified two types of labour supplied by the labour brokers. The first are õoffice employees such as secretaries, administrative officers, IT technicians, switchboard operators and programmers.ò The second are workers and artisans õmainly used by Public Works and Infrastructure Departmentò (CoT, 2007a cited in Rees 2008b). The same report indicated that many workers had been employed for more than five years. Infrastructure covers departments dealing with water and sanitation, cleaning, parks, transport and electricity. Data on the number and spread of broker labours at the end of 2006 is represented in the graph below. It shows that many of these basic service delivery departments had large numbers of broker workers. They represent 37% of the workforce of these departments a total of 3 732 employees (CoT, 2007b cited in Rees, 2008b). Note that in housing, city planning and the environment which includes waste and parks, broker workers are nearly 50% of total employment.

Table 4: Employment Tshwane certain departments November 2006: permanent and broker workers



Source: Rees, 2008b derived from CoT, 2007b

Samwu branch leaders and broker shop stewards say that whilst the labour brokers go under the names of different companies they are in fact the same historical company which was broken up into several companies (Rees, 2008b). The former branch secretary said two of the companies had the same UIF reference number. The tender documents indicate continuities with Sam Mahlangu who was the project manager for Hobo Gro and Santech between 1993 and 1996 (both labour brokers), the project manager for ZF in 2002 and the current managing Director of Quatrokor. He is also listed as the owner of Quatrokor in the most recent (2006) tender documents (Rees, 2008b). The table below indicates the names of the different broker companies operating between 2002 and 2008.

Table 5: Labour brokers from 2002 to 2008

Division or section	2002-4	2004-6	2006-8
Water and sanitation Division	Quatrokor	Phoenix cc	Quatrokor
Roads and stormwater Division	Zwane construction pty Ltd	Vioflo 2004	Phoenix Omgewings Dienste en Arbeids Verhurings
Waste management section	ZF Labour contractors	Quatrokor	Milnex 151
Housing, City Planning and Environmental Management		ZF contractors cc	ZF labour contractor cc
Emergency services			Quatrokor
Electricity			Umbutho Civil and Electrical cc and ACOC Electrical cc

Source: Rees, 2008b derived from Council tender documents

The Samwu study is based primarily on waste management, particularly the Pretoria West depot and the smaller ones close to it as these workers were central to the wider struggles impacting on labour brokers. Pretoria West had close to 1 200 workers. It was used as an assembly point by the employer if there was a need for wider report backs, to waste workers. However this is also complimented with an understanding of developments in several depots linked to the Parks Department.

Wages and conditions

The wages and conditions of broker workers in Tshwane were considerably worse than those of permanent workers. Their poor treatment was a major factor in stoking worker anger and combination.

In the early years at the turn of the century, corruption was rife and obtaining work often meant bribing the supervisor, who would then deduct his due from your pay packet (Welile life story, 30.10.2010; Xolani life story, 5.11.2010).

When women began to be employed as street cleaners around 2002/3 they were sexually exploited in return for work (Welile life story, 30.10.2010).

There was scant regard for health and safety. Even if you were seriously injured a failure to turn up at work could result in you losing your job. A worker who narrowly escaped death at the hands of gangsters after a night shift was told by his supervisor, return to work the next day or ñIf you donôt come we will replace you and I doubt that you will get another employmentò (Welile life story, 23.10.2010). In another example a worker explains the process of dealing with those who are injured at work, ñThe manager at work would just phone the owner, the labour broker, he doesnôt want to know whether you will be there or whatôs happening with you. They will take you to the public hospital and they will leave you. They will ask you only one question: ôHow much do you have in your purse?ôIf you only have R5, then they will say it will help you to go homeé If you say no, they will give you at least R20 or R5 to take you to home. They donôt want to know about anything; donôt pay anything in hospitalsò (Samwu parks broker shop stewards 17.9.2010).

Broker workers worked in their own clothes. Later when the employer provided overalls, these shrunk after the first wash whilst the boots were all the same size (Samwu waste labour broker shop stewards 30.8.2010)! After work workers either washed from a plastic bucket in the street with someone holding a blanket around them for privacy, or got onto to the train ñsmelling like a hoboò. The municipality refused the workers access to their premises (Samwu waste labour broker shop stewards 30.8.2010).

Wages were low and lowered through supervisor payoffs. ñWe never knew how much per day we (were) earning becauseé you can work even the weekends, but at the end of the month you geté R300 or R400ò (ibid).There was no regularity in wage payment. They were paid by cheque redeemable at ña certain bottle store at Potgieteré But before you can changeé you must buy maybe 12 whatever you drinké ò (ibid).

Workers were paid at a daily rate and did not have medical, provident or other benefit coverage except for the UIF. If they didnôt work then they were not paid. The rates were significantly below those for permanent workers doing the same work. In 2005 they earned R1 188 a month under half of what permanents received. This fell to 40% in 2007 when permanents won their wage increases. The table below indicates that the average cost savings for the municipality was in the region of two thirds of the cost of permanent labour during 2006. Workers received even less than this because part of the municipal payment goes to the labour broker.

Table 6: Cost to municipality - broker workers and permanent workers

Department	Paid to labour brokers (projected)	No of broker workers	Permanent workers for the same money	Average cost savings per worker by using broker worker
Energy & electricity	R54.5m	753	436	42%
Housing, City planning & environment	R69.4m	2 466	808	67%
Roads & stormwater	R12.1m	449	157	65%
Transport	0	0	0	
Water & sanitation	R2.9m	56	22	61%

Source: CoT, 2007b cited in Rees, 2008.

Note: Paid to labour brokers is a projection to 12 months based on 5 months actual payments (July to November 2006).

Municipal broker workers expressed the excitement of earning their first wage when they start work. This however soon transforms as they realise that the money is insufficient to meet their socially constructed needs and dreams. ñWe started as some happy guys getting somewhere. Not knowing what was waiting for us, ahead of us. And then from 2003 to 2005 thatôs when we started to realise that something was not right there (*emphasises*), our working conditions, *everything"* (Samwu parks broker shop stewards 17.9.2010). Workers persistently refer to their conditions and treatment at work and how it undermines their sense of dignity and respect.

Their common material conditions coupled with their sense of justice and dignity made workers ready for organisation and led them to ñrevoltò(Zebelon Monkoe 8.12.2010). These created the platform for worker activists to emerge and articulate understandings (of dignity and justice) and for the need to explore and find answers to their challenges through organisation. ñDue to the suffering that they were have, it was easy for them to be convincedòto join the union (Xolani life story, 5.11.2010).

Organising

In the late 90s early 2000, a group of activist broker workers searched for a union. This followed an earlier disaster with Satawu whereby workers were convinced that the employer had ñboughtòthe organiser. They found a union called Peggusa[15] and persuaded workers to give it a chance. After the Satawu experience ñPeople did not trust anything called union. In fact most of them were joining these legal companies to defend their rights and nothing else. But what was also discouraging because I also joined one of them, was that these legal companies were very clear they will defend you if you are unfairly dismissed, unfairly demotedé but they é said they are not going to negotiate your salaries, and remember the key issue was the amount of money we were earningò(Welile life story, 30.10.2010).

However Peggusa ñmade a serious inroad,òthreatening the company with a strike and taking ñthe company almost to CCMAòbut later withdrawing it. ñAnd at the end it was only safetyé not money.òBut ñboots (and) overalls was a major issue there because people worked with their own clothes behind trucks. People clean(ed) street (in) their own clothes. And Peggusa won that battle and when people were provided overalls a large number came to Peggusa, because it was a kind of victoryò(ibid).

[15] Shop stewards were not able to inform me what this acronym stood for.

Whilst Peggusa did negotiate a small wage increase there were growing questions about what kind of union it was and how it would be able to deliver. These seemed to arise specifically because it did not have access to the municipality which at the time only recognised Samwu and Imatu. There were also indications that the union centred on one person, had ñweakò structures and was a ñfly by nighté not affiliated to Cosatuò (Welile life story, 30.10.2010; Samwu waste broker shop stewards 30.8.2010). Whilst the issue of access to the municipality, as the de facto primary employer is very strategic, less visible and unexplored were the political and ideological hints that the union was part of the ñPAC campò (Moss Moerane interview, cited in Rees, 2008) whilst Samwu leant to Congress. Earlier history elaborated below points to the presence of PAC aligned unionists involved in organising the then Pretoria municipality.

Both established municipal unions: the Independent Municipal and Allied Trade Union (Imatu) but particularly Samwu given its base amongst African workers, had up to then not attempted to organise the broker workers. This undoubtedly facilitated the initial turn to other trade unions, first Satawu and then Peggusa. Although there are slight differences regarding the exact timing, around 2001/2002 activists established that Samwu would indeed allow labour broker workers into the union and worker activists began handing out joining forms to recruit into Samwu.

There was always the fear of losing employment if you organise workers, that they ñtake you to their offices andé dismiss youò (Samwu waste labour broker shop stewards 30.8.2010). And it was not possible to openly organise during working hours, ñbecause no employer would allow you. So, when we started to be organised, it was something like, can I say undergroundò (Samwu waste labour broker shop stewards 30.8.2010). In recruiting for Samwu, one method was for worker activists to meet workers in ñgroups, not meetings, because we were having no place to hold some meetingsé we would be chased away,ò in groups of ñ1,2,3; 1,2,3ò with activists advising them to ñact as if you know nothing.ò The small group of workers who met and planned how to organise the depot and waste workers more widely, even at the risk of losing

their jobs, were central to galvanising the wider unity of broker workers. Some of them knew each other under Peggusa and so there was some connection and trust. Others came to know each other through mass meetings of the workforce convened by their employer, to explain such matters as why they had not received their salary. They spoke to workers whilst they were ñhaving some lunch or in the trains, after Shayile (knock-off) when we go to our home, in the morning when we come to work. This is where we were trying to do everything.ò It was only after a Samwu organiser convened the first mass meeting of the depot workers to elect shop stewards that workers spoke out openly and freely in front of each other (Xolani life story, 5.11.2010).

Part of the fear and hence basis of managerial control at work was racism. Workers feared that white managers would ñbeat you.ò The direct and courageous action of individuals loosened this grip, in a wider context of political change. For example when one worker was short paid by R250, he went to the brokerôs office, despite being warned against this by other workers. Returning he said ñIôm back, Iôm still alive, nothing has happened to me, here is the money. So what is the problem, the problem is you, you are just afraid to do something, you just oppressed yourselvesò (ibid). Workers under Samwu were involved in lower skilled work which was more labour intensive than the capital intensive higher skilled labour process at the AEL.

Samwu did not seem to have any special focus or approach to deal with labour broker workers beyond responding to issues as they came up. This included protecting against unfair dismissal and negotiating recognition agreements with the brokers. National union programmes integral to the rhythms of the union like wage bargaining and shop steward elections focused on permanent Council employees and were not shaped to cover or include other categories of workers. The Samwu national wage strike in 2002 drew sharp attention to the weakness of Samwuôs minority membership in Tshwane, a situation partly resulting from the large presence of unorganised broker workers (Rees, 2008b). Furthermore, organised broker workers were a leading contingent in the actual 2005 wage strike, although they were neither covered substantially through the demands or the settlement. They had been

given to understand that they *would* benefit from the 2005 national wage round and consequently had to strike again for their own demands (ibid). This was a source of growing frustration amongst broker workers.

National Samwu resolutions to grow membership and for provinces to develop clear recruitment programmes also focused attention on Samwuôs minority status in the Tshwane municipality, one of the few in Gauteng. Whilst divisions between permanent and non-permanent workers seemed to be both known and growing, the union did not have a systematic political and organisational response. Politically the national union held a strong position against privatisation, and labour brokers were seen as private companies. Yet the abstract position against privatisation was not concretely turned into strategy on the ground.

Around 2003/4 the branch began to direct its attention for an end to labour brokers in the municipality, through a structure called the Local Labour Forum (LLF). Samwu nationally had argued for such a structure in each municipality as a place to engage on restructuring and privatisation. The national agreement that established them provides for employer and labour participation. Instead of negotiating around clear demands and getting into dispute, as the Gauteng Provincial Samwu structures had encouraged (part of a wider provincial campaign against casualisation and restructuring), very little progress was made. The initiative was handed back to the employer who administered an innocuous survey on private companies operating in the municipality with little consequence. By all accounts there was no clear drive from the Samwu branch to use the LLF to focus demands for change nor was there any effective link to workers themselves.

As part of the wider Gauteng campaign in (August) 2004, the branch organised a march. Marches took place on the same day in other Gauteng municipalities. Broker workers along with bus drivers (who faced corporatisation) made up the bulk of the march. The memorandum delivered to the Tshwane Metropolitan Council, gave the Council fourteen working days to respond to the demands (some of which are listed below):

- All temporal (sic), casual workers be appointed on permanent basis in the coming financial years.
- All outsourced and privatised service and functions are returned to the council in the coming financial year.
- Tshwane must terminate all existing contracts and embark on a process of building internal capacity to provide such services.
- Develop a sustainable training and capacity programme to ensure effective and sustainable delivery (Samwu, 2004).

The branch never received a clear response from Council and as stated before, made little progress in the LLF. Attempts to meet Mayor Mkatshwa and deal with the issue ñpoliticallyòwere also unsuccessful. His representatives indicated that issues concerning broker workers were the terrain of the brokers themselves. The unwillingness to engage occurred in the broader context of growing tension and disdain towards Cosatu from the ANC under Thabo Mbeki (Mangcu, 2008). This slow progress fuelled further suspicion amongst broker workers about union leadership, accentuated by a feeling of marginalisation inside the union.

Political changes at the beginning of 2007 with the appointment of a new mayor, Gwen Ramakgopa, led to a meeting with Samwu in March 2007 (Rees, 2008b). ñThe new mayor was very open. She had an open door policy to debate issues with unionsé Mayor Father Mkatshwa said he has nothing to do with any union in the worldé He doesnôt want anything whether you are alliance or notò(Samwu waste broker shop stewards 30.8.2010). The foundation for such political engagement lay in part with Samwu who as part of Cosatu supported the African National Congress and was part of the Alliance, but it also lay in the changed attitude of the new Mayor, perhaps driven by wider internal political struggles that resulted in Mbeki being replaced as ANC president at the end of the year.

For the first time and backed by the demands of labour broker workers themselves, direct representatives of broker workers were part of the discussions. ñWe ended up taking a decision in 2007é to say é when you go to these meetings one of *our* shop stewards from the very same labour brokers must come and observe, even not taking a role, but that observation must be there. So that really they can witness what negotiators were doing because the trust was lacking completelyò (Samwu waste broker shop stewards 30.8.2010).

The meeting resulted in a report tabled to the Mayoral Committee in April 2007 which recommended:

a) Approving a standard labour legislation framework to be included into contracts with brokers together with a monitoring mechanism;
b) That where ñtemporary workersò are uncovered by a bargaining council agreement for their sector that the agreements of the SALGBC be made applicable to them;[16]
c) Following a review make recommendations that where temporary workers are employed for more than a year that they get employment in funded positions;
d) That future requests to source temporary workers are accompanied by a cost/benefit analysis comparing them with permanent employees and that the municipal manager considers the request before advertising the tender.

The Mayoral committee in turn resolved to circulate the report for:

- Further legal and financial comments from Top Management; and
- ñThat in the meantime and in order to ensure that the City of Tshwane is not contractually committed in respect of engaging labour brokers for the three years, contracts for the appointment of the labour brokers be for a period not exceeding six monthsò (CoT, 2007a).

[16] The term ñtemporary workersò is the term the report uses to cover broker employees

Broker stewards say that they agreed to these and other recommendations made in the report (Rees, 2008b). Over a year later in 2008 most departments had not made the required financial assessments and the process was seemingly halted.

The branch with strong support from the broker stewards organised another march on August 8th 2007 to prod forces in Council they assesses as stalling the implementation of the report. This was the third march around the same issue over a period of four years, although the demands now focused on ending labour broking and employing workers ñin the Council at Council wages and benefitsò(Samwu 2007a). *Only* labour broker workers marched accompanied by a few permanent shop stewards.

Broker workers expected a response from Council within ten days. Placards in the march clearly demanded an end to labour broking, employment in the Council and a ñparentôs wage,ò a wage suitable for those who have the responsibility of supporting children. The later reflected growing displeasure about their wages, which stood at R60 a day and which had been increased by 6.43% in July, the same percentage provided to municipal workers by the SALGBC agreement. Labour brokers refused to bargain with the union to increase wages to the SALGBC minimum; instead they had simply implemented the 6.43% wage increase, further fuelling workers anger.

Increasing worker anger at Councilôs silence led to the three week unprotected strike despite the lack of branch leadership support. The strike of 1 268 Milnex (waste) workers starting on the 3rd September was spread by the workers to other brokers and depots outside of waste. The branch had failed to secure protection for the strike or to properly explain any delay or the rationale for not doing this, to the severe and bitter criticism of broker workers *(*Rees*,* 2008b).

The strike was characterised by violence, police arrests, court interdicts and the dismissal of hundreds of workers (later reinstated). In one particular

incident, a branch office bearer opened a platform at a general meeting of strikers to a Councillor who went on to rouse worker anger when he insulted and belittled them. Again this and the failure to secure protection for the strike were interpreted as the unwillingness of parts of the union to seriously back their struggle. The strike resulted in a loose understanding that was never implemented to employ some of the broker workers. There were signs for this when advertisements for direct employment began to circulate.

> *We are untouchable at that time, strong and united with our strong workforce together* (Xolani life story, 5.11.2010).

In May 2008 workers again asserted their power through strike action. This gave rise to a memorandum of understanding between Samwu and the Council which adopted the principle that the ñCoT should do away with labour brokersòand implement ñdirect contracting either permanently or contractually.òA task team set up to develop a collective agreement from this has still not finalised its work (CoT, 2010). Through their actions nearly 3 500 labour broker employees largely involved in waste and gardening services, were contracted directly with the council for two years whilst another approximately 600 workers were directly employed as permanent workers (Derived from CoT, 2010; Tshwane branch communication). Whilst the contracts provided higher wages they only equalled the SALGBC minimums in the last few months of 2010 but still exclude benefits.

Growing anger from below, coupled with what was considered as second class service by parts of the union drove workers and their leaders to increasingly mobilise and use their own strength to sort out their problems. This ensured greater attention from union leadership and together with other factors, real gains from the Council in terms of direct contractual and permanent employment. ñThey saw us acting, fightingé barricading streets, starting illegal strike from the blue, stopping illegal strike. You see the plan was very simple if we want to strike now we strike now and get back to work as if yesterday nothing has happened but we are making a statement that even if you are an employer you should not sit in your Rolex and relax and

claim that you are managing usé In all sectors: in water and sanitation, in parks there were problemsé And I knew those problems were very big because if waste today stop, tomorrow or next week water and sanitation will stop and the other week parks will stop for half a day. And the other week we go back to work, just to shake the thoughts of our leaders and the thoughts of managementò(Welile life story, 23.10.2010). Such struggles have shifted to other contingents of workers such as the drivers supplied by Capacity. In the eight months prior to June 2010 there were six strikes in waste management (CoT, 2010).

Union History

Understanding union legacy assists me to identify traditions and organisational practices that may encourage or act as obstacles to union renewal (Lopez, 2004). Samwu was formed in 1987 and combined a number of unions or sections of these unions who had formed Cosatu and were bound to implement the policy of one union one industry. It brought together unions from different organisational and political traditions to form a union of municipal workers ï in effect given that the employer is government, a one employer union. Some of the unions strongly linked to the United Democratic Front (UDF) (e.g. Mwusa and Saawu) and strongly opposed registration and participation in industrial councils; others, shaped in the Fosatu fold (TGWU) together with the CTMWA, emphasised strong shop steward structures and workplace organisation whilst others owed their history to the attempts of large municipalities to develop sweetheart unionism (like Johannesburg and Pretoria) (Mawbey, forthcoming). This mix generated a broadly militant and democratic tradition but one that took time to merge in the early years after Samwuôs launch. Samwu adopted shop steward structures ñborrowing from the old General Council of CTMWA, the stress which the FOSATU unions had placed on the ñshop stewards movementòand Saawuôs even more participatory practicesò(Ibid:28).

ñOf all of the regions it was the Transvaal, and more particularly the Witwatersrand Area which faced the problem of integrating unions with

divergent organisational traditions and politics. The integration spanned Mwusa, TGWU and Saawuò(ibid: 15). It was by far the biggest urban conglomeration in South Africa. There were also competing unions who belonged to the PAC or Black Consciousness tradition like SABMAWU and NUPSW which remained outside Cosatu (Ibid).

The Pretoria Municipal Workers Union (PMWU) attended the Samwu launch with observers and by August 1988 was ready to merge with Samwu. Historically it was formed by members of a previous liaison committee and was recognised by the Pretoria municipality in 1985. They came with 5 600 new members and ñbecame for a time the dominant block in the unioné This structure and its leadership were to play an important role in allowing for the region to consolidate. Although at another level the technicalities of merger, and at times a lack of transparency about features of its operation were to remain a problem for a considerable timeò(Ibid: 22). PMWU did not have a shop steward structure (John Mawbey 11.1.2011). At the time of merger, some of the PMWU leaders decided to join NUPSW, a Nactu affiliate. In April 1990 workers, whose ñcoreòwas hostel based migrants, embarked on a two week unprotected wage strike action in Pretoria. The strike was characterised by acrimony and tension between Samwu and NUPSW and a considerable number of workers joined NUPSW (Mawbey, forthcoming; SALB, 1990).

Going into the 1990s Samwu began to confront significant local government restructuring. Samwu ñquickly found itself in conflict with the ANC government over the issue of privatisation as the ANC, Sanco and many in Cosatu moved away from the strong anti-privatisation stance of the early alliance. In the old days privatisation was condemned as unilateral restructuring. Suddenly it was encouraged because the liberation forces were in power and would regulate its effectsò(Mawbey, 2007). However whilst this account characterises Samwu as standing to the left in the struggle against privatisation this was unevenly reflected inside Samwu as a more recent workshop (not official policy) suggests, ñThe greatest cause of division within the workers at this time was linked to party political factionalism within the allianceò(Samwu, 2010: 7).

How do we explain the Samwu response?

The power that broker workers built on the ground was largely driven by workers themselves as well as carefully planned by their workplace leaders. It took many after hour meetings, plans and processes ensuring regular feedback through general meetings. But it may not have happened outside the framework of the union, despite the limits of this support. The union offered a form of protection, against dismissal and against the arbitrariness of management, within which workers could build their strength, and even if unmandated and not from the official leadership, some support to assist their struggle. Ironically their treatment at work and in the union sharpened their resolve and unity to fight.

Despite the organisational histories and constitutional adaptation of shop steward structures, Samwuôs base and leadership were not organically connecting with broker workers. The drive to organise came from broker workers themselves with very little support from this base. Samwu as a union was not challenging members based on its organisational presence in the workplace; in fact there are indications that the branch did not have proper or full knowledge regarding the presence and geographical spread of broker workers until broker workers themselves came to the Samwu offices.

This raises several issues which in turn require explanation. Whilst Samwu Tshwane might have an organisational presence in the workplace, the experience of the workplace and the changes inflicting it are not being assessed and shared inside the union; this certainly suggests either a weakening or already weak workplace organisation. But why?

The previous Tshwane branch secretary acknowledged that the union had not made the time to go to general meetings and assist in shaping an agenda that united workers and that there had been a lack of education and training work amongst migrant workers in the hostels (Rees, 2008b). The current Samwu

Tshwane branch secretary explains that it is also about limited political capacity:

ñFirstly it was conscientising the workers around that. It sort ofé required quite a lot of education and quite a lot of time somewhere in workshops and everything, particularly during the general meetings. But I mean the leadership from the branch level could not go around and do the very same workéwe didnôt have a bigger pool in order to address those things. The level of conscience around the workers struggle (is) alsoé limitedé within our own membersé (and) at the leadership level. So thatôs the reason why we did have a problem to challenge that once and for all. Particularly with regard to conscientising the workersò(Zebelon Monkoe 8.12.2010).

Continuing he said that even though the branch adopted programmes in line with Samwu national resolutions, these were not implemented as ñunconsciouslyòtime and activity is directed elsewhere:

ñItôs where we spend our timeé we are prioritising other things over the rest of the problemsé We are doing fire fighting from time to time, spending our time doing disciplinary cases rather than doing organisingò(ibid).

Thus he acknowledges that organising itself has become less of a priority and whilst there is a capacity problem, building capacity alone will not solve this without at the same time reprioritising organising, and I would add rebuilding organisation on the ground. But why? This is not to suggest there is not a challenge of capacity in the union. As former general secretary, Roger Ronnie suggests, organising broker workers maybe a long, patient and dedicated task without quick gains and there is a problem in ñforgetting how to go out and recruit workers from scratch ï áat the workplace gateôò(Roger Ronnie 8.12.2010; Samwu, 2010:7). And whilst this gives theoretical support for parts of both Milkmanôs (2004) and Voss and Shermanôs (2000) work which suggest the importance of resources from the top there is a need for further explanation.

Union politics

Why is there a failure to prioritise the immediate challenges of organising and building strong workplace organisation as well as building the strongest support to win workersôdemands? Part of an explanation lies in the decline of worker control historically rooted in the workplace (although this may have been historically weak under Samwu Pretoria), coupled with the rise of bureaucracy (Buhlungu, 2010). Samwu succeeded in winning national central bargaining, through a bargaining council from 1998. Increasingly the rhythms of the union whether through bargaining or shop steward elections have been driven centrally, reinforcing a decline in local activity and agenda setting based on the workplace. In this explanation agendas derive nationally. Reduced worker control locally facilitates the growth of bureaucracy able to pursue its own interests. Such labour relations architecture (including the CCMA) effects demobilisation, turning attention away from organising on the ground strength towards legal solutions and agreements acceptable to capital (Grossman, 2009) or as discussed below acceptable to the ANC. This reflects in union structures where the best resources (human and technical) locate at head office rather than locally actually suggesting further nuance regarding how the top connects the bottom (Milkman, 2004). Samwu is fire fighting and organisers locally are tied up in dealing with CCMA cases with no time to do other work.

Further expression of this is found in the weak and moderate, ineffectual engagement of Samwu Tshwane around labour brokers through the LLF where employer interests dominated and very little was achieved. This took place without the active backing and mobilising of workers on the ground. What could have been the focus of a campaign was a slow and ultimately fruitless engagement in committees. It is the pressure from the ground that ultimately forces a different and far more militant approach from the unionôs branch leadership. Pressure from the ground is reinforced by suspicion of corruption as well as the knowledge of a successful waste worker struggle in Tembisa that won a large wage increase.[17] Greater militancy from the ground

[17] This is evidence of the strength in workers learning from each other: waste workers in Tembisa struke and fought hard, winning if I recall a R2500 wage, far above the Tshwane broker workers at the

amongst broker workers has a wider resonance inside Samwu given its militant history and despite the tendencies indicated above.

There is deep suspicion and belief that the slow progress on the labour broker issue by the Samwu branch was due to corruption amongst the union leadership developing relationships with the labour brokers which ñcompromise the workersò(Zebelon Monkoe, 8.12.2010). This possibility is not unprecedented, several branch office bearers had been found guilty in the union of corruption related to Gems, a micro lender, in a much wider exposeô involving Samwu branch and provincial office bearers across key regions in the union.

Secondly, despite the memorandum of understanding with the Council to phase out labour brokers, Council did not implement this. It was suggested that there was real fear in the municipality about dealing with the issue due to the alleged connection between labour broker companies, Councillors and the ANC region. ñThey were saying as a City they are enough, they do not want labour brokers anymore. They want to do away with labour brokers. We came out in agreement all of us. Buté outside you find the very same person (has) represent(ed) the councilé to extend one of the (labour broker) contractsé These contracts areé the fronts of some of the councillorsé The very same owners were owning the same (labour broker) companies throughout, for a long period and then they were the only people winning those tenders so it shows that it was a cartel of some kindé The other reason, the first report that went to councilé nobody want to touch this issue in the Council, everybody is afraid because they might be killed, because there are threats and those other things, so no-one is so brave to deal with the very same thing as the contractsò(Communication Tshwane branch). ñRemember these companies were friends, actually they were one company, broers, broerskap and so on. So you couldnôt win any tender of major

time. Workers either learnt of this because they live in Tembisa or through the fact that during this strike the restructuring committee a sub-committee in the Gauteng Samwu province held its meeting in Tembisa, at the time of the strike (as a way of sharing that experience) calling on branches to have at least one labour broker or subcontractor worker as a delegate to the restructuring meeting (i.e. a form of direct representation from those affected).

employees with this high income that may accumulate, except if you have this connection with this REC peopleò(Welile life story, 23.10.2010).

However beyond corruption, there is a clear tension in building a militant struggle based on the demands of workers against an employer who is at the same time framed as a political ally. This tension is further accentuated to the extent that branch or other worker leaders see their future prospects either in government or politically.

Approach to divisions of labour

> *There was a hatred, there was two Samwu's, for contract and for Council. They even didn't want to see us* (Xolani life story, 5.11.2010).

If there is a recurrent theme it is the division between broker and permanent workers and its echo inside Samwu. This is not to say that all depots and workplaces reflected this to the same degree, it is to say that there were widespread signs of such difference. It is reflected in the workplace and inside Samwu where broker workers and their leaders were not incorporated and adequately involved in the Samwu structures. Instead broker shop stewards met separately as a ñcontractòcommittee. It was only at the end of 2006 that they first attended a Samwu structure. A shop steward explains, ñOne had to plan how to address permanent employees. Then after the intro to Samwu we thought we had the platform to break the impasse. Ha! It was even worse unfortunately, it was even worse. We went to Samwu, we were sitting outside. All the constitutional structures we were not sitting there. We were not allowed to sit there. So, how to influence the planning? How to ask for help when youôre mobilising because permanent employees will hold their meetings with their structures, all their structures? Contract employees will hold their meetings maybe on Saturday and maybe after hours, *only*. I remember I was chased away on one of the structural meetings of Samwu by a shop steward who was permanent. He é was a chairperson, he said, óIn the agenda items that I have I donôt have an item of contracts, so can you excuse usô (*Speaking*

painfully) And I was sent by masses to say: ‘Go and tell those people that we need their support’ (Welile life story, 23.10.2010).

Worker leaders also felt that the Samwu branch office discriminated against them in terms of allocation of resources to organise and take care of the problems that workers faced. “Permanent shop steward didn’t want us to meet with them in their formal structures… there was what they called the so-called ‘contract meeting’… Not typing our minutes… (These were) write(n) in pen and the paper… We are not being taken seriously… Definitely they used to come and speak to us… and update us. But they had no interest in sitting with us just to hear our background or how do we cope or what are the masses saying down there. No, no, no, it was a bit far away. But they were ***negotiating*** ” (Samwu waste broker shop stewards 30.8.2010, my emphasis).

Explaining the attitude of municipal permanent workers, Samwu Tshwane branch secretary, Zebelon Monkoe said that broker workers “can be utilised for any job and for anything and at any will of the employer.” During strikes “because these people remain unorganised it’s not easy for them to join … and then most of the time employer utilise them as scab… They are regarded as good people because in most instances they will do the work maybe faster than the permanent workers. So at some point it created an attitude towards the contract workers.” The steep rise in the use of broker workers in the Tshwane municipality was partially driven by the threat to withdraw national grants if fixed limits for expenditure on staff, set by national treasury, were exceeded. Following a period of (relative) labour stability in Tshwane there were two national wage strikes that Samwu Tshwane Branch participated in during 2002 and 2005, periods that also coincided with the rapid increase of broker labour.

As such permanents called broker workers “sell outs” and “some of them… even coin certain phrases to say ‘These people are the *rramonale*, the child of a smaller father.’” They are seen as “junior” and “not regarded as workers” (Zebelon Monkoe 8.12.2010).

Kenny (2007) provides some understanding of the division as rooted in the notion of a worker, meaning a full time permanent worker, a construct from the 1980s, reinforced by law that provides a hierarchy of rights based on the full time permanent. There is some confirmation of this in that Samwu members understand a worker as a permanent worker, ñfrom a permanent worker, that on its own also defines understanding amongst our own members of what a worker relates toé Those people wereé regarded as people that just assist. These are the people that are just passing by - are not necessarily here to do the worké They donôt belong here, so they are not necessarily the workersò(Zebelon Monkoe 8.12.2010). However, unlike the Giwusa case above, these attitudes towards broker workers were not organisationally or politically challenged.

Bargaining Power

Silver (2003) assists to understand what bargaining power labour broker workers brought and how this built their struggle. Unlike in the case of Capacity workers, labour broker workers in the Samwu case (waste and parks) have limited market bargaining power given that workers are largely unskilled or in the case of drivers, semi-skilled; they also have very limited options to withdraw from the labour market. Furthermore they have weak workplace bargaining power given the fragmentation of work. Stoppages by small groups of workers (a driver, or a waste crew) do not impact on large groups of other workers (other drivers, other waste crews, etc) given the lack of integration of the work process. Devoid of structural power, workers had to build their associational power (Wright, 2000). This meant organising so that when they took action a significant number of workers came out at the same time. Facilitating this organisation in waste was the Pretoria West Waste depot located in the inner city with a concentration of over a thousand workers.

Cleaning a big City used by large numbers of people is continuous, including during the night. Whilst a short strike may not have the same strategic impact as say an electricity strike, if no work is done, the consequences are

immediate and in the public eye, in the form of uncollected dirt and rubbish. Longer strikes, provided there is some accumulation of dirt (i.e. that scabs are unsuccessful), will impact on the image and operation of inner City companies. These companies are unable to simply move to another place given their large fixed capital investment (thus limiting a spatial fix). This constraint on capital mobility strengthens the impact of waste workerôs associational bargaining power. This understanding draws on Silverôs (2003) analysis of the power underlying the Justice for Janitor campaign.

This short analysis also suggests that waste workers as such are more strategic than say parks workers.

Law/Legalism

Although sketchy the evidence suggests that defending worker rights at the workplace played some role in attracting workers to unions although it was not systematically and consciously pursued by Samwu. The initial wave of joining does not however seem to have depended on having won members through winning cases, although later gains raised and attracted membership and joining Samwu did result in a decrease in the exercise of arbitrary managerial power.

Earlier it was suggested that the industrial relations architecture strengthens solutions away from workers strength on the ground. In the Samwu case this is expressed through the legalism associated with developing a constitutional change to the scope of the bargaining council (the SALGBC) to ensure coverage for the new legal entities (utilities, agencies and corporations) introduced by the Johannesburg iGoli 2002 plan in 2000. Such a change would have resulted in coverage for workers under labour brokers. This has been subject to an arbitration dispute since 2004 and due to changes since then was about to be withdrawn by Samwu in 2010. The real point is that the process found no expression or link through organisation and struggle to the ground. This is similarly echoed in the Cosatu campaign to ban labour brokers which focuses on legal changes dependant on political support exclusively,

with no apparent link to involving and organising those affected on the ground, despite the clear opportunity for this. This draws attention to not relying on the law and parliament alone and to the importance of building rank and file involvement and support (Milkman, 2004; Voss and Sherman, 2000; Tait, 2005).

Summary and comparison of cases

In both the Giwusa and Samwu cases labour broker workers are initially excited to earn a wage when they first start work. This soon transforms into the realisation that it is insufficient to meet their socially constructed needs and dreams. This is common between the cases and becomes a basis for organisation. It is further fuelled particularly in the municipality by the conditions, treatment and inequality at work which undermine dignity and respect. This treatment is a major reason leading to ñrevoltò(Zebelon Monkoe 8.12.2010).

The historical membership of both unions is cautious and condescending towards labour broker workers, treating them as a threat and not seeing them as workers (who are understood to be permanent). Facilitated by their spatial concentration in the factory and their common work and conditions (e.g. hours) Giwusa shop stewards pursue a set of strategies, including focus on the primary employer, to challenge this and construct unity. In this they draw both on an organisational legacy that focuses on strong workplace organisation and on new resource back-up (education, training, research). Crucially this is framed and supported by the union as a political priority as it conceives of labour broker workers and such layers as a force to revive militant unionism. The employment by AEL of the young broker workers on fixed term contracts is further facilitated by their market bargaining power (skills) and the strategic nature of the production of explosives.

Largely through the organisational efforts and historical experiences of the labour broker workers, workers themselves build organisation from below and turn to Samwu. Samwu is unable to challenge and build workplace unity

between labour broker and permanent workers due to scarce resources, capacity and possible historical organisational weakness in the workplace. Disunity is strengthened where permanents supervise labour broker workers and where the municipality maintains a physical separation between the workforces. Politically unity in the workplace has not been prioritised despite sometimes violent clashes between workers. This is explained partly as a result of an industrial relations architecture which is centralised and dominates the rhythms of the union through such issues as wage bargaining and shop steward elections and has not been tempered to accommodate either broker workers or specific workplace needs. This architecture supports bureaucratic approaches to negotiations in local forums and at a õpolitical levelò disconnected to worker mobilisation on the ground. Engagement with the employer is further complicated because the ANC is not only the employer that escalated the use of labour brokering, but also a political ally. This weakens struggle based on worker mandates. These conditions are however challenged and undermined through the self-organisation of labour broker workers. Despite their marginalisation they use the space in the union and force it to provide resources to back mass action which they have determined. Through their exercise of associational power they also force the municipality to concede to forms of direct employment.

Chapter 7: Conclusion

In examining the Giwusa and Samwu cases of organising labour broker workers, organisational form was not a necessary condition for success. This suggested that the emphasis that Milkman (2004) and others place on this or at least its generalisation is both misplaced and may in fact conceal understanding. I found that other factors including organisation legacies in the workplace, dealing with relations between labour broker and permanent workers, relatively ñpermanentòdeployment at the workplace; the majority character of the labour broker workforce in relation to a shrinking permanent workforce, as well as the political priorities of the union, played a more important role.

Understanding what labour broker workers themselves bring to organisation particularly through the work of Thompson (1963) tempers an institutional understanding of unions and re-asserts workers as social actors both shaped by and making their own history.

I found that there was a willingness of broker workers to organise in response to what they experience as low wages, conditions and particularly in the Samwu case, the way they were treated. However to realise this requires challenging presumptions they carry against the need for a union, as well as overcoming the fear of dismissal (particularly in the Samwu case). Amongst workers themselves there are those that have a different understanding of unions gained through family, previous work experience or political organisation. Some of them, young and better educated, bring important social experiences drawn from school, church, cultural and political organisation which equips them with some technical and organisational skills and understandings they are able to utilise inside the union.

The experience of Samwu shows that broker workers were able to draw on these resources to build their strength, despite limited union support. Crucially however, how this potential is brought to fruition depends on how the union

interacts and connects with these workers. This is shaped by the class politics of the union.

The historical membership of both unions did not organise the labour broker workers, are often antagonistic to them and see them as a threat. It is useful to understand these divisions through Kenny (2007) as rooted in a legacy of what it means to be a worker: permanent and linked to a set of workplace rights. This then helps to explain why unions do not implement institutional strategies towards organising. However more than this, the Giwusa and Samwu cases suggest that union politics are also an important explanation, both as constructed historically and as rooted in the contradictions of unions under capitalism (Grossman, 2009).

Facilitated by commonalities of space and work Giwusa shop stewards lead a drive to organise broker workers through strategies aiming to build worker unity. They draw on an organisational legacy of strong workplace organisation. Crucially however this is framed and supported by the union and its leadership as a political priority with the understanding that labour broker workers are a force to revive militant unionism. The employment by AEL of the young broker workers on fixed term contracts is further supported because they have market bargaining power (skills) in the strategic industry of explosive production.

Municipal labour broker workers are the force driving their organisation from below which eventually leads them to Samwu. Samwu is unable to challenge and build workplace unity between labour broker and permanent workers due to scarce resources, capacity and possible historical organisational weakness in the workplace. Disunity is strengthened where permanents supervise labour broker workers and where the municipality maintains a physical separation between the workforces. Politically unity in the workplace has not been prioritised despite sometimes violent clashes between workers. This is explained partly as a result of the industrial relations architecture which is centralised and dominates the rhythms of the union and displaces workplace agendas. Bureaucratic approaches to negotiations in local forums and at a

ñpolitical levelòare disconnected to worker mobilisation on the ground whether through corruption or ambivalence in relation to the employer (the ANC) who is also a political ally.

These conditions are however challenged and undermined through the persistent self organisation of labour broker workers who despite initial marginalisation in the union, use union space to win greater attention and support from Branch leadership. Through their exercise of associational power they force the municipality to also concede to their direct employment.

Approaches which only focus on organisational form or worker agency as the key variable overlook the fundamental centrality of union politics to our understanding of how unions organise flexible workers. We are required to make a more nuanced analysis of the relationship between top and bottom. Milkman points out that both are required, but we also need a more grounded analysis of the dialectics between these factors.

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