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Development of industrial relations policies by companies in South Africa, 1973-1977

Douwes Dekker, L. C. G.

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Board had last reviewed wage rates in 1967 and although an investigation had been made in 1972, the findings had not yet been published. A further factor influencing the decision to strike was the notice, issued by management when it became aware of discontent, which stated that the talk of industrial action was caused by 'communist agitators' and by warning 'ring-leaders' of possible disciplinary action as well as offering protection to workers who were intimidated.

The strike at textile factories was understandable in view of the intimidatory and coercive employment practices in that industry. A list of 16 demands and grievances sent by the Textile Workers' Industrial Union to the Industrial Council included: introduction of long service bonus; reduction in qualifying period for rag sorters; end of system clocking out before being able to see doctor; that doctor come at definite time; that the practice of making women workers see manager before being able to see doctor be stopped; that workers be paid notice pay; that workers' consent for searching be obtained; that the practice of keeping workers standing outside factory if they are late be stopped; that workers be given adequate notice of overtime; that the practice by management of adjusting the piece rate system to their own advantage be stopped.

The 1973 strikes have correctly been described as constituting a watershed event for management - labour relations. Subsequent to these strikes a number of important changes were introduced which can be attributed to them. These changes included:

- The Government acknowledged that wage rates were low and the Wage Board was instructed to speed up the process of updating existing wage determinations. The Black Labour Relations Regulations Act was amended to provide for two types of workplace committees: the joint management

worker representatives liaison committees and the all worker-elected works committees. Although inadequate these amendments were, the first to be made since 1953.

- Black unions were established in significant numbers in Johannesburg and Durban and within three years membership was estimated to have reached 120 000. The registered unions affiliated to TUCSA decided again to establish Black unions.

- Employers organisations become aware that employment practices were inadequate and regular annual conferences were convened to discuss systems of worker representation. A number of corporations established an industrial relations department separate from the personnel management department and increased attention was given to the industrial relations function of management.

- Overseas concern was increasingly expressed about the poverty wages being paid and the legalised racial discrimination. The engagement - disengagement debate about investment in South Africa was increasingly being aired at shareholding meetings of corporations. These developments led to formalisation of codes of conduct in regard to employment practices and social policy.

Underlying these responses to the 1973 strikes was increasing evidence that the basis of the two instruments of control, the job colour bar and the exploitation colour bar, were being challenged.

POSTSCRIPT

It is pertinent before the nature and the purpose of the research is discussed to relate the description of the characteristics of the industrial relations system as it has developed in South Africa to the analysis presented in the earlier section on the institutionalisation of industrial conflict. The following points can be made in support of the conclusion that there has been no effective institutionalation of industrial conflict in South Africa because of the operation of the two colour bars.

The institutionalisation of industrial conflict was envisaged to take place through the 1924 Industrial Conciliation Act. The Industrial Council was the body through which the relations between unions and employed associations would be regulated. But as the above analysis has shown, the Black workers enjoyed no protection in law to exercise the right to organise into trade unions nor to bargain from a collective power base with employers, nor as a last resort measure,to legally go on strike should a deadlock occur. The industrial council only facilitated the process of collective bargaining to reconcile the conflict of interests of White workers, and, to a certain extent, Coloureds and Indians. The improvements in the standard of living of White workers was achieved not because of their ability to use economic power, but because of the privileged position held by the members of tht race group and political influence. Even for the White workers the industrial council system did not facilitate effective reconciliation of conflict of rights disputes. In those situations where White workers felt that they had a genuine grievance, they could again, because of their scarcity position or because of their privileged position in society, ensure that some form of industrial justice was applied.

White trade unions by default or pressure from employers did not activate the intra-organisational process of collective bargaining,and hence increasingly had to neglect the distributive sub-process. Hence the negotiation for a new agreement was increasingly perceived as a problem to be solved between the trade unions and the employers associations, rather than an issue about which strategic power play had to be brought in with resort to strike action, if necessary. Because the membership base of the White trade unions, even including the Coloured and Indian members, became a smaller proportion of the total labour force over the decades, the relationship pattern between the trade unions and the relevant employers association changed from that of co-operation to that of collusion. Workers employed in economic sectors where there were no industrial councils in operation were not able to ensure that institutionalisation of conflict had been achieved.

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The position of the Black worker, covered by an industrial council agreeement, was different than those covered by a Wage Board determination or no wage regulating instrument at all. But from the perspective of the instutionalisation of conflict, it can be concluded that the industrial council in fact perpetuated institutional violence. Black workers had to pay for the upkeep of the administrative system of the industrial council, but were without a representative voice in the decision making process affecting their wages, working conditions, social security needs, and hence quality of life. Black workers had no procedural mechanism for conflict of rights disputes whereby they could seek redress for real or perceived injustices arising out of the employment practices in the work situation. The work-place committee system was substituted as the structure through which, in Simmel's terms, unrealistic conflict was channeled.

Black workers therefore found themselves in a situation where industrial conflict was suppressed. Not only was the suppressive legislation effective in silencing emerging leadership, but management could ignore the warning signal of spontaneous work stoppages which under normal conditions would indicate that their employment practices had to be re-examined if not fundamentally changed. Strikes were not perceived by management as an incident from which a lesson could be learned, but were seen as an illegal act equivalent to rioting and hence justified police action.

This denial of freedom of association enabled management in South Africa to perpetuate a system of coercion which, through development of personnel management and concern for the individual worker, changed to one of paternalism. Employers benefitted from the suppression of the labour relations component; the fact that it was kept latent through the actions of employers associations as well as the State security system, made it easier for management to assume that the inherent conflict between employers and employee was no longer an issue in the modern approach to industrial relations systems being developed in South Africa. Hence employers were not made to account for unfair labour practices; the wider society did not define those practices as unacceptable.

SECTION C

RESEARCH OBJECTIVE AND RESEARCH FINDINGS.

The question raised in the introductory section was whether the development of the industrial relations policy of companies in the post-1973 period would lead to an industrial relationship being established with Black trade unions which would enable them to enter the recognition phase of organisational development.

The analysis of South Africa's industrial relations system showed that employers were able to shelter behind two systems of interdependent control regarding the regulations of management to collective worker and interaction and utilization of labour. However, because of a shortage of skilled labour the one shelter became a hinderance. Two challenges to this system of control occurred. The one challenge was the 1973 demonstration strikes by Black workers which demanded that employers fundamentally reassess their employment practices. The other challenge, less sudden but equally fundamental, was the employer strategy started in the 1960 decade of demanding scope to utilize Black labour more effectively. The first challenge was that for union rights and the second challenge was for the elmination of job reservation and accompanying restrictions. These challenges were an attack on separate development ideology. Hence the resistance to be displayed by the State and its agencies to the different criteria regarding development of the economy would be considerable.

It was postulated that companies would pay increased attention to employment practices as well as the nature of the management-to-workers interaction, by using the human relations component of the industrial relations system. Thereby the manifestation of the labour relations component, through which union recognition was achieved would and could be prevented.

To verify this hypothesis, it was necessary to obtain data on :-

- evidence that Black trade unions were demanding recognition;
- response by companies to trade union activities and recourse to unfair labour practices;
- evidence of increased attempts by companies to formulate new or augment the existing personnel management policies and activities;

- incorporation in the augmented personnel management function certain activities which would have been institutionalised had unions been recognised.

Initially it was envisaged that interviews with leading company representatives would generate sufficient data in order to verify the above specific issues. However, in order to complement the analysis of the data from those companies, further information was obtained to enable an assessment to be made of the actual response by companies to the emergence of unionism amongst the Black labour force.

This section of three chapters contains the :

- analysis of case study material based on the response by companies to the presence of a Black trade union in the place of work as well as the specific demands for recognition;

- analysis of the data obtained from the interviews with fifteen managers from leading companies which were formulating an industrial relationship and started to implement the accompanying activities or services;

- analysis of three articles by companies on the desired nature of industrial relations structures and processes.

CHAPTER 5

THE RESPONSE FROM COMPANIES ON THE WITWATERSRAND TO BLACK TRADE UNIONS

The re-emergence of Black Trade Unions from 1973 was facilitated by the workers' educational and service organisations. In Johannesburg the Urban Training Project (UTP), during 1973 to 1975, assisted in the establishment of Black unions in the following sectors : transport, food, building, paper, glass; as well as the distributive trade. Furthermore, the two unions in the chemical and laundry and dry-cleaning trades, which had existed in the 1960 decade, were revived. The Engineering and Allied Workers' Union, which had been expelled by TUCSA in 1969, and whose General Secretary was a founder member of UTP, experienced a threefold increase in membership during that period.

The progress of membership organising campaigns of these Unions at specific places of work or factories, displayed a remarkably similarity. As a result of workers' educational seminars or a dispute, an organising campaign was started and membership increased on average to 40% or more of the Black labour force of a factory within a year and a half. However, after the initial enthusiasm problems were experienced in both recruiting new members and ensuring existing members continued paying their subscriptions. In terms of constitional sanctions membership lapses after three months; non-payment of subscription. Lapsed members, still committed to the union ideals, appear to adopt a wait and see approach depending on the relationship pattern which the union is able to establish with the employer.

A trade union requires to establish a relationship with the employer in order to realise its aims and objectives. This requires that some form of recognition from company is achieved. A 40% paid-up membership is regarded as sufficient to warrant the demand that a relationship is established between the Union and the company. A 20% paid-up membership is regarded as sufficient to warrant the demand that cnsultation is entered into. But the management of the companies where these membership campaigns occurred, indicated, directly or indirectly, that they would have nothing to do with Black unions as a collectivity and hence refused to consider formal recognition. In some cases some form of informal contact was maintained by certain managers on an individual basis with the union secretary or organiser.

This Chapter contains a description of the response from management to the growing union presence amongst the company's labour force as well as the request for formal union recognition. The role played by the Department of Labour and Security Police is also discussed where material became available. The experience of five Black trade unions is described.

The description includes certain relevant facts about the union at the times that attempts were made to establish a relationship with a company or companies. An analysis of the forces, ideologies and processes at work in these unsuccessful recognition campaigns, follows this description.

The material was obtained through interviews with Secretaries of Unions; copies of correspondence between the union and companies; documents relating to legal actions; copies of minutes of relevant factory committees brought in by union members; reports by Union Executives of certain incidents; Annual Reports of the Urban Training Project as well as information and knowledge obtained by the author of this thesis when involved in certain of the union organising and recognition campaigns and meetings with management representatives of companies.

5.1 The Sweet, Food and Allied Workers' Union

The call for a union in the food sector, characterised by low wages and inadequate working conditions, was made at the week-end seminars for general workers organised by Urban Traiing Project in 1973. The General Secretary of the registered Sweet Workers' Union had also approached UTP with the suggestion that trade unionism amongst Black workers be revived. During World War II, Black workers in the sweet manufacturing industry belonged to the registed union. In a 1946 Supreme Court Action, the registered union was warned it would be de-registered as amongst its members were Africans who did not fall within the category of "employee" as defined in the Industrial Conciliation Act.
(Sweetmakers' Union vs Orkin. No. 1946 CPD 303)

Two hundred workers attended the inaugural meeting of the Union in February 1974. The "Press Release" stated that working conditions in the food sector are the worst of manufacturing industry. "At a meat processing firm, female workers are weighed before and after work. An increase in weight is taken to be that meat was stolen and is deducted

from wages at 50c per kg". One worker in a cold storage firm was found to be suffering from frost bite in three fingers (F1). Other malpractices raised at that meeting were enforced overtime and female workers being required to work night shift. Membership of the Union increased from 247 in March 1974 to 1 765 in September 1976 for which month the paid-up membership was 870. The membership (excluding factories with 20 members or less) was spread amongst 21 factories. As with the Engineering, Paper and Glass unions, the membership was primarily drawn from the Springs areas although since 1977 workers in the Vaal triangle also joined the Union. Organising campaigns were affected by the Soweto uprising in 1976. The bannings of UTP leaders in November 1976 caused initial confusion amongst members. At one company the workers stopped paying their dues. Middle management used the opportunity to discredit the Union; one said "Where is your Mr X now? You cannot win." Leadership had to explain to members that the bannings did not mean the UTP offices had been closed.

The legal strike at Armourplate in September 1976 brought solidarity and concern to the workers. Workers contributed to the fund for the strikers saying "tomorrow it will be us who will be in the same boat". The jailing of the picket carriers involved in the Armourplate Safety Glass legal strike did cause confusion. The expectation prevailed that the striking workers would be taken back again by the firm as other legal actions had been successful. The paid-up membership dropped from 798 in December 1976 to 389 in July 1977 (F3).

The Executive Committee operated effectively from the start of the successful inaugural meeting in 1974. In 1976 the Executive Committee met 8 times and the attendance at the 1976 Annual General Meeting was 150. The ten members of the Executive Committee in 1976 were from five ethnic groups, similarly the 55 shop stewards were from 5 ethnic groups; no ethnic group predominated. The Union supported the concept of a joint labour-management institute and became a founder member of the Institute for Industrial Relations.

Workers' education formed an important service which the Union provided for its members. Courses and seminars were run in collaboration with the Urban Training Project. The number of participants for the three year period, including 1976, was as follows :

	1974	1975	1976
Seminars	58	26	91
Courses	181	33	45

The emphasis of the 1976 educational activities was on the work place recognition agreement and shop steward training. (UTP 1, 2, 3).

Management response to Union Presence

Premier Biscuit Co (Westons)

Towards the end of 1973, ten workers from Westons participated in a general seminar run by Urban Training Project, and subsequently four were elected on to the Executive Committee of the Union. From 1974 support from workers employed by this factory for the Union was given both in terms of membership and leadership participation. The main reasons given for this active union participation were :

- need to seek redress for a number of malpractices;
- workers were easily fired and had no means of appeal;
- excessive overtime had to be worked;
- workers knew they were ignorant of the law and wanted information and education (F1);

In 1973 The Premier Milling Group adopted a policy which required all subsidiary companies to establish liaison committees, thereby again denying the choice provided for in the law.
The Group Company Chairman also indicated in 1974 that the Company would not take the decision whether to recognise a union or not, as this was a matter for the relevant employers' association to decide upon. Hence funeral benefit stop orders would not be agreed to. The liaison committee structure was preferred because it gave workers experience in committee functioning and administration. (F2)

The Union members at Westons were critical of the liaison committee and demanded a works committee. The Company called in the Department of Labour, and a ballot was conducted which revealed that 240 workers voted for a works committee and 40 for a liaison committee. (Douwes Dekker, L., 1975, p.36).

Elections for a worker committee were held and all except one were union members. The union regarded the committee as a "Workers' Committee".

During the period 1973 to 1976, management adopted the following tactics to prevent the manifestation of the union presence in the plant :

- promotion of 4 union leaders to supervisory positions; only one person actually stopped her involvement in the Union;
- allowing security branch officials to interview the Union President on company premises;
- improving certain facilities - eg more lockers and benches in the rest room;
- as a counter to the union funeral benefit scheme, employees were advised that even those not covered by the company pension fund (because of the five-year waiting period), would be entitled to R300 funeral expense cover;
- warning a union leader he would be sent back to the Transkei as he was a contract worker;
- threatening union members with dismissal and suggesting that union leaders were agitators, instigators and arguing that drawings on the UTP "Workers' Calendar" implied communist-Chinese influence (F3).

But the strong union leadership combined with the idea of a recognition agreement increased support for the union. Paid-up membership of the Union at Weston Biscuits increased from 201 in September 1974 to 385 in September 1976.

The determined refusal by management at Westons to recognise the growing union presence led to a crisis in its control over the labour force. The following incident illustrates the inability on the part of certain managers to change coercive employment practices. The union was perceived as interfering in the managerial prerogative to manage its own affairs. In this case it was not the power 'tactic' of legal action which brought a change but the tactic of using press publicity. The Factories Act prohibits night shifts for women but towards the end of 1974, as on previous occasions when urgent orders had to be completed, management required female workers to work night shift. Those female workers, who, because of family commitments, did not accept night shift duty when required, were forced to resign. Early in 1975, the workers' committee pleaded with management to "spare the female workers on night shift". The Union President, who was Chairman of that committee stated : "Our pleas fell on deaf ears. All we could get from Mr X was, 'If they cannot rotate, I will get rid of all the female workers and hire all male staff'. " (F3)

The committee formally approached management in April 1975 for a meeting to discuss the matter. Management "snubbed the Committee Chairman" by putting the matter off until the Managing Director returned from leave and subsequently refusing to arrange a meeting. On 25th September, night shift arrangements for female workers were again

introduced. In October, the Committee approached management with an alternative shift arrangement whereby females would only work until 10 and asked that Union officials be called in for discussions. Although management initially agreed, they subsequently refused to meet the Union officials and countered by calling in the Industrial Council agent. The Committee then demanded a copy from management of the exemption notice from Factories Act prohibitions which the Industrial Council should have granted for females to work night shift. The Industrial Council agent argued that the consent of the workers was not required.

On 12 October, 16 female workers were told to go on night shift. They appealed for a 6 pm until 3.30 am shift instead of the required 6 pm to 6 am shift. This protest and the fact that the Union made arrangements for a mini-bus to collect the workers at 3.30 am appears to have irritated management. The workers were told to stop night shift after one week instead of the planned two weeks. On the 10th November these same 16 female workers were summarily dismissed because of alleged unproductive work. The Union intervened and the matter was given wide publicity in the press, stressing the fact of enforced night shift for female workers.

The Chairman of Premier Milling Group, which owned Westons, reacted immediately to this pubicity. He invited the newspaper correspondent that very morning for an on-the-spot investigation. The correspondent reported the following day : "Despite producing numerous daily records, the management of Westons was not able to show me how the assessment on this group's (the 16 women) diminishing productivity had been established". (Rand Daily Mail, 16 November, 1975).

Subsequently representatives of the Holding Company met Union officials, against Security Police advice in a telephone call during th undertook to re-instate the 16 workers, abolish night shift and conside loss in wages, provided publicity ceased. (Springs Advertiser, 21 Novem Subsequently the Works Manager of Westons "left" its services.
This successful campaign to protect workers' rights, assisted the Union in its organising drive. The Workers' Committee set itself the task of drawing up a grievance procedure and at a meeting on 24 June, 1975, agreed on a format, which included the involvement of the Union. It was decided the grievance procedure required amendment of the committee constitution and would be put to a meeting of all workers, to be held in the canteen. The Company was requested to approve the holding of the meeting. (F2)

The General Manager responded to the Workers' Committee decisions in the form of a letter in which the following points were made :

(1) The Union's proposed involvement in the grievance procedure was felt to be "contrary to the guide lines set down in the Bantu Labour Relations Act as the Sweet, Food and Allied Workers' Union is not a recognised body". The Management of the company "can have no negotiations whatsoever with them or their representatives".

(2) The Management put forward an alternative grievance procedure. In fact, what the company proposed was a disciplinary code and procedure, and not a grievance procedure.

(3) The philosophy of the disciplinary procedure was based on the following premise : "it is up to Management to dispense with the services of any person who, it is felt, is not competent or capable of carrying out his/her duties to the satisfaction of Management. It is up to Management to set realistic targets, and it is on those achievements on which employees will be judged".

(4) The opinion was also offered that "the Workers' Committee acts as a two-way valve which should pass information from employees to employers and also should pass the feeling of the employer down to the employees. I am sure that this is what the Government had in mind when it set up these committees, and it is only being involved in both directions and being impartial that the Workers' Committee can function as it should".

(5) Concern was also expressed about the proposed general meeting of all workers which was being called to discuss the procedure. (F6)

No agreement was reached at the meeting between the Workers' Committee and management held on 29 June, 1976, Basically because the company was talking about a disciplinary procedure and the committee about the grievance procedure. The committee did obtain agreement for the principle that members of that committee would be allowed to attend to matters "appertaining to the employees". (F7)

During 1976 the Johannesburg-based Black Trade Unions in the Consultative Committee decided that the membership strength at particular factories warranted obtaining recognition from specific companies. Using the services of Urban Training Project, the Consultative Unions organised seminars on the issue of recognition. Two items were discussed : The criteria to be considered for a

recognition campaign to be warranted, and the content of the recognition agreement. The standards decided upon which a Union should reach, were independence from the employer, eg majority Union members on the plant-committee; membership support, eg 50% or more paid-up membership, as well as committed union leaders in employment of the company; organisational effectiveness in terms of regular executive committee; full-time staff; access to legal services, etc. (UTP 3)

The Sweet, Food and Allied Workers' Union assessed that its support at Weston Biscuits met these standards and a number of courses, house meetings and discussions with the Workers' Committee were held to prepare the union members and leaders at the factory for the recognition campaign. On 18 October, 1976, a letter was sent advising the company of the Union's support at the factory and enclosing a proposed recognition agreement in order to facilitate discussions. The proposed recognition agreement contained clauses dealing with :

- formal recognition of the union as the spokesman for the workers;
- agreement in principle to enter into wage negotiations;
- granting union facilities such as access to the work place at agreed times, and stop orders for the funeral benefit scheme;
- formulation of mutually acceptable grievance and disciplinary procedures;
- recognition for long service employees in terms of retrenchment and holidays.

The proposed agreement was a remarkably moderate document. Built into it, is the principle that the two parties should first establish a relationship before actual negotiation for a wage agreement is commenced. Implied in the proposed procedures were mutual obligations and willingness on the part of the Union that the relationship be jointly regulated. However, in return for orderly relations and the potential peace obligation was formal recognition.

The company replied by re-stating the previously held position that "we have no objections to the recognition of a trade union in our factory, provided that this is done on an industry basis and is decided by a significant majority of workers of all races in the industry".(F8)

These requirements were blatantly unrealistic and could not be met. For a union to attain majority membership on an industry basis and with the consent of all races in fact implies an organisational structure and membership campaign facilities which none of the Black unions could command, particularly within the current legislation. More important, it ignored the reality of a union presence at a specific factory. This

refusal to recognise this union's power base could only be achieved because of police intimidation and a ban on gatherings. A week after the reply was received three officials of the UTP were banned, one of whom was advisor to the union and involved in the recognition campaign.

The suggestion that the Manufacturers' Association be asked to discuss the issue of Black Union recognition was followed up. However, the Association referred the issue back by arguing that it was an internal company matter. The Union requested a meeting with the Directors of Premier Milling to discuss what was a direct refusal to recognise the significance of the union membership strength in the subsidiary company. However, industrial relations is a power phenomenon and with the impact of the banning still being felt, the "meeting was no more than a painful courtesy event and nothing was resolved".

South African Breweries

South African Breweries is a corporate group, rated second in the "Financial Mail" list of the top 100 companies in 1975, with subsidiaries in the hotel trade, manufacturing industry, retail sector and property. The sectors in the manufacturing industry include beer, beverages, footwear, furniture, food, wines and spirits. The corporation pioneered the Personnel Management function for Black industrial workers with the aim of obtaining good communication and optimum job satisfaction for Black workers as described in Chapter 3.

The Group Personnel Manager entered into a number of discussions with representatives from the UTP and the Sweet, Food and Allied Workers' Union in July 1974 as a result of contact between that Union and a subsidiary company. The purpose, defined by him, was to bridge the gap between management and organised labour. (79). Issues identified which required further discussion were :

(1) credentials of the Union, membership support;
(2) relationship between the trade union and workers' committees;
(3) machinery of enforcement regarding agreements;
(4) nature of arbitration machinery.

However, the promise of the initial discussion was not realised. Without satisfactory explanation, a planned meeting was cancelled and subsequent meetings postponed due to "urgent projects" and a holiday. Part of the explanation given was the vague threats made by the Minister of Labour subsequent to the policy statement by the Anglo American Corporation on the need for companies to deal with Black trade

unions. However, it subsequently appeared that one of the projects was in fact drawing up a proposal to the Minister of Labour to use the committee system as a base of representation and, to exclude unions. This was done in September 1974. The nature of these proposals is fully analysed in Chapter 6.

The Executive Committee of the Union regarded these developments as an indication of definite anti-trade union strategy and referred the whole matter, in the form of a resolution, to membership at the 1975 Annual General Meeting. The company was asked to explain its approach and justify why an anti-Black attitude was adopted. The reply from the Group Personnel Manager, in contrast to the first approach which identified the need to "bridge the gap between management and organised labour" stressed the "practical problems of accommodating a trade union within the committee system". (F12).

This emphasis, reflecting the proposals put to the Minister of Labour that the committee system of representation be bolstered, had as its objective rather to increase the gap between management and organised Black labour. Proof of this objective emerged when the Union officially approached S A Breweries for stop order facilities at one of the depots of the Beer Division when majority membership was reached. In the exploratory meetings in 1974 the concern was to identify committee and union inter-relationships, particularly since management was aware of the report-back problem between committee representatives and the workers. However when in 1975 the signed stop order list for this depot was submitted, the company used the argument that the Industrial Council agreement did not allow for any deductions other than for insurance funds, administered by the employer. This was a ploy not to have to openly say no. The company controlled the industrial council and in any case knew that the 20 000 strong Black clothing workers union enjoyed from hundreds of small clothing factories stop order facilities.

It appears that by 1976 the Group had regained its confidence regarding its control in the field of management to worker relations and was hoping to extricate itself, without creating too much antagonism, from what was regarded as contact with UTP and Black union leaders which should not have been entered into in the first instance.

The appointment of a Group Industrial Relations Manager in 1975, did not signify acceptance of the power phenomenon of industrial relations nor willingness to consider sharing that power. In the experience of the Black unions, the industrial relations managers were to monitor events in the "external" environment, rather than assist in bringing union leaders and managers together to form a relationship. When the

position fell vacant two years later, no re-appointment was made. However, the monitoring function was maintained particularly in the form of issuing weekly broadsheets to summarise events and statements in the field of industrial relations. The Group did not join the Institute for Industrial Relations as this implied acceptance, if not partial recognition, of the existence of Black Trade Unions.

The Union wrote directly to the Managing Director as it was felt the Personnel Manager was no longer to be trusted. In reply he said : "It is important to us when framing our stance on labour relations matters that we be fully aware of the official attitudes and current impending legislation. Consequent upon the recent appointment of a new Minister of Labour it is not only desirable but necessary that we seek to clarify the Government's posture on certain issues. I must therefore state that until we have done this we are not in a position to fully answer your letter under reply. So soon as we are able, we will do so."
(F13).

This response probably reflected the concern of organised industry namely that Black unions should not be recognised because it was against Government policy.

To conclude this description of the company's attitude to Black trade unions, the events in one of the subsidiary companies during March 1976 is described.

The Union was engaged in an organising campaign at Stellenbosch Farmers' Winery and through an active shop steward had enrolled approximately 40 members. Two incidents occurred which gave an indication of the company's anti-Union attitude, clearly supported by the Group. The Union organisers were taken from outside the Company's premises by S A Police to "investigate a charge of trepassing and distributing leaflets in a municipal area". No charge was laid. Although no evidence was produced, both the workers and the Union organisers were convinced the Company, or one of its representatives, called in the Police. A week later the Company's Security Officer came into the cloakroom, found completed membership forms on a locker and tore them up. This same person had previously gone to the Union orgnaiser who was standing outside the gates with a representative from the Personnel Department, and said that the organisers "were on company premises, had no permission to distribute leaflets, and that the firm did not want a trade union as they were a happy family and had a liaison committee." (F14).

These incidents support the assessment not only of the anti-Black Union attitude of the Group and its subsidiaries, but also that in the South African society trade unions are perceived as destructive organisations which should not be allowed to have any existence or expression. In a subsequent article, the Industrial Relations Manager of the subsidiary concerned, classified trade unions as pressure groups who attempt to organise "our labour force". (F 15).

Federated Chamber of Industries

In November 1975 the Executive Committee of the Union discussed the statement issued in May of that year by the Federated Chamber of Industries (FCI) on industrial peace and the question of Black unions. The statement called on employers to recognise responsible Black union leaders and urged employers not to place obstacles in the way of trade union development. The Executive Committee decided that the FCI be asked to clarify these encouraging statements, as it did not appear individual companies affiliated to the local chambers of industries understood what was meant by "not placing obstacles in the way of trade union development". A memorandum was sent to the association and a meeting held in February 1976 between FCI representatives and the Union Secretary, Advisor and President. (F15). The meeting ended up in a stalemate situation with considerable hostility directed at the union delegation.

The FCI was certainly not prepared to examine the statement or explore implications. Repeated attempts by the union delegation to seek clarity on the question of what "obstacles" were ignored. The FCI hastened to advise the Union three days later that, "the discussions were on an entirely informal basis and did not pretend to carry to you the official point of view of the FCI, that is to say, the discussions were entirely off the record". (F15).

This reaction raises the question as to why the FCI made its statement in the first place. Discussions with participant observers suggest that two forces were at work. Organised business had to respond to the impact of the 1973 Strikes, the continuation of it in 1974, the re-emergence of Black Trade Unions and the operation of workers' educational organisations. But by the time official statements were made and a position regarding Black unions taken, resistance to these implied changes asserted itself, bolstered by misconceptions regarding the actual purpose of Black trade unions and, in all probability, security police influence. Furthermore, FCI and similar organisations operate on the concensus principle and hence no commitment by

individual companies or affiliated Chambers could be made regarding details.

The Bantu Labour Relations Regulations Act (1973) makes provision for two types of committees. Employers' associations, particularly SEIFSA had made strong representations to the Minister of Labour for the inclusion of the liaison committee structure as against the works committee provided for in the 1953 legislation. The Act provided a choice between both committees, but employers decided on the liaision structure. The Premier Milling Group advised its subsidiary companies, in terms of a circular sent from the Chairman, that liaison committees should be established. The workers from Westons Biscuits, after attending general workers' seminars and courses, asked that a works committee be established. Management called in Department of Labour officials who said "they could not have a works committee since there was already a Liaision Committee in existence". However, this liaison committee consisted of management nominees only. Instead of presenting the workers with a choice, the Department of Labour officials "offered the men a choice of electing new representatives for a liaision committee or additional representatives to those already nominated".

Both proposals were turned down by an overwhelming majority of workers. Indeed, according to union information, not more than 19 workers out of a total of more than 300 were in favour of reconstructing the liaision committee, the rest all wanting a "Workers' Committee". (F16) Although the Department of Labour official, who had publicly claimed "he knew the Bantu" and was totally against Black trade unions was not used to workers resisting his advice, and made defamatory statements about individuals and organisations. The legal advisors wrote to him as follows in 1973 : "We act for the committee and staff of the Urban Training Project who have instructed us to write to you in connection with certain defamatory statements alleged to have been made by you at a meeting of the Black workers at Weston Biscuits on 16 and 17 October. Our clients are in possession of numerous statements from workers who attended that meeting from which it would appear that you told workers who attended that the people who issued the 'workers'-calendar' were 'out to fatten their own bank balances' ..... 'exploiting the Bantu' and you made certain other remarks which are apparently intended to convey that our clients are dishonest people who are hoping to make money out of advocating the establishment of Workers' Committees".

"Since the workers concerned seem to have treated these remarks with the contempt they deserve, no great harm seems to have been done on this occasion, but our clients have asked us to place on record that they will not hesitate to sue you for damages ....." (F16).

The role played by the Department of Labour Official demonstrates that employers and the Department co-operated in the establishment of Liaision Committees. As recorded above, the workers at that factory succeeeded in exercising their choice and a Workers' Committee was established. That the company retained contact with the Department of Labour became evident during the crisis of the dismissed 16 women because of the alleged drop in productivity. The company wrote to the Department and said : "This is the fourth time that we have had occasion to speak to these people - the first three instances in front of the Workers' Committee Chairman. We called all these people into the office and asked each one to accept seven days notice in writing and without exception all refused to do so. We confirm that your ruling is that these people have been given notice, and their service will terminate on 7 November". (F17)

This action on the part of the Company is indicative of management's inability to understand the necessity for forming an effective industrial relationship with their workers as a collectivity.

The Union's President and Chairman of Workers' Committee at Weston Biscuits - in reality a Union Committee - was called in for an interview on company premises in 1974 with a representative of the Security Police, a month after the Union was established. Subsequently he was visited at his house by the same representative. The questions ranged from how he was organising; what Urban Training Project was; information about the Union Executive Committee, and he was warned "not to lead the workers to go on strike". In December 1975, a month after the publicity following the dismissal of the 16 women and their re-instatement, two Security representatives called him in for an interview, again on company premises. "They wanted to know if I belonged to any political party. They asked what would be my feeling if the Russians took over the country. They asked me to be co-operative so that they can point out if somebody is a bad influence in the Union. They said there is nothing wrong if we as workers organise ourselves into Unions. They are searching for people who take advantage of such movements and spread Communism".

On 12 February 1976, the police from the East Rand Bantu Administration Board fetched him from his home and took him to the offices where he was charged for not having a residential permit. He was then taken to see two other officials. He suspected they were Security Police representatives and he told them so because of the nature of the questions asked, particularly those relating to his place of work and reference to the 16 night shift women. He was told "You are a trouble-maker. You are going to be sent back to the Transkei. There

are a lot of people who want to work. They are not working because of people like you. You trouble-makers must be sent to the Homelands". F 3)

The purpose of these visits from and questions by the Security Police were not stated. The actions were perceived to be intimidatory with the aim that the Union President would sever contact with the Union so that its presence in the Weston Company would die. The question raised was : what further moves would be made if resistance was shown against the intimidation and threats?

An analysis of these basic problems in being accepted, let alone recognised, will be made once the details regarding the other unions have been dealt with. However, it is evident that the re-emerged Black Unions faced a determined stand on the part of the State and its agencies as well as employers not to allow them to develop.

5.2 The Transport and Allied Workers Union

On 4 June 1972, more than 300 Black bus drivers employed by PUTCO, the Government-subsidised transport company, were arrested during a sit-in strike in Johannesburg in protest against a wage offer of 3%. The following day 40 drivers presented themselves at John Voster Square and asked to be locked up as well in demonstration of solidarity. The drivers were released after the week-end because their arrest stranded 120 000 Black commuters and threatened the economy. A charge was laid against them under the Riotous Assemblies Act for breaking a contract of employment which would deprive the public of its supply of transport.

The remarkable solidarity and determination of the drivers re-asserted itself. The Action Committee, formed when the initial wage demands were made, raised R7 000 amongst the drivers over a period of two nonths and immediately sought and obtained legal representation to defend those charged.

However, without explanation, the State withdrew the charges. PUTCO management, after initially calling the drivers' demands 'totally ridiculous, unreasonable and unjustified' did announce substantital increases. Starting wages for drivers were increased by 28% per week and long service drivers, ie in their seventh year, were granted increased of 42% per week. (Horrel, M., 1973, p 332).

The industrial action of the drivers had achieved success. On the advice of the legal representative, the Drivers' Action Committee

contacted the Urban Training Project for discussions as to how to form a union, and in February 1973 the Transport and Allied Workers' Union (TAWU) was established. The membership subscription included both a funeral as well as life coverage benefit. The other seven unions to be established within the next three years also offered funeral benefit coverage for the member and his dependents.

The establishment of the Union brought enquiries from other drivers in road passenger transport undertakings, including the Johannesburg Municipal Transport Department. Signed-up membership increased steadily from 216 in September 1973 to 1 180 in September 1975 when a new General Secretary was appointed, to 2 006 in September 1976. But the paid-up membership remained at only 400. By October 1977 the Union had signed up 2 200 members at 12 companies or depots, but paid membership remained at 384.

The hope of a strong membership growth at PUTCO depots was short-lived As is discussed below, the Company adopted intimidatory tactics against union membership and introduced at the same time human relations practices. Company committees were established at each depot and apparent concessions were made at meetings. Union membership declined.

The number of paid-up and signed-up members is dependent to a considerable extent on leadership and union activities. An organising drive started at African Bus Services in Pretoria late in 1975 and by September 1976, 326 workers out of a total of 385 employees had signed membership forms and 230 members were paid-up. This successful growth was primarily due to the Drivers' Committee formed before the Union was called in and because in 1976, with the help of the Union, a successful wage increase was negotiated. However, at the Vaal Transport Company, where leadership was victimised by management when the Union organising campaign started in 1973, only 80 out of the 345 signed-up members, were paid-up by September 1976.

Regarding the events in the latter part of 1976, the Union Secretary commented as follows : "The Soweto uprising did not influence union membership and the legal strike at Armour Plate Safety Glass, gave members courage about the role of the Union in the struggle of workers". However, the banning of the UTP officials and Union leaders, made a big impact on the union members because of mis-interpretation by management representatives who suggested that union members would also be banned. After several discussions with the union secretary to clarify the position, the "members were again encouraged". (T3)

The different shifts worked by drivers made it difficult for the Executive Committee members to find a suitable venue and time for meetings until it was decided in 1975 to use Sundays. During 1977, 15 meetings of the Union Executive were held and more than 80 members attended the Annual General Meeting. A District Council of the Union was opened in Pretoria in 1977. The 10 members of the Executive Committee in 1976 were drawn from six ethnic groups and similarly the 18 shop stewards were drawn from five ethnic groups. No ethnic group predominated in Union positions.

Shift work and the consequent long hours as well as week-end duty makes it difficult for transport workers to attend week-end workers' educational seminars. The Union arranged courses for its members in 1974. The attendance was 80. During 1975 two one-day seminars were run by the Union in collaboration with the Urban Training Project with a total attendance of 26 members from 7 companies on both occassions. Attendance at courses for that year was 41 and a course of four seminars was held for the Executive Committee. During 1976 the attendance at seminars increased to 30 and at courses to 50 (UTP 1, 2 3).

From the above information it can be concluded that the union was emerging as an organisation and workers were understanding the nature of unionism. Hence TAWU could with justification ask for union recognition at specific companies. The response by companies is described below.

PUTCO - Unions are third parties

The Drivers' Action Committee, subsequent to the significant wage increases granted by PUTCO, discussed in September 1972 with UTP the steps involved in establishing a Union. It was agreed that PUTCO management be informed of this decision, and a meeting was requested because of the substantial membership support. Contact had been established in the process of settling the wage dispute between members of the Committee, their legal representative and management. It was hoped to build on this relationship. The argument given at the meeting in October 1972 was that the Company had made a mistake in not listening to the rumbling discontent but that the lesson had certainly been learned. PUTCO's managment would bring about the necessary changes, without the assistance of outside interference. PUTCO management was adamant that no recognition of the Union would be given. The argument which would be used repeatedly in the years to come by other companies was introduced : The trade union is a third party to the employer-employee relationship.

The company had for years operated "disciplinary" committees and these would be changed to "staff representative" bodies. The question of wages would be discussed through a co-ordinating committee of representatives from all the depots.

The company had in the past operated "disciplinary" committees but with the Government's legislative amendments providing for joint management worker representative liaision committees, the name was changed immediately to advisory committees and two other functions namely 'appraisal of employees' performance' and 'conditions of service and public relations' were added.

Regarding staff discipline the constitution stated, "in cases of serious misconduct of an employee in the course of his duties the Committee will hear pertinent evidence, and the members will accordingly make recommendations or give their ratification to decisions concerning appropriate disciplinary action taken by the Chairman (Divisional Manager)".

This system caused resentment as the worker elected representatives were seen to perform a management function, namely to discipline workers. As Ashdown comments in his analysis of disciplinary procedures operating in England, only a small number of companies adopted joint participation procedures for administering discipline. Experience showed that, "in one significant respect the joint approach did appear to be inadequate : this was in the provision of recourse to appeal".

By concurring with management on the initital imposition of a penalty at the committee stage the (---) representatives were really in no position to take up the employees' case at an appeals hearing". (Ashdown, R T., 1972, p 37). As a strike showed, during the period subsequent to this study, the operation of the joint disciplinary procedure was one of the causes of the bitter hostility between PUTCO workers and the management.

The extent to which the company used the Liaision Committee to perform management functions and hence prevent it from operating as an independent worker body is evident from the wording of the second task, "It shall be competent for a Committee to call any employee to appear before it in order to advise him and place on record their recommendation of specially meritorious conduct or work performance by him. The committee system may also be used to give official and constructively critical appraisal of an employees' general conduct and work performance with a view to improving his productivity and realisation of his responsibility within the corporate community".

(T13) These functions clearly do not envisage the committee as a body through which worker interests can be promoted, but as an extension of management.

The vital role played by the bus passenger transport sector in the economy suggests that both the Department of Labour and Security Police advised management against giving any support to the idea of a Union. During the settlement of the wage dispute the Drivers' Action Committee was told to seek advice from Mr W Kogh, chairman of several Regional Committees set up in terms of the Bantu Labour (Settlement of Disputes) Act - the forerunner of the Black Labour Relations Regulations Act. Mr Kogh, who claimed he "knows the Bantu" said in an interview subsequently :

"To start with 'African' trade unions are not recognised by law. They are in a mess with several groups of people claiming to represent Black workers. I have known your trade unions from the time of Kadile (leader of the ICU in the 1920's), and I have never known a single one to work in the interests of Black workers". (Drum, 8 June, 1973).

On 21 November, 1972, the Action Committee was called before a director of PUTCO. The Chairman of the Committee stated afterwards that the director told them, "that the company would not permit the formation of a union and that the Board of PUTCO had decided to fire us unless we dropped all the idea of a union. He mentioned that the threat of dismissal also applied to some 40 other drivers and he knew who they were".(T1)

After advice from the legal representatives that such action by PUTCO would constitute a lock-out, a press statement was issued by the Drivers' Action Committee to bring the matter into the open. The Divisional Manager of the depot where the Committee had strong leadership support called them in, warned them about the press statement and explained the system of advisory committees which was being set up. He said that if the drivers had any problems the director should be contacted "who would decide what could be done". According to a further TAWU press statement the following then took place : "He then asked for an immediate decision as to whether those present intended to go with the Union. When they said they must first meet with the whole committee on Wednesday, he insisted that they must decide now since he had to report back to his management immediately. He then began to ask people one by one what their attitude was. Those present were scared of losing their jobs and confused, and some told him they were not proceeding".(TAWU Press statement, 24 November 1972; Rand Daily Mail 1 December 1972)

It is to the credit of the determination of the Drivers' Committee and the support from workers backed by the assurance of their rights from legal representatives, that these intimidatory threats did not, at that stage, deter them from trade unionism.

The Union was founded in February 1973. Management not only refused to recognise it but actively promoted the work place committee system. This approach was supported by the amendments to the 1973 Bantu Labour Relations Regulations Act in July 1973. When, early in 1974 inflationary pressures again resulted in wage demands the Central Staff Representative Committee was used to consider the matter. This body consists of representatives from seven depots, including Durban, who were flown up for the meeting, and were scheduled to meet every two months with management representatives. A special meeting was convened in April 1974 to discuss the request for wage increases. The following extract is from the Minutes of that Meeting :

"The Chairman opened the meeting by saying that the request for higher wages had been presented in the correct and constitutional channel through the staff representatives, and that Management was sensitive to the cost of living factors underlying their request. He pointed out that there were numerous other escalating cost items (eg fuel, spares, etc) which the Corporation also had to meet, and he asked all representatives therefore to be rational and practical in presentation of their case. Management in no way wished to dictate terms and was indeed agreeable to adjusting wages within reasonable limits. Members were invited to be completely free to put forward their views and discussion should be open to all around the table without fear of pressure or embarrassment".

Discussion ensued on the question of seniority rights and then the question of wages was discussed :

"After lengthy and calm discussion in which all staff representatives fully participated in voicing their proposals on sound and constructive lines (having also the opportunity to meet together privately during the lunch hour) the proposed rates of wage increases for drivers were accepted by the Chairman on behalf of the Management.

"In regard to increases for other categories of staff no discussion was held in detail concerning each separate grade, but delegates agreed to the principle that Management should grant increases to the other grades on a similar but pro-rata basis as that applicable to drivers.

"Date of implementation on the first part of the negotiated agreement was promised for not later than pay-week commencing 15 May, but this

date would be brought forward if the conversion programme could be written and administered earlier by the computer department.

"Each delegate personally stated his acceptance and satisfaction with the agreement as negotiated on behalf of his fellow-workers, many adding that the co-operative spirit and atmosphere of the meeting was a big step forward in PUTCO's labour relations and that the outcome afforded them a strong basis on which to motivate their colleagues to better job performance and productivity".(T2).

The Minute reflects specific values built into this structure of worker representation. It is not clear why the format of the minutes should be used to reflect certain descriptions and interpretations of what happened, rather than actual record statements made or decisions taken. It could be that the ghost of trade unionism was perceived to be present in the background and hence the need to answer its challenge.

The last paragraph denies the importance of the intra-organisational sub-process of collective bargaining and stresses the requirement of productivity, an understandable management concern. But without specific details as to how drivers can increase productivity it remains an admonishment, and it is naive to assume worker representatives are in a position to do anything about it. The pro-rata principle regarding increases is not acceptable to Black trade unions. Their evidence to Wage Board hearings and Industrial Council negotiations require that lower paid workers should receive higher increases than the others. The reference to the "lengthy and calm discussions" and suggestion of "constructive lines" and emphasis on the "co-operative spirit" reflect the emphasis on integrative bargaining and joint-problem solving processes.

Why was it necessary for the Chairman to refer to the participation of committee members "without fear or pressure or embarrassment"? Probably the company was aware that the exercise was mere 'shadow boxing' in that management had already decided on the rates it would pay.

The reference to "rational and practical" presentation certainly suggests that only a management perspective was being considered. A trade union can not justify its existence if it can only achieve increases to make up for the cost of living. More important, if the union does represent the wishes of its members it, by definition, can not be rational and practical in management terms. In addition to these attempts to graft onto human relations activities the basic labour relations function of collective bargaining, as well as

intimidation of those warning union expressions, PUTCO published a staff newsletter containing information about the activities of liaision committees and events affecting the staff. The move of Boksburg depot to new premises was described explaining that "table tennis, a favourite with the drivers, can now be played in the spacious relaxation room" (PUTCO News Vol 1, No 1)

PUTCO's approach falls within the development of the human relations component of the industrial relationship. The functions of the committee system such as administering discipline and job appraisal performance require it to carry out management and personnel management activities. As a consequence the manifestation of the labour relations component could be prevented. A successful tactic considering the weak organisational base of the Union at that time.

The adoption by the company of the human relations approach and its justification for refusing to consider unionism is reflected in the letter sent to the joint Labour-Management Institute for Industrial Relations in 1977 : "It appears that your Institute will provide a valuable service for organisations where the employees are clearly dichotomised into groups of "Management" and "Labour". Likewise we feel that had your Institute existed some 20 or 30 years ago it would probably have been right for this company to have applied for membership.

At the present time however, we have decided not to apply for membership because our position differs from yours on a matter of principle. You state that "one must acknowledge the existence of two parties - that of Labour and that of Management". We do not acknowledge the existence of two parties because for some years now we have had no need to. We have become an integrated unitary organisation with no distinction between "Management" and "Labour". So we see it as inappropriate for us to move backward from what we regard as a healthy situation of united purpose and teamwork to a standpoint of artificially acknowledging a two-party division which no longer exists within this company". (Letter dated 25 June, 1977)

The two-pronged approach of intimidation of union leaders and developing an alternative management controlled system was subsequently adopted in various forms by other companies. Employers were determined to deny the need for a trade union presence in their place of work. To counter this emergence of the labour relations component of the industrial relationship, they set out to promote company-based committees.

Vaal Transport Company - Countering the Union influence

During May 1973 the drivers of Vaal Transport Company tried to establish a works committee with the assistance of the Union in opposition to the liaision committee the Company wanted to impose. Management dismissed one of the union leaders. A charge of victimisation in terms of the Bantu Labour Relations Regulations Act was brought against the Company with the assistance of TAWU. Settlement was reached out of court and the union member was re-instated. However, no effective relationship pattern between management and the Union was established. The incident appeared to reinforce management's determination to keep the Union out. The following tactics were used :

- Establishment of a funeral and pension scheme to counter this benefit offered by the Union;
- Harrassment of Union members. For example, conductors were instantly dismissed for any mistake in cash;
- During 1976 when renewed interest was being shown in the union, the personnel manager threatened members of the union;
- A Black personnel manager was appointed in 1976;
- An incident occurred in 1976 which reinforced the fear of contact, if not collaboration, between management and security police. During 1976 when negotiations between the works committee, which consisted of union members, and management reached deadlock, the secretary of the works committee was arrested and detained for three days. When he was released without charge he refused to talk about his detention but resigned from the works commmittee.

These tactics probably explained why, although signed up membership was 345 in September 1976, out of a labour force of over 500, paid-up membership remained at 80. According to the Union's assessment, the following achievements could be named as a consequence of the Union's presence in the company :

- Establishment of a works committee instead of a liaision committee;
- Improvements in wage scales;
- A form of disciplinary procedure;
- Improvement in certain working conditions;
- Successful request to management that drivers having to appear in court cases which involved faulty vehicles be represented by a company lawyer.

The Union did not request the company to give formal recognition in terms of a written agreement. When over 40% of the workers had taken out membership, an application for stop order facilities was turned down by the Company. (T4)

The Union remained dormant within the company as a result of a combination of factors, in particular : fear of victimisation; management's attempts to counter the union influence and lack of forceful leadership amongst the union members.

African Bus Service - The liaison committee to counter the Union influence.

African Bus Services, a subsidiary of the British Group, United Transport Holdings, which also operates in other African countries, ran a passenger service for Black commuters in Pretoria. The South African Chairman stated in 1975 that he had concluded negotiations in those countries with Black leaders and would be prepared to do so in South Afria if majority membership was obtained.

The Union was approached for assistance by an exisiting, forceful and independent committee of drivers from African Bus Service (ABS) during July 1975. This Drivers' Committee had been established in 1971, was registered as a works committee in 1974, and experienced the need for advice and support from a broader-based organisation. After due consideration of what TAWU stood for, the committee recommended to the drivers at one of the regular meetings, that membership with the Union be taken. In effect, the drivers had established what could be regarded as a work-place branch of a union. By September 1976 the signed-up membership was 325 and the paid-up membership 230. This remarkable growth was due to the strong solidarity forged before the Union, as an organisational expression, became known. The committee was not satisfied with this 71% support, but awkward shift hours prevented regular contact between the now elected shop stewards and members. During the first year of the Union's presence in the depot the Drivers' Committee assessed that the following achievements could be recorded for the works committee :

- Higher wage increases than Management was prepared to agree to;
- Improvements in the driver/conductor allowance;
- Allocation of more convenient shifts for long service workers;
- Change in attitude of management. An indication of respect for the Committee was the recording in the Minutes of the designation Mr and the initial of members which had not been included in

1975. A more relevant indication was acceptance of the practice by the shop steward to collect Union subscriptions.

The Drivers' Committee in fact performed a 'watchdog' role to ensure effective performance of works' committee representatives. Full report back was ensured, not only by requiring accounts of committee proceedings from representatives at meetings of all drivers but by making drivers sign a register to show attendance report back meetings. Non-attendance meant that if the person concerned had problems he found they would not be dealt with.

The practice of referring matters back to the drivers was not welcomed by management. At a meeting held on 5 April, 1976, the management representative said that "this constant reference back of details was unnecessary and the committee must be given the power to negotiate". (T5). It appeared that management did not want the committee to find a power base amongst members of general meetings, ie the institutionalisation of the intra-organisational sub-process was resented. Management reacted strongly against the development of the union presence in the company and adopted the following tactics :

- Direct threats of dismissal were made by the Assistant General Manager against Union members. He tried hard to discourage members of the Works Committee from belonging to the Union by telling them it was an illegal body;
- The members of the Works Committee were sent for a training course run by the National Development and Management Foundation which emphasised problem solving instead of conflict handling;
- The workers were told that the General Secretary had used their monies for an overseas trip; this in fact was sponsored by the International Transport Workers Federation;
- Management claimed its funeral benefit scheme was better than the Union's.
- Other managers claimed the Company could not recognise the Union because the Government did not accept Black unions.
- The Chairman and another leading member of the Works Committee were promoted to inspectors to remove them from the Drivers' Committee, and were told to resign from the Union by the Assistant General Manager.
- A warning was issued to the shop steward not to collect Union subscriptions within the company's premises.

Subsequent to the Drivers' Committee at ABS recommending membership of the Union it was agreed that the Union should formally ask for permission to enter the premises. This was done in September 1975.

The company refused. (T6). However, management did not take action when the Union Secretary continued entering the premises, possibly because of the attitude of the Holding Company. The Works Committee, in February 1976, requested the Union to send proposals for new wage increases and disciplinary procedure to Management. The Company ignored this Union letter sent by registered post. Management however immediately started discussions about new wage rates at a formal meeting with the Works Committee. The Committee refused to accept the wage offer which fell short of demands made through the Union. Management tried to get two members of the Committee to sign that agreement. They refused and the Union wrote the Head Office of the Holding Company objecting to this tactic. The Committee was addressed by Department of Labour officials during April and urged to sign the wage agreement prepared by the Company, but they maintained their stand. (T7).

The Works Committee formally asked the Company to make deductions for the funeral benefit scheme of TAWU. Management reacted by warning the shop steward about collecting membership subscriptions. When the Union took this up with the Chairman of the Holding Company, local management apologised for taking a stand against the shop steward, withdrew the warning and indicated the matter of the stop order would be investigated. (T7).

Paid-up membership strength grew from 180 in March 1976 to 350 (or 75%) in September 1976. On the strength of this membership support and the determined and competent leadership, membership meetings were held to decide on the timing of submitting the Union recognition request and the content of the proposed recognition agreement. In October 1976 a formal request was forwarded to the Company by the Union asking for recognition of the Transport and Allied Workers' Union in terms of a proposed agreement. The following clauses were included in the proposed agreement :

- Recognition;
- Willingness in the future to negotiate a wage agreement;
- Union access to the employer's establishment;
- Shop steward recognition;
- Grievance procedure to be mutually agreed upon;
- Paid educational leave;
- Stop orders;
- Victimisation protection; and
- Long service recognition. (T8).

The Union was advised by letter in November 1976, as follows :

"Thank you for your letter of October 15, requesting formal recognition of your Union by African Bus Service. The Board of this Company has given your request careful consideration, and has asked me to advise you that this Company has, through the Works Committee, been able to build up a sound and healthy labour relationship with all its staff beause of such direct communication between management and staff. The Board, and indeed all the staff, are of the opinion that a highly satisfactory level of trust and co-operation has been established. This has been made possible through the frequent meetings of employer and employees. A new Works Committee was recently elected into office for the ensuing year in which a high percentage poll was recorded and it is therefore evident that the staff have confidence and trust in this system as an effective means of communication. It is the belief of the Board that the present channels of communication between management and staff are eminently suitable and should not now be changed". (T9)

The letter deliberately defined the operation of the plant-based committee system and the trade union as mutually exclusive and regarded the essence of management to worker interaction as a matter of communication. The assumption of "confidence and trust" ignored the reality of 75% paid-up membership with the Union and the fact that the works committee was in fact a union committee.

The intention of management was to establish a co-ordinating works committee as an alternative to union recognition. This proposed committee would consist of two representatives from three departments, namely :

- supervisors and clerks - two representatives
- engineering department - two representatives
- drivers - two representatives

This formulation of parity representation would effectively reduce the influence of the drivers who were the strength of the Union and who formed the greater majority of the labour force. The Company sent the above reply in November 1976, the month in which three UTP officials were banned. The fear and confusion caused by this event combined with the ban of any gathering in terms of the Riotous Assemblies Act, made it impossible for the Union and its members to demonstrate the power of its 75% membership base amongst the drivers. It was decided by the union controlled works committee that at the next meeting with management, it would press for Union recognition. The reply given at a meeting held in March 1977 was that the matter would be discussed at the first meeting of the newly established co-ordinating committee. This meeting was held in July 1977 and the minutes record under the

item "Trade Union" states that the drivers' committee asked that the TAWU be recognised as the trade union of the employees because of the 75% membership support. The minutes further state :

"The Chairman informed the Committee that no restrictions had been placed on employees from joining a trade union, but the Company should not be expected to take any further action as adequate and suitable communication machinery existed between management and employees.

It was inferred by Committee members that the works committees were not fully satisfactory and certain complaints raised against the operation of these Committees, were found and agreed by the Committee to be without foundation.

The Chairman again stressed that the effectiveness of these Committees depended on the members themselves, and there should be no hesitation in discussing any item at works committee level.

With the introduction of the Co-ordinating Works Committee members would have further access to Management and this should be the final link in a worker/management total communication relationship. The Committee expressed its satisfaction of the the Co-ordinating Committee as it had been pressed for over the past years.

These views were accepted by the Committee" (T10).

As indicated, only two of the six Co-ordinating Committee members are from the "Drivers' Works Committee, yet they represent two thirds of the work force. But their representative strength was effectively diluted by the bringing in of pro-management supervisory and clerical representatives. The Chairman claimed that "adequate and suitable communication existed between management and employees". He ignored the fact that 75% of the drivers had committed themselves to Union membership and had submitted a demand for union recognition.

Role of Department of Labour and Security Police

Union members from the majority of companies reported on events suggesting close co-operation between companies and the Department of Labour. There was no doubt amongst Union leadership that these two parties were working together to exclude and out-manoeuvre Black unionism. The Union prepared a memorandum for the investigation by the Wage Board into the Road Passenger Transportation Trade and attended the oral hearings in February 1976. The Chairman of the Wage Board said to the General Secretary that unless he gave the name of one individual driver on whose behalf he was employed to speak, he could

not make representation. In his report to his Executive Committee, the General Secretary stated :

"I had not been authorised to give any names of individual drivers. To do so would endanger them to victimisation either by the employers present or possibly the authorities. To only make representation on behalf of one person is to deny the collective nature of the Union. Furthermore the registered Union did not have to submit individual names" (T11)

The Chairman of the Wage Board did allow a committee representative to state his case. In his report the General Secretary observed :

- "This commitee representative is a Black who is employed by a bus company (PUTCO) as assistant to the personnel department.
- He asked for a minimum wage of R40,00 per week while his company already paid R44,60 per week. (The Union had asked for R70,00 per week in its memorandum with supporting evidence).
- He could not explain the difference between a driver and a driver/conductor when asked by the Chairman and hence would not make the point that a driver/conductor has more responsibility than the driver". (T11)

In a subsequent interview the Chairman of the Wage Board was asked if a Black trade union would be permitted to make representation if he presented a membership list. The Chairman said that as the Union is not registered, permission would be refused. (T12). This standpoint represented a change in Department of Labour policy. Up to 1975 the Chairman was instructed by the Minister of Labour to hear evidence from interested members of the public but since that year the Chairman has been given discretion as to who can make representations.

Continual interest from the Police and Security Police was shown in the Union's activities particularly when drivers employed by Bophuthatswana Transport (Pty) Ltd became members. This bus transport company operated subsidiaries in Brits, Mabopane and Erasmus and was administered by Bantu Investment Corporation until independance of Bophuthatswana was brought about. Drivers from African Bus Service employed by Bophuthatswana Transport asked the Union to help organise them in 1975. Within a few months 140 members at the Mabopane depot had joined. The persistent questions put to the General Secretary by the Police during his organising activities and the argument put forward by Bantu Investment Corporation suggested that formal recognition would definitely be refused. However, in response to the immediate interest by the drivers and other employees as in the TAWU the company hastily established committees at the depots.

In 1975 the employees at Afrian Bus Services in Pretoria were required to sign a document of conditions of employment which contained the clause :

"I acknowledge that a copy of Section 14 (1) (a) of the Riotous Assemblies Act (1956) has been given to me and that I am aware of the contents of this section".

As Matthews concludes :

"the combination of employment and security offences (under this Act) is revealing as it constitutes a statutory recognition of the historical connection in our society between labour restrictions and security threats". (Matthews, A., 1973, p 191)

Section 14 of the Act provides that the breaking of contracts is a criminal offence if it deprives members of the community of a service - in this case transport - or endangers human life.

In view of the developments described above, the persistent emergence of Union support and the attitudes of the authorities, it is perhaps not surprising that in January 1978 the Minister of Transport, "notified PUTCO and ABS that he had decided to withdraw ABS's public transport certificate and transfer them to PUTCO from March" (Rand Daily Mail, 29 January 1978).

The rationalisation of the transport system had been the subject of an enquiry when the respective companies offered to buy each other out. PUTCO operated only 150 buses in Pretoria itself while ABS operated 380 buses in and outside Pretoria. Could it be the fear of a strong trade union in the bus passenger transport sector was a determining factor in the Government's decision?

5.3 The Engineering and Allied Workers Union of S A

As described in the previous section, TUCSA changed its constitution in 1962 to allow unregistered and hence Black trade unions to affiliate and subsequently set up the African Affairs Department to assist the development of unions. But of the four trade unions established only the Engineering and Allied Workers Union survived. The other three and a number of Black unions established by registered unions at that time, failed to become vaiable for a number of reasons: -

- the collapse of insurance companies in the early 1960s which catered for the black market created lack of confidence amongst workers for organisations which asked for contributions;

- trade union leadership, because of banning of SACTU leaders in The early 1960 decade, was seen as a hazardous occupation;
- registered trade unions did not assist these nascent Black unions;
- financial support given by TUCSA was withdrawn in 1966;
- TUCSA changed its constitution in 1969 to exclude unregistered unions from affiliation. As a result there were no organisation actively doing something about the idea that South Africa society should accept the value of trade union rights for Black workers.
- registered trade unions developed benefit type of organisations for Black workers which did not bring forth independent union leadership amongst Black workers.

In reviewing events, the General Secretary of the Engineering and Allied Workers Union described the period 1966 to 1969 as growing isolation, up to 1972 as a fight for survival and from 1973 as the period when commitment from workers to independent trade unionism emerged. Paid-up membership increased from 400 in 1972 to over 3000 in 1975 while signed-up membership reached 9000 in that year. This considerable membership growth was facilitated by successful legal actions against a number of companies for victimisation of union members and considerable workers' educational activities. A boost in morale was experienced when the Union became an affiliate of the International Metalworkers Federation in 1971 and received financial assistance to purchase a scooter. (Hlongwane, J., in Coetzee, 1976, p. 205-215.

The renewed organisational campaign of the Union faced the immediate challenge of anti-Black union attitudes of managers, reinforced by the determined stand of the employers association. In July 1973 the Steel and Engineering Federation of SA (SEIFSA) advised its members neither to grant Black unions access to company premises for recruitment purposes, nor to grant them stop order facilities, and to estalish liaison committees instead of works committees (Douwes Dekker, L., 1973)

The decision by the employers association of engineering and metal companies to establish liaison committees and hence deny the choice in the Act, resulted in three legal actions instituted by workers, assisted by the Union and UTP, against companies for alleged victimisation when those workers involved in the campaign to establish a works committee were dismissed. The successful settlement of these cases and reinstatement of the workers boosted union membership and the first branch of the Union was inaugurated in 1975. However, the enthusiasm for trade unionism waned when it became apparent that management persisted if not intensified its anti-union stance. The

difficulty of maintaining membership resulted in a drop in paid membership to 2000 by November 1976. The Union could not ensure an effective service witout the recognition agreement.

The fact that the Union was already establised by 1973 and employed more staff than other Black unions explains its membership growth and why its members participated in greater numbers in educational activities. The number of participants in seminars and courses run by UTP for the three year period including 1976 were as follows (UTP 2,3, and 4):

	1974	1975	1976
Seminars	36	129	149
Courses	222	269	221

The Union continued to receive support from the International Metal Workers Federation and was a founder member of the South African regional committee of that body in 1974. In 1975 contact was established between the Union and the registered S A Electrical Workers Association whose General Secretary was guest speaker at a week-end seminar. The Union was a founder member of the Institute for Industrial Relations and its General Secretary was elected onto the Executive Committee.

The Union also established contact with the Industrial Council for the Iron, Steel and Metallurgical Industry. In the late 1960's that Council refused to deal with matters brought to its attention by the Union. But the contract between the Black Union and the registered S A Electrical Workers Union brought about a change and complaints were attended to from 1975 onwards.

The Union submitted to the Inudstrial Council a memorandum when the 1976 negotiations for a new agreement were started. The main recommendation was that the wage differential between skilled and unskilled workers should be closed. The Union pointed out that the lowest wage was 22,5% of the highest wage and recommended increases so that the gap be reduced to 50% of the highest wage. This, in actual fact, required an increase in wage rate of lowest paid job category from 0,49c per hour to 0,95c per hour(E 8). The Union's memorandum was basically ignored by the negotiating parties.

With the increase in membership, changes in the Executive Committee were brought about during the 1974 and 1975 Annual General Meetings. As with other Black Unions, ethnicity did not play a part. The 14 members of the Executive Committee in 1975 were drawn from 6 ethic

groups, similarly the 40 shop stewards were drawn from 7 ethic groups, and no ethnic group predominated.

The following description of events when the Union atempted to gain acceptance of its right to have membership, and recognition at its existence reveal the hostility shown towards Black unionism.

Raleigh Cycles (SA) Ltd

The dispute between union members and Raleigh Cycles in July 1973 is discussed in detail because it was the first of six cases where companies were charged with victimisation of workers involved in the establishment of a committee in terms of the Black Labour Relations Act. It should be noted that the Union itself had no legal standing to bring a case on behalf of members against the company. Furthermore, the affidavits from 16 workers used in the Supreme Court action contain first hand information on the coercive employment practices used by that company and determination to prevent the manifestation of the labour relations component of industrial relations.

The theme of the second UTP workers calendar published in 1972, dealt with the concept of a workers committee, ie a committee of workers rather than a committee of the "works" or the factory. The calendar was used in organising activities and for educational programmes. The calendar consists of 12 pictures with appropriate comment in English, Zulu and Sotho. (UTP. 5)

The theme of an independent workers body became even more appropriate when the amendments to the Bantu Labour (Settlement of Disputes) Act were enacted in July 1973 and provided for the establishment of either a works or a liaison committee in the place of work.

The 15 000 copies of the 1973 Workers' Calendar were widely distributed at general workers seminars and by bodies such as the Young Christian Workers. One of the workers from Raleigh Cycles in Springs brought copies to the Company "because there were many things the workers were unhappy with in the factory". A meeting, in the canteen, convened on 2 July 1975, was attened by 30 workers. Unanimous support was given to the idea of forming a workers committee as the Company's Induna system of supervisors control suppressed grievances. One of the dismissed workers subsequently stated in the sworn affidavit which formed part of the Supreme Court documentation:-

"9. Raleigh Cycles needs a works committee because they have a Chief Induna with no sound academic background but highly paid to make everyone work for a poor wage."

10. Under him are department Indunas. They are just rubber stamps, forced by their chief to swallow and let the workers swallow anything the White man gives.
11. The wages are very poor.
12. People are sacked at random without reasons.
13. People are foced to work overtime.
14. Men and women complain of a filthy canteen and toilets.
15. People are sometimes assaulted by Whites and nothing is done. I have seen this myself on one occasion.
16. They have no value for education. Education is no advantage wage wise.
17. In winter its too cold in the factory and in summer too hot. (note: because of furnaces).
18. There is no personnel officer for nearly 1000 workers" (E1).

Complaints listed by other workers in addition to the above were :

- We asked for uniforms and got no reply.
- There is favouritism - for the same jobs we don't get equal pay.
- Our department Induna keeps on threatening to fire all those who like to speak English because they think they know too much.
- Transport between Kwa Thema (the township) and Raleigh is bad. When we ask to do something about it we are told transport matters did not feature in the agreement the day we were engaged.
- Some people who had accidents in the factory were discharged for no good reason when they came back from hospital. This makes me feel very insecure, because I got sick in 1969 - the cause being the acid I worked with in the Pickling Department.
- In our (Plating) department we always use acids but the Company does not provide us with protective covers. On many occasions the acids damaged my clothing but I never reported this to Manage ment because I am scared of them. My fears arise from the fact that I have heard that the Chief Induna can easily dismiss a person.
- People are paid the same irrespective of ability and efficiency and education. I was trained as a general mechanic at Vocational School but they don't recognise that.
- Sometime early this year I was assaulted by my foreman because the previous day, when we were told to work overtime, I just left. The following morning he called about six of us to his office. Four were fired and one other man and I were left. He asked me why I didn't work overtime. I said I went to see a doctor because I was not feeling well. Then he took a brake cable and hit me twice on the buttocks, saying that this was my last warning". (E1)

It was agreed at this initial gathering of workers in the canteen, that a further meeting be held. But in July, two of these workers, including the one who introduced the Calendar in the first place, were summarily dismissed, allegedly because of reduction of staff. However, they were escorted off the company premises by the police guard who said he had to walk with them because they were 'politicians'. The Unemployment Insurance Card recorded the reasons for leaving employment as "resignation".
The attitude of the Chief Induna and his insecurity felt by the talk of a workers committee are reflected in the following incident, described in one of the statements made, of a conversation overheard in the toilets:

"The Chief Induna, during the conversation, asked why "X" (another Induna) was not telling him that some girls were holding political meetings in the factory. "X" answered that he saw these meetings but did not know what they were about. If he knew he would have informed him that the girls were planning to cause trouble in the factory. Each time he asked about these meetings, he was told they were talking about women affairs. The Induna continued and asked what the others are saying now that the two have been fired for the calendars they had. "X" replied that they were all frightened. Laughing, the Induna said "they don't know me well, these girls". He said in the Maconochie factory girls earn about R5 per week, but they don't bring such calendars and hold political meetings. In reply, "X" said "Those two girls think because they are educated they know a lot". They both laughed. Then I appeared and everything stopped". (E1)

The Monday following on the 16th July, 1973, two more women workers were fired, in the one case with the explanation "because of the calendars" and in the other "for having brought a calendar and having refused to sleep with the Chief Induna". This was apparently a privilege the Chief Induna required from certain women if they wanted jobs or wage increments.

The dismissed workers came to UTP for advice. Legal assistance was immediately obtained. Other workers still employed by the Company, concerned that they would also be dismissed, formed a Workers Action Committee. Section 24 (1) (c) of the newly enacted Bantu Labour Relations Regulations Act protects workers involved in committee activities as well as its formation, against victimisation.

On the 24th July, 1973 the Company was requested by the Action Committee and the dismissed workers, through the attorneys to :

- re-instate the four ladies, pay back pay and award damages.
- take the necessary steps to establish a works committee
- undertake to refrain from further victimisation of employees.

The Company was also advised that failing to reply by the following afternoon an application would be made to the Supreme Court for an interdict to protect other employees. The Company through its attorneys denied the allegations, and advised that on the following day a meeting was being held with the Department of Labour to discuss the formation of a committee. (E1)

The attorneys acting on the instructions of the Action Committee, applied to the Supreme Court for protection and advised the Department of Labour accordingly. The evening before the Supreme Court hearing, Raleigh Cycles requested a settlement with the Workers Action Committee. Settlement was reached and included: re-instatement of the four women; payment of wages lost to them; payment of legal costs of R1 500 and agreement to establish a works committee (UTP 4). The Company, probably advised by the Department of Labour and SEIFSA, resisted the formation of a works committee in favour of the employer controlled liaison committee. The Workers Action Committee insisted on a Works Committee and the Department of Labour conducted a referendum. The overwhelming majority, 772 votes out of 800, demanded a works committee (Douwes Dekker, L., 1975).

The information contained in the affidavits and statements demonstrates that employment practices of the company could not be regarded as paternalistic but were in fact coercive. Even if certain more positive information about the company's employment practices is not reflected in this documentation, the use of the Induna system as a means of control exemplified the coercive mode.

This incident also revealed how the first sign of independent worker action - manifestation of the labour relations component was percevied as a threat to managerial power. When, through legal action, the victimisation was challenged, management tried to counter this move through establishment of a liaison committee - preferred because it was management controlled.

Van Leer S A (Pty) Ltd

Management - employee relations at the company Van Leer, also situated at Springs, were based on a more rational and developed approach than that of Raleigh Cycles. In 1966, the Holding Company issued an "African Personnel Policy" statement. This policy document is an example of the human relations approach to industrial relations in that there was a move away from coercion to paternalism. Reasons for dismissal are laid down to prevent arbitrary action but without an equitable disciplinary procedure. The suggested "factory councils" were to be used by management as an advisory body and a "medium of

communication on matters affecting our African employees". The Induna, to be referred to as a line leader, was required, inter alia, to "keep his supervisor informed of any difficulties, complaints or requests from men on his line". (E5) According to reports by union members, the Induna system was not emphasised and did not create the antagonism which developed at Raleigh Cycles.

The formulation of this policy put in practice through the personnel department, in part explained why management, when confronted by the union presence, did not resort to extreme actions. But the Company also refused to recognise the Engineering and Allied Workers Union. The Company's policy did not include acceptance of the emergence of labour relations.

Worker leaders from Van Leer attended a number of UTP general seminars in 1973 and became members of the Union. The Company registered its factory council as a liaison committee without consulting the workers. The union members were dissatisfied with this structure but management rejected requests for a works committee. One of the Union members involved in this request, who had worked for the company for 19 years, was dismissed in January 1974. The worker concerned was told there were complaints against him but no details were furnished. The Union's letter to the company, requesting that the summary dismissal be reconsidered, was ignored. The Union, with UTP, arranged for legal assistance and an action was instituted for a Supreme Court hearing to get him reinstated on grounds of victimisation because of his involvement in the campaign to have the liaison committee changed in a works committee. The Company immediately indicated that it was prepared to settle and offered R1 000 compensation or alternative reinstatement, back pay in full and considerable contribution to the legal costs. The workers decided on the latter alternative (UTP2). As a result of this successful action, union membership increased from 80 to nearly 350 out of the total Black labour force of 1000, within a year.

At the Annual General Meeting of the Factory Council in March 1974, all workers voted in favour of a works committee. This 100% mandate for a works committee was conveyed to the management at the first meeting of the new liaison committee. Management accepted that the Department of Labour be advised that the liaison committee had fallen into disuse and that arrangements for elections for a works committee be made. (E2)

At the 1974 Annual General Meeting of the Engineering and Allied Workers Union, two union members from Van Leer were elected on to the Executive Committee. Because of the strong membership support at Van Leer, it was decided to use the Works Committee, which was a union committee, to press inter alia for Union recognition. With the assistance of UTP a proposal document with 12 items was drawn up and given

to management in April 1975. The items and the response from the company were:

1. Wage increases - the Company replied that wage negotiations were the responsibility of the industrial council.
2. Time-off for Committee Chairman. It was agreed the Committee Chairman be given half a day, instead of the requested 2 days, per week to attend to committee matters.
3. The company refused to make stop order deductions for the Union funeral scheme.
4. The increase in sick leave to 20 days annually at 100% of earnings was refused and no counter proposal was made.
5. The Company agreed to investigate the establishment of a problem solving procedure.
6. The request that two Works Committee representatives be appointed to the Van Leer Pension Scheme was refused.
7. The company refused to recognise the Engineering Workers Union nor grant its officials access onto the premises.
8. The increase in overtime pay from one-and-a-third to one-and-a-half times the hourly rate was refused.
9. The request that the Committee be given a report on the possible occupational health hazard facing workers employed as spray painters was refused.
10. The request for information on labour statistics, labour turnover, absenteeism etc., was not attended to.
11. The issuing of a written personnel or labour policy was felt not necessary, but the matter was left open (E6).

Negotiations are a matter of compromise and the Union committee had accepted a number of items would not be acceded to when the proposals were drawn up. But it is evident from the outcome of the above that the company ignored the fact that its labour force was more than 50% unions, and there was no bargaining; the union committee could exert no influence on the company's refusal to bargain in good faith.

The evasive tactics adopted by the company regarding Black union recognition was further demonstrated in the reply given by the parent company to the Church Council of Amstelveer, the town in the Netherlands in which this multi-national has its headquarters. The question asked what the policy of the South African company was regarding, in particular, Black trade unions. The reply stated, "The company is prepared to recognise trade unions provided they comply with the following requirements :-

(i) That they are registered
(ii) That they operate on a national, not regional level
(iii) That their jurisdiction covers the industry of that

company

(iv) That they are representative for the respective categories of workers who qualify for trade union membership.

(v) That they are bona fide.

Discussion and analysis of requirements of this nature and what companies have formulated, particularly during 1975 to 1977 is included in a later chapter. Suffice to observe that the first requirement immediately allows the company to evade its responsibility of formulating a policy towards Black trade union because it could not be registered and that the second requirement ignored the process of union recognition and certification as a bargaining unit for individual plants which was part of IR practices in other countries. The requirement of national operation was impossible. In 1975 and 1976 the company revised its personnel policy.

In a document entitled "employee relationship" issued because 'the relationship between the employees of the Company are a most important aspect of the work situation'. A grievance or complaints procedure was laid down and the basis of disciplinary action clarified. The 1966 "African personnel policy" made no mention of "complaints procedure", but now an employee who could not obtain satisfaction for his complaint from his supervisor or line management, was entitled to refer it to the Personnel Department. Only failing settlement by this department could the worker ask the Works Committee to "discuss the matter on the employee's behalf with management" (E3).

The 1976 "disciplinary action" statement was an elaboration of the 1966 "dismissal" statement in that a formal disciplinary code with a warning system was introduced. A siognificant addition was dismissal for "subversive or active agitation" reflecting the fear of management that this was a new reality South African employers had to contend with. The works committee had no standing in disciplinary action, except in a case where the offence was a "break of rules and procedures not provided for in the code". The employee would therefore not be assisted by his representative in order to reply to an alleged offence nor have help in pleading for mitigating circumstances. The formal "warning" form required the employee's signature to indicate the matter was "acknowledged by him". However, what was "acknowledged" is not clear : was it the warning or had he accepted that he committed the alleged offence?

The 1976 retrenchment policy was an elaboration of the previous stated principle of "last in, first out". Employees with five years or less service were amongst the first to be considered, but according to

"individual performance". The compensation for retrenchment - if it can be referred to as that - was one week's notice and option to remain on the medical aid scheme for three months. But even employees with five years service or more who could be retenched if necessary, were given no assurance of a definite compensation as it would be "decided upon by Management". Such provisions did not compare with those contained in the long service clause of the proposed recognition agreement formulated by the Black Union. (E4)

The company was either not aware or refused to consider the seniority principle which unions require in such policies. The document demonstrated the contempt with which the works committee was held and a refusal to accept the implications of union status adopted by the majority of the workers. The emphasis was placed on the role of the Personnel Department in grievance handling and no acknowledgement was given on the need for procedures to be mutually agreed upon, between a union and the company.

Response from other companies

At the 1974 Annual General Meeting of the Union a resolution was unanimously adopted that "we will continue asking for recognition by employers with the hope of obtaining recruiting rights in the premises and begin negotiating terms with them" (E7). During 1975 a number of approaches were made for some form of Union recognition to those companies where union leadership and a sound membership base had been established. Some of the responses were as follows:

- In 1975, the union, with a membership of 92 out of a black labour force of over 500 at Boart and Hardmetals, requested a meeting with the management to discuss union recognition. In reply, the company said that no purpose would be served in a meeting, because :

  (i) of the "fully represented and democratically elected liaison committee" which was the accepted "communication mechanism between our Black workers and management";
  (ii) "wages and working conditions were covered by the industrial council agreement". (E9)

  It is relevant to note that the company is a subsidiary of the Anglo American Corporation Group, whose Chairman had stressed the importance of Black union recognition at the Institute of Personnel Management

(S.A.) Annual Convention, held in 1974. The process of policy change within corporations and the implementation of new approaches is slow if not impossible to achieve. The General Manager said in reply to the union letter - "it is not the policy of our company insofar as our Black workers is concerned to discuss such matters with an outside party - namely the Union". (E9)

In 1977 the Anglo American Company formulated an industrial relations policy which contained suggestions for the progressive recognition of Black unions. The Union members at Boart and Hardmetals considered approaching management again, but it was believed that the anti-Black union stand of Seifsa was more indicative of how the company would respond than the formulations by the parent corporation.

- Union membership at the Springs subsidiary of Abercom was 112 out of a approximately 400 in July 1975 and it was decided as two Union members served on the Works Committee that recognition of the shop steward be requested. The minutes of the July 1975 meeting of the committee with management read as follows:

"Concerning a shop steward, management asked the committee what is it all about a shop steward. The committee said it is for the good of the Black workers, they must know their rights. Management said a Black Union is not recognised in this country. Committee said, although it is not recognised, it has got power to fight for our rights. Management said you can appoint a shop steward, but it won't be recognised by the management" (E10).

- In December 1975, the Union wrote to Highveld Steel, an Anglo-American Corporation Company, asking for permission to address the workers in the canteen. The Union had a membership base but it was believed that permission from management for the organiser to address workers would be interpreted by the workers as initial approval for the union by the company. The Managing Director replied that there are a "number of Unions representing our work force at Highveld and as a matter of policy we do not allow any of them to recruit or hold meetings on the works premises". (E11)

The reply reflects the centralised nature of union operation of registered unions and their inability to establish effective shop floor representation. However, it is a matter of doubt whether had the registered union achieved the facility asked for, the Company would have agreed to the request.

- Early in 1976, the Union approached Micro Press Tool (Pty) Ltd, in Springs, a company employing 30 Black workers, for agreement that grievances of members be taken up. The company initially refused but subsequently the decision was reviewed and it was accepted that the Union "represent its members with regard to any grievances of members against the above company which are not known to the company". (E12)

In December 1975 the Union wrote to Raleigh Cycles regarding the company's policy to trade unions and requesting facilities and recognition. In reply the Managing Director gave the following details of the company's policy : -

- The work-place committee had meeting facilities and an experienced trainer to educate representatives in the "field of communication and procedures".
- Formal meetings between committee chairman and the Works Director were held monthly.
- The committee chairman was given six hours per week to "attend to the needs of our African workers".
- Senior Management would address members on matters of interest to them.
- Tube Investment, the British Holding Company, had issued the following statement in 1974 : -

"At present in South Africa, African trade unions cannot be registered and do not have legal status. In accordance with the above policy (legal status requirement) therefore, our South African companies do not negotiate with them".

"Nothing is done, however, to prevent any employee from joining any union whether registered or not". (E13)

A month later, in March 1976, the chairman of the committee stated that the members at Raleigh Cycles rejected the committee system as an "ineffective form of work representation and that they warned the committee to work in conjunction with their trade union. He said that 300 out of the 716 workers at the factory and 10 of the 12 elected co-ordinating works committee were members of the Engineering and Allied Workers Union". (Rand Daily Mail - 19 March, 1976)

These examples of the response by engineering companies to growing union membership amongst workers and the refusal to grant some form of recognition, reveal a determination not to grant the emerging Black Unions some form of credibility. The examples also show how

effective the Seifsa guide-lines were with their implicit strategy at using the committee system as an alternative for the Union demands that it be recognised as the representative body.

Security Police and Department of Labour

Up to 1973 the Union leaders stated that the could identify representatives of Security Police who attended and spied on Union meetings. From that period certain union members were suspected of being informers. Because of the continued attention by the Security Police in trade union affairs the General Secretary made it a point to explain to active union members and office bearers, the extent of the interest and interference. It was stated that this should be accepted as a reality of the situation but not taken undue notice of.

In 1975 subsequent to the formation of regional branches due to considerable membership growth, security police reepresentatives visited the executive members at their homes. The questions asked by them centered around the operation of finances, union policy, etc. As a consequence of this interference three out of the 12 excutive members became inactive.

During an organising campaign at the company Siemens in Pretoria in 1975, two organisers were taken to the Police Station. They were handed over to security police and questioned for two hours about the union, UTP, Wilgespruit Fellowship Centre, and the S A Council of Churches. When released they were instructed to come in again for further talks.

Tne Union investigation into unemployment benefits revealed that the male workers from the Springs area were not paid unemployment benefits. It appeared that for a number of years the officials concerned argued that unemployed workers were not entitled to benefits. After correspondence with both the Department of Labour and the Bantu Affairs Commissioner the matter was rectified. But the injustice against thousands of workers could not be made good.

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Up to 1973 the Union leaders stated that the could identify representatives of Security Police who attended and spied on Union meetings. From that period certain union members were suspected of being informers. Because of the continued attention by the Security Police in trade union affairs the General Secretary made it a point to explain to active union members and office bearers, the extent of the interest and interference. It was stated that this should be accepted as a reality of the situation but not taken undue notice of.

In 1975 subsequent to the formation of regional branches due to considerable membership growth, security police reepresentatives visited the executive members at their homes. The questions asked by them centered around the operation of finances, union policy, etc. As a consequence of this interference three out of the 12 excutive members became inactive.

During an organising campaign at the company Siemens in Pretoria in 1975, two organisers were taken to the Police Station. They were handed over to security police and questioned for two hours about the union, UTP, Wilgespruit Fellowship Centre, and the S A Council of Churches. When released they were instructed to come in again for further talks.

The Union investigation into unemployment benefits revealed that the male workers from the Springs area were not paid unemployment benefits. It appeared that for a number of years the officials concerned argued that unemployed workers were not entitled to benefits. After correspondence with both the Department of Labour and the Bantu Affairs Commissioner the matter was rectified. But the injustice against thousands of workers could not be made good.

5.4 Laundry and Dry Cleaning Workers' Association

Support for trade unionism amongst Black workers in the laundry and dry cleaning trades has existed since the late 1920's. The African Laundry Workers Association and the South African Clothing Workers Federation were the only Black unions to survive the Great Depression. (Stein, M., 1976)

During the late 1950s certain employers allowed the National Union of African Laundry Workers to hold meetings on its premises and in the early 1960 decade a Black representative of that union sat in on industrial council meetings as an observer. The facility was withdrawn when the Minister of Labour threatened that the agreement would not be declared legally binding on the parties and non-parties, ie by publication in the Government Gazette, and hence would not be enforceable. The Union was one of the last SACTU unions to continue operating and collected trade union subscriptions by means of a holiday fund. This fund was put out of existence in 1972 because of allegations made by employers and industrial council officials regarding misappropriation of monies.

Trade unionism amongst the Black workers in this service sector was revived in 1973 by the registered Coloured Union and the Urban Training Project. A General Secretary/Organiser who had worked in the sector and had been a member of the National Union of Clothing Workers, was appointed in 1974.

The signed up membership increased from 555 in September 1973 to 1029 in September 1976 for which month the paid up membership was 319. The industry is low-paid and used as stepping stones for other jobs, hence the labour turnover is considerable. At the largest company in the trade, "Victimisation from indunas and officialdom makes a member to be reluctant in paying subscriptions". The Union faces considerable difficulty, because of lack of employer recognition, in assisting members. As a result, members stop paying dues as they "expect the Union to reach the goal". Some of the influential leaders were victimised by the Police at John Vorster Square and told not to attend any meeting and management at the company gave orders that they should not be elected to serve in the works committees. When the 1976 election meetings for the committees were in progress, the Union made the suggestion to two companies that formal written disciplinary and grievance procedures be established in 1975. However, management neither understood why union should be involved nor that there was a need for such procedures. It appears that ad-hoc coercive practices

of management were regarded as being sufficient (L1).
During the first months of 1977, the Union organising activities had to counter the efects of the negative outcome of the Armourplate legal strike and banning of union leaders in November 1976. "The workers are extremely sensitive of what is happening to them and their leaders". The failure of the Armourplate strike was seen to prove "beyond doubt that there is no remedy to be applied to Black workers problems and grievances. The employers do not have any fear, nothing protects the worker". (L1)

The Executive Committee of the Union held 8 meetings in 1976. At the Annual General Meeting of the Union held in 1976, 55 members attended. The Union offered educational services to its members from 1974. The number of participants were as follows (UTP, 2,3,4)

	1974	1975	1976
Seminars	16	14	45
Courses	--	14	19

During 1973 the registered union requested that negotiations for renewal of the industrial council agreement take place outside the official industrial council machinery so that the Black union could participate in the proceedings. The employers associations agreed but the final meetings, as a formality, were held through the official industrial council machinery to ensure the agreement could be gazetted and declared legally binding. The unions included in their demands that the Black union be granted stop order facilities. In 1974 the largest employer agreed to make deductions from wages, when requested by Black employees, for the funeral benefit scheme run by the union. The insurance company retained a share for the burial coverage premium and forwarded the remaining subscriptions to the Unions.

By 1977 10 companies, some small concerns, made such deductions but difficulty of access to newly appointed workers created problems for both maintaining and increasing membership strength.

Union membership at Advance Laundries, the leading company, increased dramatically in 1974 as a result of the stop order facility which not only assisted in the collection of subscriptions but was intepreted by workers as evidence of company approval of the Union. A Union committee was formed in the factory and "The Union Secretary was often called in by management to settle disputes in one section of the factory. This Union committee demanded that the Secretary be allowed to see them when necessary and that was agreed upon although not in writing".

Union-management relations experienced a serious setback when in August 1975 the Union claimed R7 500 from the company on behalf of a widow of a member who was killed by a security dog on the premises. He had worked for the company for 29 years. An amount of R4 843 was finally paid out.

In 1976 the company appointed a personnel manager and, probably also as a result of pressure from the authorities, management "was thinking fast to do away with the Union". The following steps were taken:

> A works committee was elected and "strong orders were given that they, the representatives, must not interfere with other sections or meet as factory workers to solve problems".
> The personnel manager tried to discourage workers to join the Union. Although union members were elected on to the Works Committee, they were won over to management by promises of improvements in conditions as well as an extra R5 in their wage envelope.
> Workers as well as Union members were told the trade union for Blacks is against the law. If the Secretary of the Union was seen around, she should be chased away. The workers were told the Union was "eating their money". (L1)

But the Union Secretary felt that workers were also at fault as they were not attending shop steward courses. "Lack of knowledge is one thing with which management gets the upper hand" she stated. The counter tactic by the company in establishing a personnel function did succeed. At the peak of Union strength, membership was 700 out of 1200. However, the visible anti-union stance reulted in a drop in paid membership to 100 early in 1977.
The operation of the Union and support for it by workers did bring about a change in employment practices. "Management is aware that workers are beginning to learn about their rights and has improved working conditions; hours of work, especially the question of compulsory overtime; the canteen has been improved. The legally required number of lavatories and a cloak room has been built". (L1)

In terms of membership asessment, the following were regarded as the Unions most important achievements:-

- stop order facilities
- access to factory by Union organiser
- re-instatement of certain workers
- payment to widow of fellow worker killed by security dog.

But as in the case of the other Unions, the human relations approach prevented the further development of the union as an organisation and the company was able "to outdo the Union".

5.5 The Glass and Allied Workers Union
Pressure for a Parallel Union

Subsequent to workers from glass and related manufacturing companies attending a UTP general week-end seminar and a number of specific courses during 1974, an Action Committee was formed by worker leaders from Pilkington Brothers (SA) (Pty) Ltd, Plate Glass and Shatterprufe Industries Ltd. and Armour Plate Safety Glass, to establish a trade union.

Management at Pilkington Brothers and Plate Glass must have heard of this plan and initially, as the worker leaders were also on the factory liaison committees, appeared sympathetic. The suggestion was made by them that Mr L Scheepers, Vice President of TUCSA and Secretary of the registered glass union be contacted. At that time Mr Scheepers accused UTP of interfering in an area where he operated a Black union. He must have been informed of the unionisation programme probably by the Manufacturers Association with whom he was in contact because of the registered union. This claim against UTP seemed surprising as neither in a TUCSA circular on Black trade unions, nor newspaper coverage was there talk of a glassworkers union. Most important Black "workers at glass factories had not heard of a union nor seen any officials". (G1)

However, arrangements were made for Mr Scheepers to meet the Action Committee before the inaugural meeting of the Union. According to the Press Statement issued by the Union, when subsequently clarification was necessary, Mr Scheepers claimed that there was an unregistered union. But, "he could not furnish details of members, some belonged to a benefit fund, and addresses (of members) were not kept. A constitution for the alleged union sent to an employer, was that of a registered union. He had no minutes of meetings, or names of elected members of an executive committee. He mentioned the name of one Black person who attended meetings of the registered union". Mr Scheepers indicated he had contact with the relevant employers association and the management of the Plate Glass Company. (G1)

In November 1974 a strike occurred at Pilkington Brothers resulting in criminal action brought against the Company by the Chairman of the Works Committee for wrongful dismissal. In the out-of-court settlement the Company indicated it had no objection to the establishment of a Black trade union with a reasonable constitution.

The Action Committee for the proposed Union had planned to include in the jurisdiction, workers from allied industries such as ceramics, pottery, cement etc. Pilkington Brothers appealed to the Comittee to confine the union to glass workers only. "In view of the seemingly bona fide response of Pilkington, the Committee postponed the inaugural meeting and altered the draft constitution to suit many of the Pilkington objections. It also on this account restricted the Union to workers employed in glass manufacturing plants". (G 12). The inaugural meeting of the Glass and Allied Workers Union was held on 5 April 1975.

Subsequent events suggest that the decision by the workers and Action Committee not to merge with the unknown Union of Mr Scheepers turned the mamagement of glass manufacturing companies against the Black union. The management of Plate Glass arranged for a White Bantu Labour Officer to address the works committee after the Union was formed. He, as had happened at Westons Biscuits when the Black union was formed, condemned the newly formed trade union and made serious allegations against the union organiser, all in the presence of management representatives. On the 19th June 1975, Mr Scheepers was seen to enter the company and hold discussions with management. "The Bantu Labour Officer who had discouraged workers against trade unions was present. Mr Scheepers then handed out membership forms to Black workers for a Glass Workers Union. The next day the Company sent the Secretary of the Glass and Allied Workers Union, who was in full time employment and Chairman of the works committee, during working hours to meet Mr Scheepers in Johannesburg. Mr Scheepers gave him a copy of a constitution for the African Glass Workers Union. The Secretary of the G.A.W.U. reminded Mr Scheepers of the meeeting held in Springs just before the Black union was formed. Mr Scheepers replied that he was not prepared to consider attending another meeting". (G 1).

A meeting which was to have been held between the Executive Committee of G.A.W.U. and Plate Glass was cancelled by that company early in July 1975 after a visit.

In the Press statement published subsequently, the Executive Committee of G.A.W.U. stated "In all spheres of activity Blacks are establishing and directing their own affairs. This is the case in the trade union movement. Once a clear identity has been found the important task of co-operation, on an equal basis, with the registered union will begin". (G1)

This struggle between the registered trade union and management on the one hand and the emerging Black union on the other hand, must be understood in terms of the concept of parallel Black unions discussed in the section on unions of Chapter 3.

Within two months of the inaugural meeting, 200 workers employed by 5 companies joined the independent G.A.W.U. As far as could be ascertained no workers joined the parellel African Glass Workers Union and that Union was no longer heard of nor did such a Union become affiliated to TUCSA when that body asked Black Unions to join it.

By June 1976 signed up membership had reached 760 and paid up membership 260, a remarkable growth considering the Union was established the previous year and the General Secretary only became a full time Union official in January 1976. The successful outcome of the legal action against Pilkington Brothers described below, may have played an important role in this.

The legal strike at Armourplate Safety Glass in September 1976 did affect membership support at other glass factories as it was expected that the workers would have been taken back again. It took the Union more that a year to recover from this set back. The uncertainty created by the banning of UTP officials was cleared once it was shown that the offices could continue operating and that Black persons were now in charge. (G 13)

The members of the Action Committee as well as other leaders were elected onto the Executive Committee which met 7 times in 1976. The attendance at the 1976 Annual General Meeting was 206. The 10 man Executive Committee was drawn from 5 ethnic groups and the 7 shop stewards from 6 ethnic groups. No ethnic group predominated.

In 1974, before the Union was formally inaugurated, workers from the glass sector participated in a number of courses with an attendance of 113. The number of participants at seminars and courses during the next two years was as follows:

	1975	1976
Seminars	74	104+
Courses	110	251

+ This includes a one day seminar organised for 80 union members involved in the legal strike against Armourplate Safety Glass (UTP 1,2,3).

PILKINGTON BROTHERS (SA) (PTY) LTD.

In May 1974 works committees were elected in the 7 Departments of Pilkington Brothers and a co-ordinating committee established to which meetings the Personnel Manager was invited. Previously a liaison committee had existed but this was found of little use by the workers and the company was asked to disband it.

Workers in one of the warehouse and cutting sections, which employed 300 out of the 1600 Black labour force, became "irritated by management's apparent refusal to attend to problems brought up at Committee Meetings". (UTP 3). A dispute developed, management refused to recognise, or could not understand, the emergence of an independent worker base and a lock-out and strike occurred. The following information is extracted from affidavits submitted to the Supreme Court in the criminal action brought against the Company by the Chairman of the Pilkington Works Committee for wrongful dismissal of workers who were acting as members of the works committee. (G 3).

The co-ordinating works committee had brought to the attention of Management a number of unresolved issues including "the attitude of certain of the managerial staff who sought to ignore the presence of the works committee". But in reply management stated that the complaint was being investigated.

The departmental Works Committee of the Warehouse had taken up, with the manager, the question of dismissal of workers of advanced age but "in not a single instance were we successful in our plan". The committee members felt that this attitude was deliberate and was intended to show "our fellow workers that the Works Committee exercised no influence with the management, nor was able to protect the workers".

On November 4th 1974 the Chairman of the Co-ordinating Committee received a report that a fork lift driver, with 12 years' service and one year experience in that job, had been dismissed. The Chairman took the matter up with the departmental manager and was told that the worker's negligent driving had caused considerable damage and he refused to wear protective clothing. The request that he be transferred to another Department was refused. When the committee Chairman reported back to the workers of the Warehouse, considerable unhappiness was expressed, hence he returned to the Manager and asked that he address the workers on this issue. This was agreed but subsequently the manager said he would first meet the Committee. The Committee re-iterated the importance of addressing the workers. This was done by the Warehouse Manager and the Works Manager of the Company the next day. The workers were given the same information and the Works Manager said "Eliot is dismissed and he will remain dismissed and what do you (the members) want to do".

This remark was immediately interpreted as provocation by the assembled workers and one of them, with 22 years service asked what he meant. No answer was given but after the meeting the Works Manager said to him in private "Daniel you spoke to me and wanted to know why I said - what do you want to do. I did not answer you because I knew you wanted to go on strike and I wanted you to say so, so that I could have told you the consequences of such action. That is why I say your services are terminated".

The workers were not satisfied with the explanation and decided that they would come to work the following day but would not enter the premises until they had received an explanation from a member of the management as to why the forklift driver and others had been dismissed. According to the Secretary of the Co-ordinating Workers Committee on Wednesday the 5th November, "workers from both warehouses stood outside the factory and refused to enter the gates. At 8.45 a.m. I observed the Chairman of the Committee go to the gates, but he was not permitted to enter. It started raining and all the workers then dispersed, I myself going home to my house".

Faced with this deadlock situation and possibly aware that the refusal to allow the Chairman of the Co-ordinating Committee to enter had been a mistake - although the workers were technically at fault in not entering the premises - management sent a Kombi to the township to fetch Committee representatives for a meeting. At that meeting it was initially agreed by management and the Committee (i) that the Works Manager would reconsider the dismissal of those workers which had caused the discontent (ii) that it may have been that management was justified in its reasons for dismissing the fork lift driver.

After this understanding was reached, the Works Manager said that the other workers could re-apply for work but that he would make a choice or selection of those whom he suited to re-employ. He stated inter-alia, that "there were some rotten potatoes amongst us" which he would not re-employ.

The Committee then said that this approach was not acceptable to it and the meeting terminated. It appeared that management was of the opinion that there was a conspiracy by the works committee to incite the workers to strike illegally.

The next day, after the Committee again failed to persuade the Works Manager not to adopt selective strategy in the re-employment of workers, they addressed the workers and pleaded with them to come in and start work. When the workers were told by the Department of Labour that although their service would be regarded as continuous, selection of re-employment would occur, they said they were resigning. In reply they were told they would be paid off the next day.

Reports were heard in the township that afternoon that all workers could return to work and there would be no victimisation nor selection. However, when the workers reported to work the next day, 22 workers, including 7 committee members, were not re-employed because they had instigated the dispute. (G 2)

The Chairman of the Works Committee, on behalf of the workers, backed by UTP and the Action Committee, filed an urgent application in the Supreme Court claiming victimisation in terms of the Bantu Labour Relations Regulations Act. The firm first opposed the action claiming the workers had resigned, but at the suggestion of the judge the parties met and settlement was reached. "The company agreed to take all the workers back, pay R2 000 towards workers' financial difficulties, indicated it would not oppose the extablishment of a trade union with reasonable constitution and possibly consider using UTP to assist improving labour relations. The settlement was made an order of court except for the last two items. The R2 000 covered legal costs and almost all wages lost". (U.T.P. 3)

However, as was becoming more and more apparent in other cases, management became determined not to have aything to do with the Black Union or UTP. The Company after one comment about the Union's constitution, refused to answer any further correspondence and indicated that it would only deal with the Works Committee, which by that stage was an all union member committee.

The Minutes of the Works Committee after the strike reflect how the Company concentrated its efforts on using that channel as the only means of interaction with workers and hence using it as a substitute for the Union. It is evident that a policy decision had been taken to ignore the Union thereby hoping it would "die a natural death".

At a meeting of the Works Committee on 4 December 1974, the outcome of the strike was discussed, the Chairman, in whose name the Supreme Court action was taken urged all to forget the past and assist in the improvement of productivity. The personnel manager, attending by invitation, said the problems had started from breakdown in human relations. The Committee representatives on the other hand noted that the Union inaugural meeting would be held in 1975.

At a special meeting of the Works Committee held on 25 April 1975, the Committee asked the Management to reply to the dissatisfaction of one group of workers who felt the 3c per hour increase was inadequate in view of the re-organisation of their work. In a detailed reply the General Manager said workers could not expect "Something for Nothing". The bonus scheme was not working in any of the sections, there was a surplus of glass on the market, there was low performance causing redundancies. Furthermore, "a strike would be of no benefit to anybody, as it would result in a shut down of the factory. Agitation from a trade union or from the Urban Training Project would not do anyone any good. All employees including Management, would be out of a Job." Furthermore he advised "he was endeavouring to employ a qualified Black Personnel Officer, preferably outside of Springs, to improve communication and assist with training".

At the Committee meeting held on the 7th May 1975, the General Manager said that for the 1975-1976 election the voting should be by secret ballot as the "show of hands system does not reflect the true feelings of the workers. The Committee however, felt that the voting should be done "by a show of hands". It is of relevance in analysing management fears that the question of voting procedure was also brought up by the company in its reply to the Union's constitution, before the Company decided to ignore the union. The Committee had been told by the workers that because of literacy difficulties amongst many workers the show of hands system should be used.

In June 1975 the Company published the first issue of the "in-home" journal which was to be used as a "media for expressing the views of the Workers, Management and the Works Committee, in order that we may get to know each other a little better".

At the meeting held on 17th July 1975 the General Manager asked "the Committee to establish whether it is the feeling of the majority of the workers that Management should meet the Executive of the Glass and Allied Workers Trade Union and report back as soon as possible".

At the meeting of the Works Committee held on the 20th August 1975, the Committee again asked to be given a copy of the Company's labour policy, but it was advised this could not be done.

At the meeting held on 15th October 1975 management was given a reply to the question raised on the 17th July. The committee representatives reported that "all employees including the committee are in favour of Mr Horne meeting with the Union's Executive Committee". However, in reply the Committee was advised, "The works committee is a legally recognised body representative of 100% Black employees and conforms to Government policy and statutory legislation. Legislation is pending to give agreements between Works Committees and employers the force of law. In view of the fact that present company procedures comply with Government policy and legislation, we cannot take any action in conflict with this policy and legislation".

The Committee had also asked for training in job analysis, job evaluation and labour compensation. In reply it was advised, "the employees will receive training relating to their specific jobs" and "that the abovementioned fields are highly specialised and are the function of the industrial Engineering Department". The issue of job evaluation was pertinent because the Industrial Engineer regularly attended meetings and talked of "bonus schenes". "productivity index". "work cycles". etc. in exhorting workers to improve performance.

The above extracts from the minutes demonstrate how the adoption of human relations approach prevents management appreciation of the extent to which the question of trust and mistrust as essential ingredient in developing industrial relations.

Management representatives repeatedly brought up at meetings the lack of support from workers for the bonus scheme. Absenteeism was a further crucial problem and at a meeting on 2 June 1976 the Committee was told "the Company is the worst as far as absenteeism is concerned in Springs industry". Management claimed that, "the works committee has a moral and legal right to find out the reason of absenteeism".

Management at the company operated in terms of the principle that industrial relations constitutes only human relations activities initiated through the personnel department. This is why management could not understand the contradiction in its attitude and behaviour where on the one level the works committee was expected to effectively deal with absenteeism and yet on the other level the request by the works committee representatives that they be given an understanding of work study and job evaluation was seen as irrelevant and refused.

The minutes of the Works Committee also reveal how management used the meetings to reinforce certain of its values. For the meeting of the Committee held on the 15th October, 1975 the General Manager prepared a two page document on "Current and Future Economic Trends". Although the document was tabled no discussion was held. On subsequent occasions management re-iterated its concern about the state of the economy. When a R40 million new plant was put into operation, further details were given, but little discussion ensued. Management was using the committee as a means of downward communication to explain economic decisions and hoped thereby that the committee representatives would ensure that the workers would accept the implications of such changes in the production process and technological advances. But at the same time there was a refusal to allow the perspective of worker leaders to influence or alter managerial decisions.

During the meetings held in December 1974 between the Action Committee, its legal advisors and the Company to work out the terms of the settlement, it became apparent that management was highly perturbed about drop in production in the Warehouses and cutting departments. Units per man hour dropped from 52 in May 1974 when the bonus scheme was stopped because few workers achieved it, to 35 in January 1975.

Management believed that this drop was due to a deliberate go-slow campaign. Hence, in the terms of the settlement, the company required that the committee chairman also agree to certain items on behalf of the workers. The Chairman undertook to ensure that the workers:- raise productivity; strive for bonusses; work for continuous improvements in productivity and assist the company's efforts to reduce operational costs. An undertaking was furthermore given not to go slow nor participate in illegal strikes, adhere to company regulations, help in maintaining harmonious relations, hold no meetings during company time and abstain from interference or intimidation. (G3).

The evidence of a drop in productivity and the emphasis placed by management on descipline and improved performance suggest that a classical pattern of conflict between management and labour over the definition of a "fair day's work" had developed. Lack of information makes further analysis difficult but it appears management perceived it would lose control because of the emergence of worker autonomy.

At the meetings to work out the terms of the settlement, the spokesmen for the workers reminded management that when he explained to the Chairman of the Co-ordinating Works Committee and the other dismissed workers that recognition of the union was a possible item in the settlement, spontaneous applause broke out. In contrast the other items were quietly acknowledged.

When management read the list of items of discipline and adherence to rules which the workers should abide by, the legal spokesman pointed out that the authoritarian approach might have held the advantage of speed in decision making but the question of implementation of decisions had to be considered. He said "Union membership amongst workers and their officials are a new element in the power structure in the South African factory". The warning was not heeded. Could this explain the high absenteeism rate subsequently experienced?

As events described above showed management decided against union recognition and refused to establish a pattern of co-operation with union leaders.

Consolidated Glass Works (Pty) Ltd

Workers from Consol regularly attended union courses, after shift work, from March 1975 for a period of eighteen months. The courses offered by UTP dealt with the nature of trade unionism, grievance procedures, the scope and limits of committees and the importance of union recognition.

The workers who had at this stage become members of the Union decided that the Company be informed that the trade union had support amongst the labour force and the Union wrote a letter, in November 1975, asking for stop order facilities. In reply the Company agreed to hold an informal meeting which was held on 5 February 1976. The Union was represented by its President, Secretary, Assistant Secretary and Advisor and the Company by the Group Personnel Manager and assistants. At one point a company representative asked :-

> "When employer and employee work together in harmony and there is trust, is it necessary for a third party, the Union, to interfere?.

The Union's President replied that :

> "The Union is not a third party, it is a collective voice of the workers". (G5)

The Company clarified further that minimum pay would be R150 as from April, 1976 - an increase of 206% since 1972 and above the poverty datum line; workers were entitled to funeral benefits and belonged to a Pension Fund; Black personnel officers were being trained and that, "The Company will not recognise the Glass and Allied Workers Union as a body with bargaining powers. The Union will not be granted rights, privileges, and stop orders. Notwithstanding the above, the Company would not object to any employee joining the Union. Nobody will be victimised for belonging to the Union. The Union is free to organise members outside the factory". (G5)

In reply to subsequent representation the Union was advised, "This Company has a liaison committee system and the interests and welfare of our Black workers (which is of paramount importance to our company) are adequately catered for, and we do not see the need for, nor require the intervention of any third party in our internal relationship.

We therefore request that your Representatives do not enter our Company's premises and that they refrain from communicating with our employees on or within the precincts of our factories". (G6)

The anti-Black trade union line adopted is also clearly reflected in the manner in which a discussion on trade unions was directed at a meeting of the Bantu Co-ordinating Committee held on 10 May, 1976. The topic was introduced by the Black Industrial Relations Officer who had been present with management when the informal meeting between the Union and management took place. "He briefly explained to the house the difference between works committees and trade unions. Helped by some pictures that explained the advantages of trade unions to people he went on to ask the members to bring their views about this. The house dsicovered that Glass Allied Workers Union is a form of business which is of no advantage to people as it has the same powers as Works Committees. More worse it was also discovered that is has no authority from the Government as far as the Bantu Labour Relations Regulations Act No 10 of 1973 is concerned. As this is very dangerous to people the members were asked to bring the topic to the department liaison committees". (G7)

The minutes do not record what contribution the five management representatives on this liaison committee made to this discussion. However, it is clear the decision reflected their attitude. Why is it that management representatives allowed this distortion about the nature of committee and trade unions to be presented? It is probably a continuation of determination to remain in control justified by the belief that personnel management was the "guardian" of Black workers, hence the reference to "our" workers in the letter to the Union and the assessment of the Union as a "third party". It also explains why the company did not operate a grievance procedure.

The message of this co-ordinated Liaison Committee decision when filtered down through the departmental committees to the workers was simply seen as a warning "not to join the trade union as it was a trouble maker", and if management found out you would be victimised.

The Union's organising programme continued and by September 1977 360 out of the approximately 800 workers had joined and the Union send a formal request for a recognition agreement. The response was the same as reflected above but not as severe and stress was laid on informal contact between the Union Secretary and the Group Personnel Manager. However, assessment of this development falls outside the period of this investigation.

Armour Plate Safety Glass (Pty) Ltd (ASG)

First Legal Strike by Black Workers

The strike by 180 out of 200 Black workers employed by Armourplate Safety Glass in 1976 highlighted both the determination of union members to challenge a malpractise or industrial justice, and the ineptitude of management in dealing with a basic industrial relations issue. The following account is taken from the document produced by the Executive Committee of the Union. (Glass and Allied Workers Union, 1976) Christian Concern for Southern Africa did submit that document to the Holding Company, Pilkington Brothers, in England, for comment. The Company said it contained "material misstatements of fact" but declined to comment (Stares, R. 1977)

During July 1976 the works committee of ASG came to an agreement with management, so it thought, that when necessary, a four day week would be worked to prevent retrenchment and that furthermore old record cards, which had been unfairly compiled, in terms of information about alleged disciplinary offenses, would be destroyed.

Three days later, three workers, including a committee representative, whose average years of service was four years, were dismissed without consultation with the works committee because of "reduction of staff". Management, when confronted by an angry committee, explained the actual reason was bad service record of these persons, and produced old service cards to substantiate its action. Management maintained the dismissal was no business of the Committee. "Workers were furious at this clear break of faith and decided to take the required steps to commence a legal strike to get the sacked workers reinstated". The Bantu Labour Inspector confirmed that the workers could carry out a legal strike, but only as from September 3 which was 30 days after the due notice required in terms of the Bantu Labour Relations Regulations Act.

During that 30 day period, two approaches were made to management to try and settle what was in fact a minor issue but was perceived by top management as a major challenge to its assumed right to make unilateral decisions. These approaches were turned down by management apparently because it was believed the issue was created and kept alive by a small number of people outside the work situation. This belief was, in all probability, supported, if not reinforced, by the Department of Labour officials and Security Police advice. Management could not accept that the workers, as a collectivity, felt aggrieved and that a real sense of industrial injustice had emerged.

On Thursday 2nd September, the week-end before the final decision to go on the legal strike or not, would be taken, the Chairman of ASG and Pilkington Brothers said in a press report :-

"The call for strike action by the Works Committee had been taken without sounding out workers in the factory". He further claimed Black and White workers had the same pension benefits. (G8)

Such statements through the medium of the press, after having refused to find a compromise, was a direct challenge to the workers as to their perception of the situation. Workers know they belonged to the "non-European" Pension scheme which, even by name, was seen as inferior and the assumption that they did not experience a sense of industrial injustice due to arbitrary dismissal of four workers, who were their leaders, was naive, particularly considering they had committed themselves to the status of the union membership. Furthermore, the Company was discriminatory in its employment practices as the "Conditions of Service" form which workers had to complete on engagement, also stated that the Company's Recreation Club and Medical Aid Society were for Europeans only (G9). On Sunday the 5th September, 120 workers at a meeting in the local township, decided they would go on strike.

The strike commenced on 6th September, 1976, after a further attempt by the Committee to discuss the issue had failed. The strike lasted eight weeks. The fact that the strike was legal in no way helped the workers. The Department of Labour offical refused to intervene, denied any responsibility and in fact said, when asked by the Committee for information as to his possible role in the settlement procedure : "In view of the fact that you are no longer in the employ of Messrs Armourplate Safety Glass, I am unable to divulge any information to you by virtue of the secrecy provisions of the abovementioned Act".

The course of subsequent events, conflicting statements by Management, backed by the belief that the dispute "was instigated from outside"; and the negative role of the Department of Labour, suggest in fact that the Company was not prepared to settle and seek compromise but was determined to deny the legitimacy of the workers' grievance. The fact that the workers as a collectivity had perceived an industrial injustice became evident, not only when they remained on strike for eight weeks at considerable costs and hardships, but they refused to seek re-engagement with that Company when the strike was broken.

The Executive Committee of the GAWA issued a statement containing the following assessments when the strike was broken on the 1st November:-

1. The strike has shown that Black workers have the courage to take severe but disciplined and orderly action in the face of injustice. For this they need the backing and support of the Union.

2. The right to strike is a mockery without the right to conduct a lawful picket and without Trade Union organisation to assist members with this legal struggle and with the establishment of the strike fund.

3. Employers are going to have to enter into relationship with emerging Black unions. Had such a relationship existed in this case the Union is confident that the strike would have been avoided.

Department of Labour

The nature of the co-operation between Pilkington Brothers and the Department of Labour was already apparent in the 1974 dispute when the Works Committee was warned by one of the officials to advise the workers that by staying outside the premises of the Company, they had broken the law. Although it is desirable that the legal position, regarding worker action is clarified to worker leaders, the nature of the role played by the Department showed that it was not a neutral party to the dispute.

The refusal by Department of Labour officials to mediate in the 1976 Armourplate Safety Glass dispute, in fact it was said the dispute no longer existed, reinforced the negative conception held by workers of the Department of Labour. Black workers do not perceive the Department as a source of sympathy of help in resolving actual, let alone perceived, industrial injustices arising out of the management employee relationship.

The anti-Black trade union and anti-independent worker organisation attitude and the pro-employer sentiments of the Department of Labour was unequivocably demonstrated in its attitude to the constitution drawn up by the works committees of two glass companies.

At the request of the Black unions, UTP drew up a model constitution for a Works Committee in 1973 to incorporate the concept of complementary nature of the committee structure to trade unionism which it had pioneered. This proposal document was used by union members on committees to draw up their own consitution.

In April 1974 Armourplate Safety Glass sent the constitution drawn up by the Company's works committee and based on the UTP document, to the Divisional Inspector of Labour in Johannesburg for comment. In reply the Company was advised that the constitution provided for matters beyond the concept of a works committee envisaged by the Act and comment was given on specific clauses. (G9)

Urban Training Project was told of the Department's rejection by the Union and immediately sent the Department a copy of the model constitution and asked that the matter be discussed. No reply was received and a further letter was sent in September 1974. In reply the Divisional Inspector said "I have to inform you that as the Act does not provide that a consititution of a works committee shall be established and approved, this office is not prepared to comment on your draft constitution for works committee" (UTP6).

This reply revealed the employer bias of the Department of Labour. The above justification used in refusing to deal with UTP was not put forward when companies came for advice. Evidently the Department refused in principal to deal with UTP but was prepared to assist employers in suppressing the emergence of the labour relations component of collective worker action.

The personnel manager of Fibreglass S.A. (Pty) Ltd also asked for the Department's comment on a constitution prepared by the Company's works committee which had used UTP's model. Similar, and at times the same wording, to that given in the answer to Armourplate Safety Glass, was used by the Department in its reply.

The attitude of the Department of Labour to Black unions and its conception of the committee system is apparent from the comments which it made on certain clauses of the constitution. Both those specific comments and the Department's reply are listed.

1. Constitution - D. (ix) The Committee shall be entitled to invite experts from outside the establishment to meetings when specific items on the agenda requiring advice are to be dealt with. If such meetings are to be held on the establishment's property, the agreement of the management must be obtained beforehand in writing.

Department's Comment - "A works committee as envisaged by the Act functions independently and the provision of this clause are not acceptable".

2. Constitution - E (i) The committee shall request the employer or his duly appointed representative to attend meetings of the committee whenever necessary.
(ii) Before the employer is called in, the committee must agree on the matters to be discussed with him and the attitude of the committee.
(iii) The Chairman of the committee must give the employer one week's notice that he is required to attend the committee meeting, unless the matter is urgent.
(iv) The committee can instruct its chairman to approach the management directly on its behalf on any matters and he shall report back to the committee before giving any decisions.

Department's Comment - Clauses (i), (ii) and (iii) : "The Employer is not compelled to attend works committee meetings, he may however be invited to do so. Clayse (iv) : In terms of Section 7A (ii) of the Act, the Chairman should act as intermediary between the committee and the employer."

3. Constitution - G (i) The committee has the task of hearing the employee's complaints, either during working hours or outside of working hours.
Department's Comment - "Works committee activities can only be conducted during working hours with he employer's consent".

4. Constitution - G (v) The committee has the task of ensuring that the Wage Board Determination which applies to the establishment, or to any part of it, is readily available, is studied by the ommittee and is adhered to an implemented in the establishment.
Department's Comment - "If all that is meant is that non-obeyance by the employer of the provision of a wage regulating measure will be reported to the Labour Department or Industrial Council concerned, the substance of this clause is in order".

5. Constitution - G (xvi) The committee has the task of encouraging members of the committee to receive training on laws affecting employees, by attending courses and lectures held by suitable oprganisations whether inside or outside the establishment.
(xvii) Kepping in touch with the Black trade union.
Department's Comment - "The only function of the works committee is to communicate the wishes, aspirations and requirements of the employees to their employer. Both of these clauses provide for matters other than the presribed function and in addition clause (xvii) is repugnant to Government policy".

6. Constitution - G.J Should disputes arise between the committee and the management, the committee shall be entitled to use any legal means of resolving the dispute, including taking legal advice, taking the advice of other interested parties such as trade unions, feeding information to the press, calling in Department of Labour, consulting with workers from other establishments, etc.
Department's Comment - "The section of the Constitution is unacceptable. The Act provides for avenues to be followed in the event of a labour dispute". (G10)

These responses to basic requirements for the effective workings of the committee system from an indicator of the Department's ideology. The following principles appear to underly the comments:

- The Department of Labour did not interpret the Government's policy towards Black trade union to mean acceptance of their existence but non-recognition for industrial relations purposes. The Department regards Black trade unions as "repugnant". This emotive term explains why an ative campaign against Black trade unions was followed and that persons or organisations associated with them were regarded as objectionable.
- The Department regards committees as structures belonging to the company and dependent on employers. This is a correct analysis in that Committees are of the company. But it is a biased analysis if the conclusion is not drawn from that assessment, namely that freedom of association is paramount. And the Department wishes to control the expression of this right. Hence even mechanisms such as freedom to call in outside experts, are not acceptable and meetings must be held during working hours with the employer's consent.
- Terms such as "the committee shall request" and the "employer is called" in regard to the employer meeting the committee, are found to be objectionable and stress is laid on the employer being "invited". But more specifically the Chairman must act as intermediary The possibility of the committee, as a whole, making the Chairman responsible to it and hence protecting him against the manipulation of the employer, whether deliberate or not, is not desired by the Department.
- Grievances and disputes cannot be channeled through any other means than the Department of Labour, or Industrial Council. Other democratic channels whereby grievances can be processed, such as lawyers and Black unions, and, if necessary, publicity, are not approved of.

The Department's policy to Black unions was also reflected in the reaction to the Union's written and oral evidence for the Wage Board's investigation into the Glass and Glassware Manufacturing Industry in 1976. The Union had submitted written evidence which was supported by the works committees from Pilkington Brothers, Armour Plate Safety Glass and Plate Glass companies, as these were union committees (G12).

Before the hearing for oral evidence took place, the Department of Labour officials took considerable trouble to visit the committees at glass manufacturing companies to ensure their attendance. It was evident that the Department was anxious that committee spokesmen state a case and hence make union evidence redundant or justify its exclusion. Two committees had sent representatives to the hearing, namely the personnel officers from Consol, who is also on the liaison committee and the secretary of the Pilkington Works Committee who is also the President of the GAWU.

The Chairman of the Wage Board asked the Pilkington Committee Secretary to speak first. He said he wanted to hand in a petition by the Works Committee, signed by all members, stating that they wished to be represented by the Secretary of the Union. The Chairman still asked him to speak but he declined. The Chairman then called upon the personnel officer of Consol to speak and then called on the Secretary of the Union. He pointed out that as the Union is not registered, he would not have allowed him to speak, but since a petition had been received from workers, he would be allowed to speak as their representative.

It is evident that the Department of Labour followed a determined policy not to give Black trade unions any platform through which to put forward legitimate presentations and hence gain some form of recognition and credibility. Even when a Black union demonstrated strong union presence in three major manufacturing plants in a relatively small industrial sector, the Union as such was not recognised although a petition was acknowledged. The Department of Labour was in terms of this anti-Black union attitude, interfering with the natural development of worker expression and representation. The Department was fostering, through support of personnel department influence, the committee system. The fact that these committees can be manipulated by management, did not appear to be of concern to a Government body responsible for assisting the development of equitable industrial relations between management and trade unions. But then, as admitted, the Department perceived Black unions to be repugnant to Government policy.

5.6 Interpretation

The major goals of the Black trade union, as is apparent from the above case studies, was to gain recognition of some form and degree from specific companies. Without a relationship pattern with the employer, it is difficult for union officials to process complaints and grievances and impossible to negotiate agreements to improve standard of living and quality of life of the members.

The Black worker, aware of the lack of acceptance by management, and society in general, of unionism, looks upon recognition as important evidence of the ability of the trade union to process his feeling of discontent and specific grievances. As Wight Bakke concluded from the extensive research conducted in America, the worker reacts unfavourably to union membership in proportion to the strength of his belief that this step will increase his frustration and anxieties and will reduce his opportunities relevant to the achievement of his standard of successful living (Wight Bakke, E., 1966). Certainly union support in the sense of paid-up membership dropped once anti-union tactics started to become effective in the case of each of the unions discussed above.

Companies, through their respective employers associations have entered into agreements with registered trade unions for over 50 years. Hence it could be assumed that the Black union recognition campaign, once membership strength was demonstrated, would be acknowledged as a legitimate activity and lead to some form of a relationship being established between companies and those unions. Certainly the determined instransigence of the management of the companies had not been expected by these union leaders. It is apparent that Black unionism was regarded as a far more serious threat than implied in the acceptance of registered unions. Admittedly few companies dealt directly with registered unions in the work place. The employers association had responsibility for industrial relations. Although employers themselves negotiate with registered union leaders through the association this was done primarily at this central level and the "right to manage" in the factory was not directly threatened by registered unions. Furthermore, personnel managers operate in terms of the sentiment that "they know best". The Black unions had, however, accepted the challenge of establishing plant-based activities and hence also the challenge of management promoting human relation practices through the committee system.

But the determined and consistent refusal by companies to come to terms with the moderate requests of some degree of recognition by Black unions during the period 1973-1977, suggest that management perceived that fundamental values were being challenged. The employer resistance to the Black trade union presence in the work place is comparable to the struggles of trade unionism to become accepted as a ba ic value of a society, in the early stages of industrialisation of Western countries.

It is relevant to briefly consider the resistance workers were faced with in America regarding recognition of their rights. In the early 18th century the aritisan workers faced the allegation that in wanting to "combine" into unions they were acting against the rule of the law because they aimed to raise wages and "injure" those who did not want to join their society. But a 1842 court ruling established that unions were legal organisations. National artisan unions started to emerge and by 1886 the Knights of Labour claimed 700,000 members. By 1920 4 million primarily skilled workers belonged to unions affiliated to the American Federation of Labour (AFL).

But considerable violence accompanied this development, in particular when industrial workers became involved in strike action. Thus in 1892, the Carnegie Corporation used Pinkerton detectives to break the efforts of the steel union to unionise all workers. In the clash 10 people were killed. The strike was only broken when the State National Guard intervened and 2000 strike breakers were brought in.

Opposition emerged at this time against the "bread-and-butter" policies of the "simple" trade unionism of the AFL. Socialist groups argued that labour was engaged in a class struggle. The militant tactics used caused several states to outlaw the socialist organisations. Socialism declined in influence after World War I as a result of action against individuals and organisations.

But the attack was not only on the socialist organisations and their attmpts to revise trade unionism. In the 1920 decade the established skilled-worker unions did not respond to the challenge of depression years and organising needs of other workers. Instead, membership fell to 3® million workers, partly due to pacifism and dissolusionment, partly due to the successful anti-union practices of companies.

Welfare capitalism became the new strategy which an increasing number of companies adopted. Rayback records that the purpose was to find a substitute for the union-management contractual relationship. Through specially established industrial relations departments, the issue of hiring and firing was made less arbitrary; techniques to improve job satisfaction were introduced; through more long-term planning regularity in production and hence in employment was ensured. "By introduction of the most efficient machinery, which generally entailed cutting of work force, industry assured good wages and an eight-hour day to the remaining employees. It gave workmen a stake in the company by introducing profit-sharing and stock-distribution plans. It gave the working man security against the hazards of industrial life by setting up plans which took care of life insurance, disability, and old-age pensions. It also offered hygienic and pleasant shop (factory) conditions. Finally it provided club house, swimming pools, playgrounds and hospitals" (Rayback, W., 1961, p. 305)

The response from the artisan-oriented unions was not to establish a strong independent union movement with its own ideology. Rather the basis of business unionism was further entrenched as the union, in approval of scientific management techniques, fostered a unionmanagement co-operation movement. The theory was that prosperity depended on high wages ad low costs of production. Hence labour had to do its part in the question of efficiency and discipline on the factory floor. The consequences for the labour movement in the USA were severe. Those sectors which adopted the co-operative approach divided their working force into two groups - permanent and temporary employees. For example, in the garment trade in Chicago, as a result of union supported efficiency methods, the labour force dropped from 23000 to 14000. As Rayback observes "Welfare capitalism had dire effects. While it gave relatively permanent employment, good wages, short hours and fine working conditions to a portion of labour, it also reduced another portion of labour to the status of casual and part-time workers". (Ibid p 307)

The cause of industrial unionism was also hampered. Thus in the mining industry the union faced demands from employers for the open-shop principle and because mine owners could demand, due to the recession, considerable compromises, in negotiations, leadership problems, some communist-led, emerged. The union split into four factions.

The Great Depression further prevented trade unionism re-emerging from the defeats suffered through employer counter tactics. In fact employers felt more justified in their anti-union practice. Although the Norris La Guardian Act of 1930 passed measures to stop injunctions against Unions and use of yellow-dog contract (nonmembership of the Union as a condition of employment), employers continued to deny labour the right to organise. The National Industrial Recovery Act of 1933 provided for the operation of independent unions under government protection. But again, employers prohibited union activities in their plants and promoted company controlled representation bodies. "Between 1933 and 1935 almost four hundred company unions were created. Membership in such organisations increased much more rapidly than in regular unions. By 1935, 43% of industry had no union organisation; 20% had company unions, 7% had both company and independent unions; only 30% had independent unions". (Ibid p 330).

The "New Dealers" of the Roosevelt administration realised that more strict legislation was required. In 1935, the Wagner Act became law. It accepted the principle that workers had the right to self-organisation, to form, join or assist labour organisation, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. Furthermore, it established a National Labour Relations Board, empowered to supervise and enforce this principle. The Board was also given authority to prohibit unfair employer practices, ie practices which prevent labour from exercising its rights.

However, industry refused to co-operate. Employers held that the requirements were unconstitutional. During 1936 and 1937 the La Folleto Civil Liberties Commission heard evidence on the methods used by employers to combat unionism.

The anti-labour practices unearthed by the Committee turned public sympathy towards unions and general acceptance of the fact that they needed protection. The Folleto exposure showed that planned techniques were developed by employers which provided for : systematic denunciation of all labour oganisers and leaders as dangerous radicals; use of local police to break up meetings; propaganda machinery to align the citizenry behind law and order; organisation of vigilante committees to protect plants; back-to-work movements, etc.

Every corporation of importance also employed labour spies whose job it was to corrupt union strength by sowing seeds of distrust and suspicion; to provoke unions into strike action; report on union activities and reveal names of leaders. For the period 1933 to 1937, industry employed 3781 agents who were able to infiltrate 93 unions. Many companies also employed their own police who were armed, and used their guns at times of strikes.

These revelations about the extent to which civil liberties of the unions had been disregarded, assisted the cases before the Supreme Court to test the constitutionality of the Wagner Act and the right of workers to organise into unions. It was increasingly accepted that the authorities would condemn employers who discriminated against workers wanting to exercise the right to self-organisation and representation.

Within the first five years of its existence the National Labour Relations Board handled nearly 30 000 cases - two thirds of which concerned unfair practices.

The influences of the application of unfair labour practices of the Wagner Act coincided with the reform in the labour movement towards industrial unionism instead of a craft unionism, ie American industry was no longer a workshop industry and the typical worker was no longer a skilled worker. A separate union co-ordinating body was born out of the hesitancy of the AFL. The Committee for Industrial Organisation (CIO) was established in 1935, broke with the AFL in 1936 and by 1937 had 3,7 million members.

The above detail on the struggle of unions for recognition of the right to organise and the right to negotiate and the right to strike is included as broad similarities emerge between employer reaction and trade unionism in South Africa. Moreover, the unfair labour practices of the Wagner Act constitute a relevant set of criteria to judge the behaviour of employers in South Africa to the presence of Black unionism in their plants.

5.7 Unfair Labour Practices

What were the specific unfair practices laid down in the Wagner Act? Would Black unions in South Africa, if such legislation was in force, have been able to file charges against employers in terms of their experience and that of their members? In order to answer these questions, the respective sections of the Act will be detailed and evidence that employers did partake in such unfair practices will be given, both by reference to the above case studies as well as other material.

As discussed above, Section 7 of the Labour Management Relations Act 1947 (Wagner Act of 1935) guarantees employees the right to organise (associate) and bargain collectively through representatives of their own choice. To ensure that these rights can be exercised, Section 8(a) forbids employers to engage in specified types of unfair labour practices.*

The examples referred to under each unfair labour practice are based primarily on material relating to the experience of the Consultative Committee of Black trade unions operating on the Witwatersrand area. The material is not exhaustive and does not include the experience of the TUAC unions based primarily in Durban. The indications are that similar tactics and interference from employers and the authorities were experienced by them when the case studies recorded in the South African Labour Bulletin are analysed. It is significant that no similar unfair labour practices were experienced by parallel Black unions established and administrated by the registered unions.

> It shall be an unfair labour practice for an employer to interfere with, restrain or coerce employers in the exercise of rights guaranteed by Section 7

This comprehensive 'unfair labour practice' covers also the other areas specifically stated in the following sub-sections.

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*(The information on unfair labour practices is extracted from the collection of case studies, collated by Schoen and Hilgert, based on Court Proceedings and grivance arbitration).

The following actions engaged in and sentiments expressed by South African companies would fall under this section.

- The advice by the Steel and Engineering Federation of South Africa (SEIFSA) to its member companies not to deal with Black unions and to establish liaison committees instead of work committees.
- The successful attempt by PUTCO to break paid-up union membership amongst drivers who belonged to the Transport and Allied Workers Union. The Union members were threatened with dismissal.
- The dismissal of the 16 women employed at Westons Biscuits because they were seen as spearheading the Union's campaign for challenging the enforced practice of using wormen for nightwork.
- The sentiment expressed by many companies, for example, Consolidated Glass, that the Union constituted a third party in the relationship between management and "its" employees.
- The appointment by Advance Laundries, after the Union gained majority membership, of a personnel manager who warned workers against the Union, and with financial reward enticed members serving on the committee from support of the Union.
- The practice followed by companies of offering funeral benefits in order to undercut the organising campaign of the Unions.
- The improvements made in wages and working conditions after the Union had drawn attention to inadequacies in these areas.
- The practice of spying on Union meetings or on the activities of the Union leader in the company. Although specific cases of this practice are difficult to substantiate with proof, the union leadership operated on the knowledge that this took place and members talked about and referred to such informers.

The National Labour Relations Board held that any action by an employer which gives a worker reason to fear loss of his job or some other penalty, unless he accepts the employer's view of a trade union, constituted coercion. Had this right be known by Black workers, they would have more specifically come forward with evidence against employers.

In this respect it is also relevant to refer to the affidavits by Black Unions of specific instances where companies deliberately and explicitly used committee against trade unions and their legitimate

requests for recognition. The Unions involved were: Commercial Catering and Allied Workers Union; Sweet Food and Allied Workers Union; Building Construction and Allied Workers Union. The affidavits formed part of the evidence specifically requested by the Wiehahn Commission of Inquiry into Labour Legislation (UTP, Additional evidence, 1978).

> It shall be an unfair labour practice for an employer to demonstrate or interfere with the formation or administration of any labour organisation or contribute financial or other support to it (such as legal counsel)

What activities engaged in by employers would constitute violation of this sub-section :

- During the initial stages of the formation of the Glass Workers Union, the management of companies clearly wanted to deal with a parallel union sanctioned and controlled by the registered union. When this attempt to steer the emerging Black union in this direction was unsuccessful, contact with the emerging Black Union was deliberately broken.
- Investigation into Black parallel unions established after 1970, reveals similar favour on the part of the employer for such arrangements. In the motor component parts industry, the allegation is made that management actively invited the registered trade union to gain membership amongst Black workers for its parallel union and thereby undermined the organising drive of the independent union.
- The Sweet Food and Allied Workers Union wrote to Inter-Continental Breweries to facilitate the recognition process because of substantial membership at the Krugersdorp plant. In reply, management indicated it was not prepared to enter into agreement with a broad-based industrial union, but said that the company would be prepared to asist establishing a union solely for the brewery sector.

  As the International Union of Food and Allied Workers pointed out to the company: "Your offer to make funds available for the administration of a union recognised by your company may be well-intentioned, but is certainly misguided. Finance creates a relation of dependency and ultimately of control. If you accept dealing with a bona-fide union in good faith, you should not seek to create relations of dependency and control. If you want a company union, this is an entirely different proposition with entirely different consequences". (F18)

- The co-operation given by employers to 'selected' representatives on liaison committees to attend Wage Board Hearings (see Glass Workers Union case study) and negotiating meetings of the respective industrial council.
The sugar manufacturing industry specifically assisted liaison committee members in making representation (it was felt very successfully), to the 1976 Industrial Council meeting of that sector convened to negotiate a new agreement. (Douwes Dekker, L., 1979). Subsequently that industry and the baking industry gave money for the formation of a union. It is true that these activities of employers and their associations were in terms of the provisions of South African law or did not go against it. However, there was no need to become so actively involved in implementing the provision of the Act particularly since it must have been known that Black trade unions were attempting to gain recognition. In the clothing industry in the Transvaal the employer's association and the registered union deliberately negotiated an agreement outside the statutory industrial council system. The company, African Explosive and Chemical Industry, has also established a structure outside the industrial council system in order to incorporate a more independent Black leadership, although the latter were not members of an independent trade union.
A specific quoted example of this unfair labour practice is for an employer to conduct a straw vote to determine whether employees favour an "inside" union as opposed to one affiliated with one of the national unions.
The Metal Box Company attempted in 1974 to promote a parallel union, to be established by the registered S A Boilermakers Society, by conducting a vote amongst the employees. This was an attempt to counter the increasing support of the independent Metal and Allied Workers Union.
- In a number of companies the management explicitly refused a request from the workers to establish a works instead of a liaison committee. The Department of Labour stepped in at this stage to conduct a ballot. In all cases the overwhelming demand was for a works and not a liaison committee. (Douwes Dekker, L., 1974).
The independent Transport and Allied Workers Union records that the management in two companies had arranged deductions for the parallel African Transport Workers Union without the employees being aware of it or having knowingly signed a stop order. (T17)

It shall be an unfair labour practice for an employer by discriminating in regard to hire or tenure of employment or any terms or conditions of employment to encourage or discourage membership in any labour organisation.

Some relevant examples regarding the South African situation would have been :

- The refusal by Pilkington Brothers to re-engage the alleged instigators of the dispute which led to dismissal of 22 strikers.
- The discharge of women employees by Raleigh Cycles and a long-service employee by Van Leer, because of their involvement in the establishment of works committees with the assistance from the emerged Black unions.

The importance of unions being able to file a charge in favour of this section will become apparent once some form of legal union recognition is introduced. Certainly, the legal strike in 1978 for union recognition by members of the registered National Union of Motor Assembly and Rubber Workers at Eveready, which led to the dismissal of 180 workers, would constitute an unfair labour practice under this section (SALB, 1979, Vol 5 No 1)

It shall be an unfair labour practice for an employer to discharge or otherwise discriminate against an employee because he filed charges or gave testimony under the Act.

The necessity for this protection against victimisation epitomises the breadth of perspective regarding the nature of the industrial relationship of the American system. That is, because of the basically anti-trade-union outlook of the employer, it became necessary for the State to identify unfair labour practices and act against employers who engaged in them.

This observation is not an argument against such protection measures if the situation requires it. But the necessity for such legislation measures is indicative of the values held by that society regarding the definition of freedom of action by individuals and the necessity for organised collective action of the working class.

Black trade unions used the victimisation clause of the 1973 amendments to the Bantu Labour Relations Regulations Act to protect members who were dismissed for using the, albeit limited, provision of the Act. Specific examples being Raleigh Cycles, Van Leer, Consolidated

Brass, Weston Biscuits, Pilkington Brothers. These cases did not constitute isolated examples of management resistance but were part of a trend of continual and increased hostility expressed by employers of Black trade unions who were demanding they be recognised and that a relationship be established.

> It shall be an unfair labour practice for an employer to refuse to bargain collectively with the representatives of the employees.

Some relevant examples and cases of violation of this practice, if it were applicable to South Africa, would be :

- The refusal by Van Leer to negotiate with the works committee, which was in fact a union committee, at a time when more than half the workers were paid-up union members. The company was aware of the strength of union support at that time.
- The tactic used by African Bus Service to counter the demand for recognition and negotiation rights of the bus drivers through forming an umbrella work-place-based structure which included other departments, thereby weakening the union's membership strength which was primarily with the drivers department.
- Management's refusal to supply information to the works committee at Pilkington Brothers regarding the incentive scheme.

As Reynolds points out, the original purpose of the Act was to assist the right of American workers to self-organisation. But what was the point of a union if the employer simply refused to deal with it? In the years after the Wagner Act, decisions by the National Labour Relations Board and the courts spelled out what the employer is obliged to do under this provision. If a union has a majority in an appropriate bargaining unit, the employer must meet with their representatives. Nothing excuses him from this obligation. He may think that the leaders of the union are Communist, that they are plotting to take over his business, and that unionism will ruin his enterprise. He must still meet with them and discuss their demands. This discussion must be conducted "in good faith, with the intention of reaching an agreement". (Reynolds, R., 1959, p 137-138)

This comparison is drawn as the development and the sentiment it records are remarkably similar to the atitude of employers in South Africa. In South Africa employers are using such arguments, usually by referring to the British situation, to justify not entering into a relationship pattern with workers who are members of independent unions.

- The use made by South African employers of committees supported by the training programmes they instituted for the representatives, does not have a direct comparison to the American situation, unless the phenomenon of company unions is considered. However, it is evident that this labour practice of promoting and controlling committees to counter the union pressure in the plans would constitute a violation of the basic rights or workers as defined in the Wagner Act.

  The expression of any views, argument, or opinion or its dissemination in a firm shall not constitute an unfair labour practice providing that expression contains no threat of reprisal or force or promise of benefit.

The Sweet Food and Allied Workers Union in its organising campaign at Unilever could have filed a charge against the company for this unfair labour practice, had such a provision been applicable. The workers were warned that if the Union were to be recognised, wages would have to be renegotiated and would be lower than what was being paid.(F19)

From the above analysis and case studies, it can be concluded that management in South Africa, faced with an emerging independent union presence in factories, engaged in unfair labour practices which violated basic worker rights. The unfair labour practices of the 1935 Wagner Act, specifically introduced because they reflected the tactics adopted by American employers in the previous decades, constituted a useful set of criteria to judge the behaviour of employers in South Africa.

In terms of this evidence it can be concluded that Black trade unions would again decline and not be successful in breaking through into the recognition phase of organisational development. However the analysis presented in Chapter 4 revealed that economic imperatives were forcing a fundamental revision of apartheid policy. Would this lead to legislative support for Black unions? Equally important, were some companies not willing to come to terms with Black unions? This latter question is dealt with in the next chapter.

CHAPTER 6

THE NATURE OF THE INDUSTRIAL RELATIONS FUNCTION DEVELOPED BY MANUFACTURING COMPANIES DURING 1973 - 1977

6.1 Introduction

The objective of the research in the form of interviews with personnel managers was to determine the nature of the industrial relations function being developed by companies in manufacturing sections. Analysis of the data would facilitate assessment of the potential for the recognition of independent Black unions by companies.

Up to 1970 industrial relations in South Africa was conducted on a centralised level and was the responsibility of employers organisations. But employers associations did not hold the answer to the problem. The following reasons explain why interviews to determine developments in industrial relations were conducted with company representatives and not employers association representatives:

- the 1973 strikes were plant-based and challenged the management of companies
- the legislative amendments in July 1973 for works or liaison committees reinforced the development of plant-based structures and processes
- the re-emerged Black unions focussed attention on gaining a presence in a work-place in order to build up union membership.

Statements in the annual reports of companies from 1973 to 1976 revealed that on directorate level it was realised that a new management function was required to cope with the emergent awareness amongst Black people of their collective strength. But at the same time it was assumed that the activities of and the services to be rendered by this new function were compatible with the activities of the personnel management department and hence personnel managers were entrusted with the task of defining the industrial relations function. Unfortunately personnel managers developed their understanding of the nature of employment in the work place in the previous decade during which there was no expression of collective action by workers. Strikes were perceived as being the work of agitators and were understood as a political if not pathological

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problem and hence outside management's responsibility. Personnel managers, the majority with psychology as the prominent major subject of their academic training, were thus singularly unprepared to understand the requirements of the situation. The following statement, quoted in Chapter 3, by a personnel consultant to one of the leading manufacturing corporations in 1972, reflects the confused perception held regarding the dynamics of management-labour relations: "We personnel specialists would do well to ask ourselves whether we have been worthy of our wardship in relation to our Black workers who, because they have no political power, depend so much upon us." It was postulated that if the concept of wardship were to be used as the basis for establishing industrial relation structures, and the paternalistic attitude of "our Black workers" were to be extended into the services falling under the industrial relations function, then the labour relationship would be suppressed.

As analysed in Chapter 1, the process of institutionalisation of conflict is dependent on the manifestation of the labour relations component of the industrial relations system. Only when this occurs through trade union expression can it be said that managerial power can be legitimised into authority. The industrial relations function developed by companies can therefore follow two opposing directions. In the one instance the industrial relations function will only allow structures and processes to develop whose operation will suppress the independent union and either no relationship pattern or one of collusion will emerge between management and worker representatives. In the other instance, because of acceptance of the power dimension of industrial relations, the structures and processes facilitated by the industrial relations function will allow for the development of an independent worker party in the form of a trade union. In this respect it was encouraging that the 1975 Labour Policy Statement of the S.A. Federated Chamber of Industries did urge member companies not to place obstacles in the development of Black unions. Unfortunately the FCI refused to elaborate on this statement and hence no guidance on this issue was given.

The definition of the institutionalisation of industrial conflict elaborated in Chapter 1 requires that the structures and processes through which the power phenomenon of the industrial relationship can express itself,

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be identified. A number of variables were isolated for inclusion in the interview schedule. The data so obtained would reveal which of the two approaches to industrial relations namely suppression or institutionalisation of conflict was being followed by the companies selected. In the following pages the research method used and the reason for selecting certain variables for the interview schedule are discussed.

6.2 Research Formulation and Methodology

When the research was planned in 1976 only the larger corporations or groups of companies were coming to terms with industrial relations as a new management activity. The Head Offices of these corporations were given the task of developing a perspective and strategy to cope with the uncertainty of the future in management to workers interaction. The relationship between management and in particular Black workers in the plant was seen as becoming an important area for which a specific function had to be established.

In order to study the nature of this new industrial relations function, it was therefore not appropriate to draw a sample of manufacturing companies for the interviews. Furthermore, employers associations, by definition conservative, were also not involved in defining the scope of this new function. Employers association had to carry out the traditional role of entering into agreements with registered trade uions on wages and working conditions on the centralised level for that industrial sector. Only in 1979 did certain employers associations become involved in defining a new approach to this area and offering services to institute the new relationship.

With the assistance of three persons familiar with those companies who were developing an industrial relations function, a list of respondents was drawn up. The one person had been specifically appointed by a corporation as an industrial relations manager, partly to monitor events occurring in this area in the external environment. This included information about industrial relations practices of other companies. The other person was the labour attache of a foreign embassy entrusted with the task of assessing developments in this field because of the responsibility perceived to be resulting from that country's considerable investment in South Africa.

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The third person, after having been sponsored by his company to follow a one-year post-graduate course in personnel management, had been appointed to the position of group industrial relations manager.

A list of 19 industrial relations or personnel managers was drawn up. (See Annexure 'A'). The response from four of the managers excluded them from the survey. One respondent had been sent to South Africa by his multi-national company to establish an industrial relations function. Information subsequently received from Black unions suggested that the company, being highly capital-intensive, could afford to pay above average wages and working conditions. A sophisticated system of representation, which included flying committee representations from various centres to the central co-ordinating body which could "negotiate" with management was established. One respondent refused to arrange a definite date for the interview. A third potential respondent, although agreeing to the preliminary interview did not subsequently reply to the request for follow-up interviews. The fourth respondent, although an interview was granted, clearly refused to divulge the information requested and the responses to the schedule could not be used. The material from 15 interviews could be used for the analysis.

In response to international pressure, one of these four companies commissioned a research department of a South African university in 1978 to undertake an independent survey of its social responsibility and employment practices. The research revealed inter alia, that the joint consultative committee had no credibility amongst the employees. This investigation is discussed when the research findings on the operation of the plant-based committee system are analysed.

Identification of issues

No specific information existed at the time the study was formulated on the content of industrial relations policies of companies or the practices they had put into operation. An open-ended focussed interview schedule was designed with a fixed list of questions to be covered.

The issues selected for the interview were derived from:

- the experience with Black trade unions ;

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- the conceptual formulation presented in Chapter 1;
- the suggestion arising out of discussion with certain industrial relations specialists.

The seven issues identified were:-

- The formulation of a specific industrial relations policy by the company.
- The relation with, or approach towards, independent unions.
- The nature of grievance procedure.
- The nature of the disciplinary code.
- The system of worker representation in operation.
- The approach to consultation and information.
- The involvement in industrial relations training for workers and management.

These issues constituted the major areas of the questionnaire. The other questions and information obtained were not directly related to industrial relations and have not been included in this analysis.

It is important to elaborate on the rationale behind the selection of these issues, both to indicate the overall framework used and to clarify the basis of the analysis made.

Industrial Relations Policy

Subsequent to the 1973 strikes, increased attention was given by companies to their employment practices, the regular review of wage rates, system of communication and effective manpower utilisation. Professional organisations such as the National Development and Management Foundation, and Institute of Personnel Management held annual conferences on these topics. Increased use was made by companies of Black personnel or industrial relations officers to tackle the perceived needs of better communication. This practice and other services being introduced by personnel departments suggested that management made the assumption that the 1973 strikes could have been prevented if s ch activities had been developed. From reports it appeared that certain leading companies were formulating specific industrial relations policies. The research showed that few companies had developed written industrial

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relations policies. However, the services introduced by the companies in the name of industrial relations are based on principles. Hence the overall industrial relations approach adopted could be deduced.

In an article on the design of industrial relations policies Cuthbert isolated five areas which could be considered as constituting in an ideal policy. These five areas are:-

- The objectives of industrial relations policy which include items such as:- reduction of labour costs; development of atmosphere of mutual trust; strengthening of managerial control; the prevention of problems and disputes, etc.

- The framework within which a viable industrial relations function operates. This requires that attention is given to the concept of management accountability; "in the same way that accountability is accepted for the quality of product design or for marketing strategy." (Cuthbert, N., 1973, p.18). Acceptance of this area of a policy not only places this function on a par with other functions, but accepts that a distinction is to be drawn between legitimate union functions and managerial functions. Part of the definition of the framework is that management retains the initiative in collective bargaining.

- The standards of the policy. Not only should it be in writing and applicably universally, i.e. without discrimination, but it should be approved by the highest authority of the company and be issued in the form of a directive. Furthermore, it should be justifiable on an assessment of its long-range impact on profit. This emphasis therefore excludes an approach based on short-term expediency.

- The industrial relations policy should be based on stated principles. Important principles are: "Management recognises employees' freedom of association and employees and their representation recognises managements' freedom to communicate its views on industrial relations issues".

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"The collective bargaining structure enhances the negotiating strength of the company and facilitates management initiative" (ibid.)

Other principles listed by Cuthbert include - that practices conform with applicable law and government regulations; employees collectively represented to negotiate with management have an appropriate community of interest and otherwise comprise a practicable bargaining unit; the distinction between conflict of interest and conflict of rights; the respective procedures to follow in the case of disputes in either of such conflict, etc.

- The procedures agreed to between the parties. Procedures should be mutually consistent and reflect the framework adopted by the company. Different procedures are established for bargaining, grievance handling; disputes settlement and disciplinary action.

It is to be noted that the Cuthbert article was read after the interview schedule had been constructed. But the five areas isolated assist in the analysis of the response to the specific question on the nature and scope of the industrial relations policy, as well as in the overall assessment as to how this function is being developed.

Recognition of independent unions

The initial momentum behind the re-emergence of Black trade unions from 1972 onwards was considerable, both in terms of number of unions established and the signed-up membership support. As discussed, by 1976, 120,000 workers had joined 26 Black unions, some of whom by the time this research was undertaken, were demanding some form of recognition from management.

A set of questions was included in the schedule to assess the reaction of management to actual, as well as potential, approaches from these unions. Although management was in a dilemma regarding entering into a relationship with Black unions, due to lack of legal guidance, pronouncements made indicated that alternatives were being considered to prevent having to recognise Black unions.

System of Representation

By the time the interviews were held, the committee system, in terms of the

1973 legislative amendments, had been in operation for three years. It would therefore be possible to assess the nature of this plant-based structure, managements' perception of its function, and the processes which it could and could not facilitate.

Crucial to an analysis of this system of representation is to determine to what extent the structure created facilitates a clear statement to management of worker expectation regarding conditions of work, problems, etc. The empirical study of the operation of one hundred works councils in the Netherlands offers a basis for the analysis of the findings. This study was based on the following definition of joint consultation. "Joint consultation is the independent formulation of problems concerning any aspect of management policy by elected members on behalf of workers and from the point of view of the employees; its discussion with top management and the attempt to influence top management policy on such a basis". (Hovels, J., 1977, p.110).

In terms of this definition, the sample of works councils in the Netherlands were analysed by examining their working method, structure and their relationship between the council representative and the chairman who is the employer representative. This makes that body similar to the liaison committee. Four types of works councils were identified in the survey.

The first type, or marginal works council, does not satisfy the minimum requirements of joint consultation. This is reflected not only by infrequent meetings but because of the lack of a relationship pattern between management and the representatives and little contact between these counsillors and the workers they are supposed to represent. One of the reasons for this state of affairs is the lack of structured contact between elected members and their constituency. The most effective means of ensuring this contact is through the operation of a union branch.

The second type of works council operates as an organ of the management of the enterprise. The basic characteristic is that the manager, who serves as chairman; takes the initiative in deciding on the scope of council business and the elected members act as individuals, not as a group with common interest. The elected councillors maintain little contact with the constituents they represent. As a consequence of management drawing up the agenda and because of lack of response to issues from the councillors, the council

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remains an organ of downward communication.

The third type can be termed an organ of the employee members. "Elected members draw up their own (draft) agenda, without any prior consultation with management." (ibid, p.112). However, management can, and does refuse to discuss points placed on the agenda by the workers, or does not supply the necessary information, which is essential for effective decision-making. The consequence is that the elected representatives achieved little in the council meetings. Hovels found that the elected members who adopted this tactic had failed to build up their collective interests and did not aim for those improvements which could be attained. The suggestion is made that this approach or tactic displayed a certain immaturity on the part of the councillors.

The fourth type of works council complies with the definition of joint consultation. The elected members not only discuss the agenda with each other, but, through the agenda committee, clarified the nature of the items with management. The elected members define their own standpoint on management decisions and the possibility of conflict is accepted as a reality. Management takes the council seriously and is willing to provide information. Works councils which were classified in this last category were called organs of consultation.

The research undertaken for this study could not obtain all the detailed data obtained by Hovels and Nas. Information was sought on the following issues - Content of minutes, how agenda was drawn up; report-back mechanism; evidence of confrontation of specific issues; the right to caucus, etc. These areas constitute the important features which enable the plant-based committees to be categorised in terms of the above typology.

Procedures

The 1973 strikes demonstrated that when labour acts collectively it has power. Because there was no relationship pattern between management and labour, workers were forced to express their power in a negative form. The visible use of this power brought a reaction from management and it became evident that a different approach was going to be adopted by companies. However, this was no guarantee that power-sharing would be established. Although the formulation of industrial relations policy is an essential prerequisite to the

change in the employment relationship only the effective operation of procedures for reconciling the conflict are visible evidence of the new approach. As noted, if conflict is to be institutionalised, the power of the employer has to be legitimised. As industrial relations policy clarifies the distinction between the company and management. When a company enters into a written agreement with a trade union to establish procedures through which conflict of interest as well as conflict of rights can be reconciled, then the process of power-sharing can commence. The procedures require management to be accountable for its action.

As Singleton points out, the operation of such procedures can be an index to the power relation between the company and its employees. (Singleton, N., 1975, p.1). For procedures to be agreed upon and used, management has to give in to its perceived prerogative to decide unilaterally on wages, working conditions and industrial justice. The business organisation, in order to operate, requires order, consistency and ways of dealing with conflict arising out of the working relationship. Procedures make the achievement of this order a joint responsibility between the company and the union.

If management is made aware that the way it exercised unilateral control over employees is no longer acceptable, it will tend to argue that a change in its management style or approach will be introduced. This determination to retain the upper hand is justified by the belief that the union cannot carry the new responsibility, or has not the support of the employees. Furthermore, the hesitancy to enter into procedures is reinforced because power is regarded as a fixed amount, and if agreement on procedures is entered into, it is believed management loses out.

If procedures are to be a tangible means of assessing the power relationship between management and union leaders and consequently institutionalising the industrial conflict then they must meet certain criteria.

- The procedures must be entered into between independent parties.
- Different procedures are required for the two types of conflict; i.e., conflict of interest and conflict of rights.
- The procedural agreement must be jointly signed by representatives of both parties to ensure commitment.

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- Procedures have to be entered and maintained.
- For procedures to be used, they require the acceptance of the workers as union members.

In the interview schedule, specific questions to take account of these issues were included under the heading of grievance and disciplinary procedures, as being the mechanism of reconciling conflict of rights; i.e., different interpretations of agreement, common law rights and issues ensuing out of industrial justice. Procedures about conflict of interest are dependent on union recognition and hence the separate question was included to determine attitude towards independent Black unions.

Attitude towards Consultation and Information

The analysis on different types of works councils explains the important role which the availability, and this includes deliberate withholding, of information plays in bringing about an effective system of representation.

In fact Markham regards the right to information as the essential first step in the process whereby workers can exercise influence on the decision-making activities of management.

The interview schedule asked what information was supplied to committees and what consultation was entered into.

Training of Committee Representatives

The analysis of the response from companies to the re-emerged Black trade unions in Chapter 5 demonstrated the determination of management to prevent trade unions gaining an effective union presence in the plant. As the statistics regarding the type of committee registered reveal, the liaison committee was preferred to the works committee. Soon after the amendments to the Bantu Labour Relations Regulations Act in 1973, management expressed interest in the training of committee representatives. This was also because of their concern about the activities of worker educational organisations used by the independent works councils.

The necessity for training persons in committee procedure is accepted, however, it soon became apparent that management saw an opportunity to instil

certain values in the training programmes. A number of questions about committee training were included in the interview schedule.

6.3 Research Findings

Clack's formulation that in an industrial relations system two components of interaction should find expression through which relations are regulated was used as a sensitising concept to classify the companies in the survey. On the basis of Clack's formulation it is argued that the human relation component is institutionalised by the personnel department and focusses on management-individual employee interaction and rendering of services to the employees. The labour relations component only emerges if a company recognises and interacts with an independent union, i.e. the collective expression of workers. It is possible to regard industrial relations as constituting only the human relations component and either ignoring or denying the labour relations component or deliberately keeping it latent. However, because the industrial relations function was still being defined it could be expected that a third category of companies would exist embracing those which had not formulated a stand. The fifteen companies were therefore categories when the data was analysed in terms of the following three types:-

- those companies developing a human relations function. As "paternalism" is the basic characteristic of this function, this designation will be used to describe these companies;
- those companies developing an industrial relations function. As support for the "free enterprise" system is the basic characteristic of this type of company, this designation will be used, to describe these companies;
- those companies developing activities and expressing viewpoints not consistent with either of these functions. The description 'semi-paternalistic' will be used to describe those companies.

In order to facilitate the description and analysis of the findings the 15 companies were placed in these three categories in terms of the response to two of the seven issues raised in the interview namely,

- industrial relations policy
- attitude towards Black unions.

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It is to be noted that the attitude detected is towards developing a management function. Of the 15 companies:

six were developing a human relations function, i.e. the paternalistic type;

five were ambivalent in the development of a function but tended towards the human relations approach, - the semi-paternalistic type;

four were developing an industrial relations function, i.e. the free-enterprise type.

Because of the exploratory nature of the study into an emerging management function and its possible expression into these three categories it is not proposed in the analysis to attach quantitative values regarding the total labour force to each category. The total labour force employed by the corporation and companies surveyed was 118 000 Black workers, 32 000 White workers, 14 000 Coloured workers and 6 900 Indian workers. The corporations and companies surveyed covered all major sectors in manufacturing industry as well as commerce, construction and transportation.

The findings are discussed below in terms of the seven issues identified as pertinent in determining a company's approach to the new industrial relations function.

(1) Industrial relations policy

It became evident during the interviews that the question about that company's industrial relations policy, was only receiving attention during that year, that is in 1976. Hence the considerable number of companies who had to be categorised as semi-paternalistic. One of the companies in the category of paternalistic, forwarded a copy of its industrial relations policy, when approved by the Board of Directors, soon after the interview. Fortunately, the Board of Directors of a prominent corporation which deliberately promoted the free enterprise system approved of a policy statement in 1977. Before these policies are compared, information on the positions adopted by the other companies will be discussed.

No attention had been given prior to 1972 to plant-level relations between management and some form of collective expression of the labour

force. Even for workers who could join registered trade unions, no specific facilities were provided. It was assumed that issues of dispute would be referred to the industrial council, Department of Labour, or solved on an individual level. Except for three companies, all respondents made some derogatory comment on what views they understood White workers to hold about their union. The common assumption was that these union members were disillusioned about their own union and saw no need for having to belong.

One corporation operated during the decade before the 1973 strikes an African Affairs Department. Four other companies had a similar but not so formalised a service. The function of such a department was to advise companies in the Group on the do's and dont's of the regulations arising out of legislation regarding employment of Black workers. Subsequent to the 1973 strikes check-lists were issued indicating areas where these companies could improve their employment practices.

An analysis of the check-list reveals that the greater number of items fall under the welfare-type of services. The following areas are listed under the heading 'fringe benefits':- pension; life assurance; medical assistance; sick pay and sick leave; housing; transport subsidy; etc. The list also contained information on job evaluation, job description, selection, training and communication.

As suggested in the analysis of the case studies of the response from companies to Black trade unions, a similarity exists between the phase of welfare-capitalism of the 1920 decade in America and the reaction of corporations in South Africa to the 1973 strikes.

One semi-paternalistic corporation operating in the engineering sector had established an industrial relations steering committee consisting of the managing directors of subsidiaries in 1976 with, inter alia, the following terms of reference -

> "To prepare management for the conducting of negotiations with workers who have full negotiating rights in particular when a Black trade union achieves significant membership in the company."
> The concluding term of reference reveals to what extent the British situation was, and still is, uppermost in the perception

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of management when unionism is debated. "To try to ensure that the anticipated increasing emphasis on true negotiation between management and workers does not result in the non-productive abuses and pitfalls of trade unions as practised today in the United Kingdom". (C.6)

The only indication the industrial relations manager of this company could make during the interview regarding the outcome of the steering committee's deliberations, was the strong support for the idea of a company union, or at least a union confined to that particular sector which was considerably smaller than the jurisdiction of the industrial council concerned.

The following statement by one company reflects sentiments of both the paternalistic we well as semi-paternalistic category. It is quoted in full as few companies were so comprehensive in their exposition:

"- The company is bound to adhere to the industrial relations procedure laid down by the employers association.

- Ideally the company would like to have a house-trade union (hence the interest in the Japanese system) which is preferred to a broad-based industrial union as the latter "brings in disruptive influences to our workers as they seek confrontation".

- The company would prefer to arrange for the secretary of the ' registered trade union to come in and organise our Black employees'.

- Our employees can join a Black trade union but we will only meet them through the liaison committee as committee representatives.

- In case of a dispute, the personnel department will act as arbitrator. (C.11).

Companies categorised as paternalistic offered little information on the question of the form and content of the industrial relations policy. But during the course of the interview, because of its open-ended nature, the following insights were revealed:

Four of the respondents specifically stated their company acted on the premise that if all the needs of the workers could be met, trade

unions would be superfluous. This assumption was also shared by the others and the semi-paternalistic companies.

'While recognising the fact that Black trade unions may be inevitable, management should make every effort to minimise the need by anticipating the attitudes of workers, giving a fair deal and being human in applying disciplinary action.' (Conclusion reached after Conference of Managers of the operating companies, C.8).

'We have done so much for the White workers that a trade union is no longer necessary for them and we assume that the same pattern can apply to Black trade unions.' (C.13).

In the hand-out booklet to all employees, one of the smaller companies adopted a typical human relations approach. 'Over .... men and women are employees of the .... organisation. Each person in this large family is a respected and useful member of one of the country's very successful teams. We are proud to be active members of the team who work together for the good of the Group, who respect each other's individuality and who are always ready to help each other. We are like a big family and we hope you feel that you are part of it very quickly.' (Details left out to prevent identification of the company, C.4).

The semi-paternalistic and paternalistic companies placed considerable emphasis on the role to be played by the Black personnel or industrial relations officer in the new range of services offered. Two of the companies developing an industrial relations function were prepared to deal with shop stewards as part of the grievance procedure to handle what the paternalistic type of company regards as 'a communication problem'. The perspective of the paternalistic company that the new order in employment relations requires effective 'communications' differentiates it from the other type.

The one paternalistic company, after a conference of its top managers concluded: 'Black personnel assistants of the right calibre should be employed to assist in bridging the communications gap. It is important that persons selected for these positions can identify with the workers and White supervisors. They must not be management stooges and should

be carefully screened to ensure they are not agitators. An important aspect of their responsibility would be to advise on the 'managerial relations' aspect and particularly in regard to proposed disciplinary action'. (C.8). The anomaly underlying the use of Black personnel or industrial relations officers is discussed in the last chapter. From the perspective of the workers it would be difficult to reconcile their responsibility to bridge the communications gap and yet advise on disciplinary action.

The companies developing an industrial relations function had, except for one, made a start in the early 1960 decade. The following approach of one of the three was the most typical.

Before 1960, different practices were followed for Black workers to those of the other three racial groups. The wages and working conditions for the latter racial groups were laid down through the industrial council agreement because they had legal trade union rights. Although that agreement also provided that the minima applied to the Black workers, the company employed, for each of the plants, a labour officer who was entrusted with the task of attending to the needs of Black workers. Subsequent to the Sharpeville tragedy,a non-statutory works council was established for Black employees to discuss matters primarily in the welfare area; i.e. the Committee could not negotiate wage rates.

The company agreed to the requests by the moderate registered trade unions in the 1960 decade to a closed shop because the union was threatened by a politically White only orientated union which had embarked on a recruiting campaign amongst employees. This was at the height of the job reservation era. But this compromise move was to create problems when during the 1970 decade necessity for Blacks to advance into skilled jobs became more acceptable and training of Black workers in urban areas was encouraged by the authorities. The prime problem experienced in South Africa during the 1960's was shortage of skilled, and this meant White, labour. This artificial shortage arose because of the determined attitude of registered unions to see job security through blocking Black advancement.

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In order to overcome the control of the registered union - achieved through the closed shop provisions - and to be able to train Blacks, the corporations decided to "move in an evolutionary manner and within legal restraints to a system of non-discrimination through a planned and systematic programme." It was decided to create a negotiating mechanism for Black workers to break down the resistance to Black advancement by the White unions. The 1973 amended legislation gave the justification to change the work councils into liaison committees with the added possibility for the workers representatives to meet separately and by providing the joint body with specific negotiating functions. This was initially not seen as a threat by the registered union leaders because they operate on the centralised level of the industrial council and were not active in the work place. At the same time, in order to overcome racist prejudice, a multi-racial safety committee and multi-racial productivity committee were set up in the work place.

The objective of these developments, achieved after the completion of this research, was to bring the White and the Black representatives together and ask them to formulate common demands to place before the employer. In this way the self-imposed job reservation was broken, as the registered union could justify this demand in front of the Black works representatives.

The corporation when approached by a Black trade union agreed to enter the process of union recognition although it stated that its requirements included the retention of the committee system. The implication being that the trade union would not be formally recognised in the work place but would look after the interests of the worker by having its members elected onto the liaison committee as worker representatives. The union concerned did not pursue the matter as no agreement was reached on the steps involved in the recognition process.

Paternalistic features are evident in the approach followed by the management but there was willingness to meet the Black union and seriously consider forming a relationship with the union and accepting that it represented the organisational expression of Black collective

interests. Black workers would have been given a greater say i.e. the process of functional democracy would have been embarked upon.

Further insights into the differences of the two basic types of companies are revealed when the industrial relations policies of the paternalistic company and the free enterprise company are compared in terms of the criteria suggested by Cuthbert.

Objectives of Policy

The paternalistic company, stressed that continued growth, profitability, stability and a sound corporate image depends not only on the calibre and skills of the people employed but the loyalty and effectiveness with which they perform their task. Hence the corporation believes in 'promoting effective communications, providing sound working relationships; maximum job satisfaction, opportunity and incentives for advancement, security and equitable remuneration and conditions of service, irrespective of race, sex or creed.' (C. 9).

In contrast, the corporation formulating an industrial relations policy, while accepting the importance of stability, industrial efficiency and co-operation between management and workers, said the question had to be asked which socio-economic system is best for South Africa and concluded that it: "believes in and works for the preservation of free enterprise for all." It recognised that this free enterprise system was endangered because the Black workers neither received acceptable standards and benefits from that system at present, nor was perceived by workers to be providing them. Hence the company accepted that "it is unwise and self-defeating to deny workers the right to form the organisations they want." (Statement by the holding company of C15).

The following objectives of an industrial relations policy are listed by Cutherbert: development of an atmosphere of mutual trust and co-operation; the prevention of disputes and if they arise that they be resolved through agreed procedures, the encouragement for employee motivation, development of skills and encouragement of high productivity; reduction or stabilisation of labour costs and the strengthening of managerial control.

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interests. Black workers would have been given a greater say i.e. the process of functional democracy would have been embarked upon.

Further insights into the differences of the two basic types of companies are revealed when the industrial relations policies of the paternalistic company and the free enterprise company are compared in terms of the criteria suggested by Cuthbert.

Objectives of Policy

The paternalistic company, stressed that continued growth, profitability, stability and a sound corporate image depends not only on the calibre and skills of the people employed but the loyalty and effectiveness with which they perform their task. Hence the corporation believes in 'promoting effective communications, providing sound working relationships; maximum job satisfaction, opportunity and incentives for advancement, security and equitable remuneration and conditions of service, irrespective of race, sex or creed.' (C. 9).

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Implicit in these objectives is acceptance of two independent parties, e.g. the emphasis on procedures which are mutually agreed upon. This acceptance of labour as an independent party is reflected in the formulation by the free enterprise corporation but not by the paternalistic corporation. The latter company stresses that it is the management of the corporation which is responsible for achieving the objectives set in its policy. This is apparent from the statement that the corporation will work towards a climate in which all employees feel "that their work is worthwhile in itself, that it gives them an income in equity with their contribution; that they can progress within the organisation if their ability permits this, etc." (C.9). The emphasis in this approach, typical of the human relations personnel management orientation, denies that workers have their own or develop their own perspective which will be used to judge such matters and must be allowed expression through collective bargaining. They believe that their labour, sold for a wage, is paid for in terms of the contribution made. At least the free-enterprise company, somewhat simplistically, argued that, "Man is happiest when he can do his own thing - as a person, as an entrepreneur, and as a workman, and when man is happy, he in this way is productive." (C.15). Following from this was acceptance by this company of the right to associate, a principle the paternalistic company was silent on.

Framework for policy

Cuthbert lists three features which consistute the framework of the policy. These are:-

- management accountability in the same manner as those responsible for marketing, design accept responsibility. Presumably this implies that the manager who is responsible for the industrial relations function has an equal status to such other functions. This certainly was not made clear by these companies, primarily because industrial relations was not regarded as separate to personnel management, which has lower status to other functions.
- Management initiative in collective bargaining and other facets of industrial relations. The paternalistic company did not act on this premise, as such a pressure implies that the other party could

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gain the initiative; this company aimed for complete control over industrial relations.

- In order to make the requirement of accountability operational, a distinction is made between the legitimate function of the union and the legitimate function of management. Here again, the paternalistic corporation could not draw this distinction because it had usurped the union function. The corporation developing an industrial relations function, as will be discussed, had accepted the broad differentiation in that the union was made responsible for collective bargaining but the role of the union in the plant was not defined and the acceptance of the committee system by union members was assumed. This corporation introduced the briefing group system as a means of downward communication in order to strengthen managerial authority by reinforcing the hierarchical structure and division of labour and hence the legitimate function of management.

Standards of policy

Both companies conformed to certain of the standards of a policy suggested by Cuthbert. Adherence to these standards is required to ensure the effectiveness of the policy. These standards include the following characteristics of a policy: it must be universally applicable, it must be in writing; it should be in broad terms to permit application to varying local conditions; it should be justifiable on an assessment of its long range impact on profits, it should be approved and authorised by the highest authority within the organisation and made available as a directive.

These standards were in general adhered to, but the implication that it be made known to all employees was not carried out.

For the paternalistic company the question can be raised whether its policy would have positive impact in the long run on profits. In America, a positive correlation has been determined between unionised factories and productivity (Brown, C., 1978). This being so, it is advisable for corporations to establish a mutually acceptable industrial relationship between the management and the collective expression of labour.

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Principles of Policy

The actual industrial relations practices of line management should conform to governing rules of conduct or the agreed upon rules of action derived from certain principles. Neither of the corporations compared had formulated an explicit set of principles in their policy. It is however possible to assess their acceptance of or general agreement to these principles. Cuthbert lists 20 principles of which the most relevant are discussed below.

(i) "Industrial relations practices conform strictly to applicable law and government relations".

Both companies would support this principle. It is, however, to be noted that in South Africa a very positivist interpretation of law prevails in that it is assumed that if the law is silent on a matter, it must be illegal to be involved in that matter. This approach was adopted by the paternalistic company while the company developing an industrial relations policy accepted that although the law is silent on the question of recognising Black unions, this did not prevent management from doing so.

(ii) "Management recognises employees' freedom of association and employees and their representatives recognise management's freedom to communicate its views on industrial relations issues".

The paternalistic corporation does not accept this principle. This rejection of the basic premise of industrial relations implies that human relations as the sole component of industrial relations must institute activities and services to ensure that the company trade union axis of inter-action is kept latent.

This principle is accepted by the corporation developing an industrial relations function, hence the categorasation 'the free enterprise corporation'. However, the effective practices flowing from it require a specific challenge to a company from a union for recognition. No independent Black union had at that stage approached the corporation or its subsidiaries.

(iii) "Management takes the initiative in industrial relations".

This principle assumes the existence of another party, the union, which could take the initiative. The paternalistic company does not

operate from this premise as its unwritten objective is to control the expression of labour. Although the free enterprise corporation would recognise that the 1973 strikes constituted the catalyst for its activities in this area, it subsequently was able to maintain the initiative in its approach to, and in isolated cases, interaction with, the emerging Black trade union movement.

(iv) "The collective bargaining structure enhances the negotiating strength of the company and facilitates management initiative".

The paternalistic corporation, one of those involved in the Tongaat/ Hulett and S.A. Breweries legislative proposals discussed in the next chapter, denied that collective bargaining is central to or should be part of industrial relations. Faced by the uncertainty implied in meeting, let alone interacting, with Black trade unions, it preferred to retain complete control over the representatives of the work force.

The free enterprise corporation retained the initiative as the organisational development of the union and is dependent on willingness of the management to recognise it. Hence the corporation was able to require that its terms regarding the structure and processes through which interaction would take place, be accepted. The corporation specifically requires that collective bargaining takes place on the industry level and that the union should only have an indirect presence in the plant or work place in that its leaders should seek election as committee representatives.

(v) "Employees collectively represented to negotiate with management have an appropriate community of interests and otherwise comprise a practicable bargaining unit".

As the process to be followed in union recognition was not given serious consideration during the period of the research, the necessity for such a principle in terms of which practices are defined, was not realised. During 1978 and 1979, some companies did start using the concept 'community of interests' in policy outlines, but it was not related to acceptance of a recognition of a bargaining unit. These companies require the establishment of a multi-racial union and hence refuse to consider the recognition of a Black union. In part this

reasoning derives from the centralised nature of collective bargaining in South Africa and in part from the belief that registered trade union leaders will exercise a moderating influence over Black worker aspirations.

(vi) "Management concessions in collective bargaining are made in return for gains".

The emphasis on "management" suggests acceptance of decentralised or plant-based bargaining. The free-enterprise corporation felt that "leap-frogging" in wage negotiation, i.e. from one factory to another was undesirable. However, the need for gains for management in return for concessions, even if on the industry-level, is accepted. The implication of this priciple, which suggests acceptance of the distributive bargaining process, was denied by the paternalistic corporation.

As the majority of workers have no bargaining rights, companies in South Africa have not been faced with demands from unions during negotiations which basically they could not meet. Hence the urgent necessity of productivity improvements has not been felt and this principle has not been acted upon. This partly explains the low productivity performance of manufacturing industry in South Africa.

(vii) "Management avoids expedient settlement of disputes that prejudice its long range interests".

The paternalistic type of company is concerned to deny the validity of disputes, particularly those involving a number of employees. Collective disputes would be regarded as pathological expressions of management-employee interaction and a failure of management. Individual disputes should, if not internally resolved, be referred to a labour court.

The free enterprise corporation appears to accept this principle although assessment of the adherence to it by subsidiary companies cannot be made as industrial relations is a recent management function. However, the corporation has experienced a number of disputes both in its manufacturing and mining companies and has taken the approach that these occurrences are not a mark against its managerial practices

but rather the price it is willing to pay for coming to terms with implementation of freedom of association. In other words, the very move from coercion to consent results in dislocations at unexpected times.

(viii) "Interest disputes are resolved by negotiation, conciliation, mediation, third-party fact-finding or economic action, and rights disputes are resolved by acceptance of management decisions or by arbitration or other forms of adjudication".

The basic differentiation between conflict of interests and conflict of rights and acceptance of the need for different procedures for their reconciliation was not accepted by the paternalistic corporation. Neither did this distinction form part of the formulation of its industrial relations policy by the free enterprise corporation in that only a procedure to resolve conflict of interests was accepted. The specific operation of a grievance procedure to reconcile conflict of rights was not considered. The reasons and implications for this deviation from ideal requirements will be discussed in the section on procedures.

(ix) "There is no agreement, either written or oral between management and employee representatives which, if made known to employees, would impair its purpose".

This requirement appears to accept that in the world of pragmatic operation, there are at times matters which are agreed upon or at least understood between the leaders of the parties. However, if collusion is to be prevented, then the criteria to apply are that if such an agreement is made known or made public, it will be acceptable.

This principle was not considered by either of the corporations. However, it is an important item to bear in mind, as the highly centralised nature of collective bargaining in South Africa makes it easy for a relationship pattern of co-operation to slip into one of collusion.

(x) "The obligation and binding force of agreements are respected and breaches are subject to sanctions".

It is significant that the paternalistic company, as is reflected in

the analysis of the Tongaat/S.A. Breweries proposals, discussed in the next chapter, did formulate this principle. But as pointed out, the corollary of this requirement is the operation of the intra-organisational sub-process of collective bargaining. It is during this sub-process that the final institutionalisation of the conflict for the period of the agreement is achieved; it reflects as it were, the socialisation of the collectivity of labour when it agrees to the terms the negotiating team has settled on and hence the compromise on its initial demands built into them. Compromises are only arrived at if the distributive bargaining processes take place. Only in this way can the peace obligation be demanded and (by corollary) sanctions be accepted.

Yet the paternalistic company denies the necessity for the two sub-processes of distributive and intra-organisational bargaining. Hence the requirement that worker leaders be responsible for breaches of the agreement by the labour force is unrealistic.

The free-enterprise company did not comment on this principle although it would undoubtedly support it.

Since 1975, the incidence of spontaneous or demonstration strikes has decreased and hence their potential as a protest from the working people is not a matter of immediate concern. The coercive role played by the police and Department of Labour when such actions occur, acts as a deterrent to their expression. The consequences are that workers dare not express their grievances nor articulate their perceptions of the industrial injustices they experience.

(xi) "Management does not negotiate or make concessions under illegal or non-procedural economic coercion or the explicit threat of it".

Neither corporation directly discussed the issue raised by this principle. On the one hand it is logical and self-evident, yet the implications of it in the South African context should be spelled out.

The question underlying the issue raised is why workers should resort to such non-procedural, let alone illegal, actions. An analysis of the Spanish system of industrial relations as it developed during

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the 1960 decade reveals that the lack of freedom of association placed workers in circumstances which left little alternative but to undermine the system and be involved in hostile acts. This is why employers should gain a thorough understanding of the coercive measures which workers are exposed to and how these measures maintain them in a state of apathy or hostility. Neither of these conditions are conducive to equitable and satisfactory industrial relations.

The corollary of this principle from the perspective of workers is that employers should undertake to neither use the informer system nor work with the security police when it comes to industrial relations measures and not call in the police when a dispute arises. The case studies discussed in the previous chapter contain information on the interference by those State agencies in industrial relations matters.

(xii) "Joint consultation is used by management for two-way communication with employee representatives but in no way infringes on management's function."

Neither corporation explicitly stated this principle but in the constitution of liaison committees of paternalistic companies, a limitation clause is included which explicitly states that the committee could not reverse or amend any instruction from management.

In Western Europe a distinction is made between economic and social matters and the works council has co-determination rights for social matters. The implication of this concept of workers' participation is neither provided for in the principles given by Cuthbert nor in the use and function which companies in South Africa define for the committee system.

(xiii) "Managements' industrial relations practices are known and understood by employees and their representatives and are consistent with the company's general personnel policies."

At the time that the interview was conducted, the policies were still being formulated. Hence acceptance of this principle could not be assessed. However it can be observed that few policy matters of companies are conveyed to employees. At most some comment on the use of the committee system is included during the induction process.

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(xiv) "It is recognised that management is accountable for overall results and its function is to make operating decisions, while the function of employee representatives is to act in the interests of their constituents and to protect their constituents' rights under agreement and law".

The debate about management rights and prerogatives has not received a great deal of attention in South Africa. It is, however, a prime consideration of companies who prefer the paternalistic approach to management-employee interaction.

Registered trade unions have confined their challenge to management to the centralised collective bargaining situation. The under-development of the shop steward system in South Africa is indicative of the lack of concern of the registered trade unions to influence management decisions. The establishment of the committee system as a legal structure in the place of work will increasingly raise the question of their function and degree of their influence on managerial decisions. It is not apparent whether the emerged Black union movement will opt for workers' participation in terms of the Western European model, or aim to extend the "fontiers of control" in the sense of the British pattern.

In the interim, it is understandable that while employers remain unchallenged, they prefer not to raise the issue of their assumed prerogatives.

(II) Attitude Towards Independent Black Unions

The respondents were specifically asked if the corporation or a subsidiary company had been approached by a Black trade union since 1973. In six cases the answer was that no contact had been sought. Of the remaining nine companies, in only 3 cases was the request specifically for recognition of that union in a plant. In the other 6 cases, the issues brought up by the union had related to specific problems or grievances of members.

The respondents were also asked to indicate, irrespective of whether an actual approach had been made, the response the company would make to a formal request for recognition. It was hoped to

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record the criteria for the process of a union recognition envisaged by the company. But the response indicated that no detailed attention had been given to this question. Although it was apparent that the question of what to do if a union approached the company had been discussed, all companies, except three of the four free enterprise companies, referred in one way or another to Government policy as the reason why no relationship was being considered. Because of the consistency in referring to Government policy, the question which probed for a company's willingness to enter into a private or house agreement, received a completely negative response. In fact, none of the companies were prepared to enter into a collective bargaining situation with unions on the work-place level.

The observation made during the general discussions arising from these questions revealed a strong conception of the trade union as a third party interfering in the direct management-individual employee contract. A contradiction was also revealed in the assumption that companies adopted a neutral position towards the question of Black union recognition and the support for the idea of a company union. Six of the paternalistic companies in fact were planning to establish a company union when a stage would be reached to upgrade the committee system.

The following details and statements made regarding these issues in terms of the three types of companies identified, elaborate on the above outline of the findings.

The following reasoning and arguments were given by those companies classified as paternalistic and semi-paternalistic to the issue of union recognition.

- The request by one Black union for recognition was refused for practical business reasons after a serious warning, which bordered on a threat, to that company from the industrial council for that sector. The company claimed that it had voiced support for negotiating rights for Black workers but added "we cannot anticipate legislation changes and until such time will continue operating within the framework of the Act", i.e. the Bantu Labour Relations Regulations Act.

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The respondent himself said that he believed companies should heed the statement by the Government that Blacks should not obtain political rights via economic domination as Blacks are not accepted as citizens in White areas. He quoted four reasons as to why the granting of trade unions to Black workers was premature, namely: it is irresponsible to give rights to an unsophisticated labour force; rights should not be given to migrant workers; subservient elements would infiltrate Black unions and misuse their power; because of numerical strength, subservient elements would dominate existing (i.e. registered) trade unions. (C.3).

These arguments were also used by the Afrikaanse Handelsinstitute in its evidence to the Wiehahn Commission of Inquiry into Labour Legislation.

- The company, when approached by a Black union, agreed to meet the general secretary and said he had no objection to individual workers belonging to a trade union. However, the conclusion reached by a conference of managing directors of operating divisions on this issue clearly showed a preference to deal with the committee and the contact with the union was maintained to 'keep an ear to the ground'. (C.8).

- When the company was approached by a Black union in 1974, it was agreed that dialogue with the union would be maintained but no formal recognition would be granted. The respondent of this company interviewed said the Board of Directors had decided that it is "not in the interests of either the company or the employees to place themselves in direct conflict with government policy", and furthermore, "as an individual employer, we cannot step ahead" on the question of Black union recognition. (C.9).

- A subsidiary of the corporation had been approached by a Black trade union for stop order facilities. The company said in reply that in terms of a specific clause in the industrial council agreement, any deductions except for funds operated by that industrial council were illegal. (C.12).

The responses by the two semi-paternalistic companies who had been approached by a Black trade union are relevant enough for the specific details to be given. The first quoted company is categorised as semi-

paternalistic because it initially agreed to recognise a Black union. The second company, although its initial policy statement was definite, reconsidered its position because of a confrontation with a Black trade union subsequent to the interview and its decision to accept a seat on the Board of Trustees of the Institute of Industrial Relations when established in 1976.

- The corporation initially stated that a Black trade union would be recognised if it enjoyed approval and support of the registered trade union which had been given organising facilities and recognition status. This policy was subsequently rescinded for the stated reason that the company depended on the goodwill of the Government both in terms of its import requirements and favourable reports from government inspectors regarding aspects of its operation.

Subsequently, the Group Personnel Manager sent a circular to the Chairmen of the more than 100 liaison committees and gave the following explanation regarding the status of Black unions and the company's understanding of the scope for the liaison committee system.

"This was not to say that Africans (Blacks) could not join trade unions or that African unions are illegal. It meant that the Government would not register their trade unions, who were thus not legally able to represent their members. Our company has accordingly not recognised any African trade union. However, we recognise their right to exist though we do not grant them organising facilities in our companies.

The Minister of Labour has recently reiterated that the Government has no intention of recognising and registering African trade unions. In fact, current draft legislation is intended to build on the liaison committee system by electing from liaison and works committees representatives who will negotiate with employer bodies on wages and conditions of service just as the registered unions do at present.

Our liaison committees therefore remain the forum through which our African staff can communicate with Management, air their grievances

and negotiate changes in their conditions of employment and, in view of their future role, must be developed further". (C.7).

- The following circular was distributed by the Group Industrial Relations Manager to over 70 liaison committees throughout the country. The need for clarification had arisen because the Black union concerned had taken up the issue of wrongful deductions of Unemployment Insurance contributions from employees who, as foreign workers from Lesotho, were not entitled to benefits from the Act. The union had also challenged the unilateral decision by the Group to establish liaison committees irrespective of the choice of either a works or a liaison committee which the Act provides.

'BLACK TRADE UNIONS'

"The Industrial Conciliation Act does not permit Black Trade Unions to take any active part in the Industrial Council system and therefore they are not recognised as negotiating bodies by the Government. At the same time the Government has made it clear on many occasions that the formation and existence of Black Trade Unions is not illegal, and we can therefore expect a growth in Black Trade Union activity.

The Company has therefore decided on the following attitude to existing and newly formed Unions:-

1. The Company does not recognise Black Trade Unions for negotiating purposes in terms of Industrial legislation.

2. The Company's attitude to Black Trade Unions should be courteous and neutral, i.e. no encouragement nor discouragement.

3. The Company accepts the right of black workers to join Black Trade Unions if they so desire, but it must be made clear that we will not deal with any Union which may wish to act on an employee's behalf.

4. Where any matters are brought to our attention by a Union, we will merely thank the Union but no information should be given in response to their requests.

5. If any of our employees should bring Black Trade Union Officials with them to meetings with Company officials, they should be courteously received, but discussions must be limited in accordance with (3) and (4).

The Company's policy for the present, is to develop communication with its black employees through the Works and Liaison Committee system, together with the various Personnel and Industrial Relations Departments". (C.10).

The following two formulations by a paternalistic company and a semi-paternalistic company respectively, who had not been contacted by a Black union, illustrate the prevailing misunderstanding about the nature of industrial relations.

- The company had decided on the definite objective of establishing a company union. The decision was said to be taken on the basis of the following conclusions: an independent trade union is a third party to the management-employee relationship; a trade union is self-centred and has too wide an area of representation; in Great Britain trade unions have brought the country to its knees; registered trade union members are disillusioned with their trade union. (C.13).

- The company is prepared to meet trade unions. However it would be said to the union that it need not enter into negotiations"because of what is done for Blacks." The company paid workers one third more than the minimum wages laid down because of the capital intensive nature of the operation. "Hence, quite frankly we do not know what more trade unions could do for them. There is nothing to negotiate for". (C.4).

The value of using the focussed but open-ended interview is that unsolicited but relevant information is obtained. Three of the six respondents from paternalistic companies specifically used the phrase "the trade union is the third party" when the question of union recognition was discussed. Two of the remaining three companies supported this conception of the trade union in that they indicated that the union should have no role in the company's domestic affairs. The sixth company specifically formulated an approach on the basis that the committee made the union in the plant redundant. Representatives of the four committees from subsidiaries throughout the country, were regularly brought together for a meeting with the Group personnel manager and managing director. The purpose was to demonstrate the seriousness with which the Head Office of the company viewed the satisfactory operation of the committee system.

Subsidiary companies were also advised that an unexpected visit would be made to check that decisions were carried out and to give

representatives the opportunity to discuss matters. As the respondent concluded "if we are doing our homework, we don't need a trade union". (C.8).

What are the basic assumptions underlying management's conception of the trade union as a third party?

By conceiving of the trade union as a third party to the manager-individual employee relationship, personnel management reinforces its beliefs that the trade union has no function to perform in the workplace and can regard the union as interfering in that relationship. Management does not understand it should legitimise its power. In fact the basic belief in managerial rights or prerogatives is threatened if the trade union gains recognition of its representatives or shop stewards in the plant as they will be able to influence managerial decisions. A further element in this conception is the belief that the trade union threatens the loyalty of the worker to the company, if not its management. Hence as soon as a trade union presence is perceived in the company as a result of an organising campaign, personnel management tries to counter the benefits which the union offers. This is particularly so when it comes to funeral benefits. These elements combine into the conception of the trade union as an outside party none of whose functions should influence management decisions. Reinforcement for this conception is given by the lack of involvement of registered trade unions in the factory. The basic error made in these formulations is to perceive the union as an organisation operating from an office and not to accept that the union is primarily a presence in the plant when workers adopt the status of union members. This new role brings forth new expectations but these are a threat to the task which personnel managers have given themselves in regard to the employees of the company, namely to decide on their behalf.

Management knows it can cope with and hence control the consequences of the manager-individual employee axis of interaction. If management accepts that the union has a legitimate presence in the plant, it must accept that a different relationship pattern is required. This has direct implications for the terms of the contract of empoyment entered into with the individual employee. Acknowledgement of the reality of the union presence in the plant implies acceptance of its collective

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strength and rights to influence the decision-making process on matters which affect employment practices. This is a revolutionary approach for the South African situation. Hence the conception of the trade union as a third party to the domestic affairs of the company justifies the belief that management's control over these affairs is inviolate.

The second insight which emerged from the interviews is the built-in logic of the paternalistic approach which leads to the belief in agitators and justifies the use of the company security system to prevent such persons from influencing workers.

One respondent acknowledged that Black workers had genuine grievances and had lagged in a fairer distribution of income. His justification for the control which he acknowledged was exercised over committee procedures (in particular through the proposed industrial committee system) was that there was a great danger of frustration to be built up if expectations were raised too quickly amongst workers. Management alone was in a position to judge the rate at which improvements in wages could be made. He referred to the quarterly surveys of the Natal Chamber of Industries which showed regular increases in wages of unskilled workers since 1973. (C.9).

In a similar discussion, another respondent concluded by expressing concern over the consequences of the 1976 Soweto 'disturbances' in that new recruits might not so readily accept the bona fides of the company to its employees. The company had reinforced its security system and added to its function the responsibility of detecting agitators amongst new employees. This role is also built into the services rendered by TEBA, the recruiting organisation of the Chamber of Mines. Subsequent to the interviews one of the respondents, who was forced to leave the services of a paternalistic company, confirmed that the company security guards were required to report on any unusual gatherings and discussion groups amongst employees.

It is therefore postulated that the paternalistic approach must logically lead to reliance by that company on informers and the security system for information on and identification of agitators who are perceived to negatively influence the assumed loyalty by workers to the company.

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Two of the companies developing an industrial relations function challenged the Black unions to achieve 50% membership in order to be recognised. In one of these free-enterprise companies recognition was granted for organising facilities and the stop order soon after the interview had been completed. The Union shop stewards were accredited a role in the operation of the grievance procedure. These shop stewards were also permitted to attend to union matters for one hour per day during working time. However, the company said that these facilities did not imply that "the liaison committee will disappear, we will need to communicate". Collective bargaining rights were indirectly granted in that the union had members on the liaison committee, and were selected by the Department of Labour to serve on the industrial council in terms of the Bantu Labour Relations Regulations Act. (C.5).

One of the other two companies, classified as free-enterprise, did not, prior to the interview, receive a formal request for recognition, although informal contact with the union secretary had been made regarding grievances of individual union members. Subsequent to the interview, the union met the personnel manager of the company in order to determine a mutually satisfactory recognition procedure. These discussions were not finalised by 1977 but the attention given to this issue of a mutually acceptable procedure for membership verification suggested seriousness on both sides. (C.15).

The fourth free-enterprise company had advised its employees through the liaison committee that there was nothing to prevent them from joining a union and that they would not be victimised. It appears that this undertaking was upheld as no cases of victimisation were recorded although the Black union concerned was active in one plant. The company advised the union that it would not be recognised, apart from a role in the disciplinary procedure, until significant - later specified as 50% - membership was obtained. At one plant the Union claimed that this target was reached but could not produce a membership list or did not want to because of victimisation fears. The trade union refused to allow its members to be elected on the liaison committee and said it was going to establish a workers' commission in opposition to that committee. However, nothing further was done and it appeared that the Union's presence in the

plant declined both in terms of membership and activities. (C.14)

The issue raised regarding the attitude of the companies to Black unions generated less discussion with the free-enterprise companies than with the two types of paternalistic companies. The free-enterprise companies had formulated a position and were awaiting developments. On the other hand, as will become apparent when that item is discussed, the paternalistic companies had developed a more elaborate committee system that the free enterprise companies.

Two of the respondents expressed concern about the viability of the emerging Black unions. Because of the informal contact maintained with the general secretaries of some of those unions, some insight into their problems had been attained. The specific points raised were: the administrative ability of the union secretaries; their inexperience in approaching management and the fact that executive committees did not consider the principles of compromise in regard to formulating demands. The paternalistic companies did not raise such issues, but three of the respondents expressed concern about the role of White persons in Black union affairs. They were described by one respondent as "unemployable long-haired intellectuals".

(III) Grievance and disciplinary procedures

In the foregoing discussion the significance of procedures as an index of the relationship between companies and unions was discussed. Five criteria were developed to evaluate procedural mechanisms which regulate that relationship. In this section the findings regarding the formulation and operation of procedures by the corporations will be discussed and analysed. In the concluding paragraph these five criteria will be applied to the findings.

During the interview separate questions were asked about grievance procedures; disciplinary code; disciplinary procedures and need for Labour Courts. An objective of the questions was to determine the role given to or played by the personnel department in processing of

grievances of employees and in the administration of discipline.

Only five of the fifteen respondents indicated that a grievance procedure existed in their companies. Of these five, three were classified as free-enterprise companies, one as a semi-paternalistic and one as a paternalistic company. But the evidence of these procedures has to be qualified. The grievance procedure which the paternalistic corporation had formulated was not integrated with the other practices introduced. The corporation is decentralised and operates in a large number of plants. At the time of the investigation already 70 liaison committees had been formed. Information obtained about two of these plants showed that the workers, who should have the right to initiate this grievance machinery, were not aware of its existence.

Of the three free-enterprise companies, the grievance procedure could only be said to be effective in the company which had started to form a relationship with the Black trade union. These broad findings support the principle that grievance procedures are a product of the relationship between two independent parties. A grievance procedure is concerned with the institutionalisation of conflict of rights which only becomes a meaningful possibility after conflict of interests, in the form of a basic agreement, has been reconciled for a specified period. The evidence of the complete lack of effective and acceptable machinery to handle grievances amongst these companies which were in the forefront of giving form and contant to industrial relations practices, should therefore not be surprising.

Only one of the companies was in the process of recognising a Black trade union. However, relevant attitudes regarding the approaches of these companies to industrial relations issues were revealed during the interviews. One respondent, occupying an executive position as director of personnel of a semi-paternalistic company with a labour force of 6,000, stated in subsequent correspondence: "We do not have a formalised procedure. As you will see from the 'Welcome to .....' (name of company) booklet, as far as grievances are concerned, our policy is to maintain an open door to all employees. We have found that line managers, if necessary aided by the Personnel Department, are able to solve the issues

raised by our employees without the need for a formalised procedure agreement. Similarly, matters of discipline are the responsibility of line management, who may call in the Personnel Department". (C.7).

This formulation, the most specifically stated but typical of companies classified as paternalistic, supports the critique of the human relations approach as developed through personnel departments, whereby trade union function are usurped. It also reveals a patriarchal element of those companies namely the 'open door policy'. Seven of the paternalistic type of companies revealed, without specific questions being asked, that an 'open door policy' was in operation in their company. That is, a tradition existed in those companies that that door of the managing director (or his equivalent) was always open to 'employees with troubles'. As explained by a respondent from one corporation with agricultural interests, this tradition originated when the managing director made it known that he was available on Sundays at 11 o'clock in the morning (presumably after church services) to any workers with problems. This practice was carried over into the factory situation. The critique of this approach is not that no action was taken to follow up the problems raised. Those employees who came forward received some satisfaction about their problems. The critique of this approach is based on acceptance by the management of the company that employees should subordinate themselves in this way. This grievance mechanism reinforces division of labour and does not even bring about the possibility of equality and dignity which a formal grievance procedure attempts to achieve. One of the free-enterprise companies admitted that although a policy had been adopted that formal procedures be used, it was difficult to have it accepted in subsidiaries because of the past open door approach.

Although not anticipated as an item to be raised with respondents, it is significant that three paternalistic companies and one semi-paternalistic company confused in their practices a grievance procedure with the disciplinary practices. This became apparent due to the fact that in the interview the question about the grievance procedure was raised before the question about the disciplinary procedure. The confusion has arisen from lack of acceptance that workers can initiate a procedure to process a grievance, instead of responding to the management's initiative,

in the form of disciplinary action, taken because that employee violated an item of the written or unwritten disciplinary code. As a respondent indicated, there was general acceptance that a worker could appeal against, say dismissal, but not raise a personal grievance through a procedural mechanism. A worker should raise, what was preferred to be called a problem, with his immediate superior whose decision was final.

A specific question was included on the necessity for a Labour Court which would function as an independent arbitrator to judge issues which could not be resolved to the satisfaction of either management or the aggrieved employee, or group of employees. In only two companies, one classified as free-enterprise and one as paternalistic, was this issue discussed, showing their acceptance of the need for an outside judicial body.

The respondent from the free-enterprise company pointed out, logically, that such disputes could be referred to the industrial council concerned. It was apparent from his response that an outside arbitrator was felt to be an unwarranted interference.

The grievance procedure in operation in the free enterprise company satisfied the following criteria:-

- a number of stages up the management hierarchy were laid down and time periods were specified to ensure speedy resolution of the grievance or dispute;
- the union shop steward was allocated a role in procedure and time-off to perform that role;
- if the matter was unresolved at stage four, and before the dispute was to be referred to an outside arbitrator, negotiations with a union official would be undertaken.
- the collective nature of a dispute was acknowledged in that it could involve a group of employees. (C.15).

The deciding test of a grievance procedure is not only that it is mutually acceptable to both parties, but that it works in practice. This final requirement still has to be met.

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A number of reasons explain why this company had introduced a sound grievance procedure. These include: planning for an industrial relationship from the beginning of the 1960 decade; influence from the Head Office of this multinational corporation; acceptance of the importance of distinguishing between personnel management and industrial relations,by giving the responsibility of this function to a director, and realisation that in order to break the skilled labour shortage both Coloured as well as Black workers be given greater say in decision-making processes affecting employment practices.

Eight corporations, including three of the four free-enterprise companies had formulated a written disciplinary code.

Two of the free-enterprise companies had introduced their disciplinary code early in the 1960 decade and one before that period. Those paternalistic companies which formulated a disciplinary code had done so during 1974 or later. In the remaining seven companies, discipline was exercised in an arbitrary manner or in consultation with the personnel department. Thus, in a high number of paternalistic types of companies, the vestiges of the coercive mode of control was still in evidence. The claim by three of these seven companies that the do's and don'ts of behaviour were explained during the induction programme does not alter this conclusion. A written and effectively communicated disciplinary code is an essential prerequisite in moving away from the coercive mode of control. The anxiety management experiences in moving from coercive control is reflected in the instruction from the personnel department of one paternalistic corporation that the content of the disciplinary code not be made available to the employees. One respondent revealed that in the past it was the practice in subsidiary companies for hiring and firing to be done by the supervisors who used this right in an arbitrary manner. Dismissals now had to be referred to the Works Manager or his equivalent. (C.3). In a semi-paternalistic corporation the "firing of liaison committee representatives must be done in writing and reasons had to be given to the area local personnel manager". (C.7). This corporation operated a considerable number of decentralised service subsidiaries and this instruction was given after an incident involving members of a Black trade union which resulted in victimisation in the form of dismissal of union members on the liaison committee, who wanted to establish a works committee. The respondent of a paternalistic

corporation admitted that the putting into practice of the dismissal code "had to be forced on factories". The foremen concerned saw the new procedure as a threat to an important control mechanism in that they wanted to impose discipline if and when they saw necessary. (C.13).

The Group Guide Lines developed in 1974 by the personnel department of one paternalistic corporation consisted of objective criteria to be applied for specified offences with a given number of warnings before a worker could be dismissed. The following instruction accompanied the code:-

- if a worker felt the disciplinary action was unjustified, he was to be referred to the personnel department for advice;
- the departmental manager was to take the final decision;
- no arbitrator or appeal system outside the company was to be used. This referred to correspondence received from Legal Clinics operated by Black unions.

The concluding paragraph stated:

"Each case should be treated on its merits and discretion is to be exercised so as to ensure that justice is seen to be done. (C.9). These guidelines clearly reflect the paternalism of the human relations approach.

Only one of the paternalistic companies had formulated a specific role for committee representatives in the disciplinary procedure as follows:-

- they could attend as observers; their opinion would be requested; they would be required to inform the employees of the decision.

In the other companies no clarity on the role of the worker representatives was given. None of the companies accepted that the worker representative could perform the role of lawyer in pleading for an accused worker.

One of the paternalistic corporations forwarded a copy of the disciplinary code which had been finalised subsequent to the interview. It reflected the normal concerns of management in ensuring that instructions and requirements were adhered to in terms of the following headings:-

- time-keeping offences; work output offences; quality of work offences; attitudinal offences; social offences.

For the 21 detailed items included in these offences either one or two warnings were to be given before the person would be dismissed.

The warning for certain offences could include a change in conditions of work such as loss of wages, demotion, a fine, loss of bonus and suspension of one week. The instructions accompanying the code were careful to point out that the agreement from the employee should be obtained in writing before such changes were made.

For the final item "Criminal and other offences", instant dismissal was required. Included under this heading, besides common law items such as theft, wilful damage to materials and criminal offences, was the item "subversion". This was defined as "deliberate incitement of employees against one another or the company".

The above information about disciplinary practices, the absence of a formal written code of discipline, or its very recent formulation, and the inadequacy of the appeals procedure, suggest that justice is not done or is not seen to be done, by the workers. Regarding those appeals procedures which have been formulated the following observations can be made:

- agreement from the workers for the steps in the appeals procedure had not been sought;
- the mark or signature of the employee on the record card regarding a warning or reprimand implies he accepted the charge made against him. At most it should signify that he acknowledged that he received the warning, whether he admitted that he was guilty of the alleged offence or not.

- the role of the worker representative to either query the evidence, or appeal against the nature of the disciplinary action taken was left vague. One procedure laid down that the committee representative could only attend as an observer. "He should not take part in the proceedings nor should he be party to the decision." (C.9). Whereas it is correct that the worker representative could not be party to the decision, it is essential that he participate in the proceedings in the role equivalent to a defending attorney.
- Warnings in the record card are either not deleted or only after 3 years; - in the one instance where this was considered. At most a warning should remain on the record card for 4 months.
- No safeguards are provided to ensure that employees are not coerced into accepting, as a form of discipline, less favourable conditions of work;
- The requirement that an outside arbitrator, to be mutually agreed upon, be appointed to settle disputes, is not reflected in the procedures.

Regarding the content of the disciplinary code, the following observations can be made:-

- It is correct that employees, through their representatives, cannot be party to the content of a code of conduct, but the right of a hearing should be granted to them. Committees or other bodies were not asked by employers to comment on the code.
- Management representatives lack experience in industrial relations. Hence the inclusion of items such as "subversion" will result in a situation where normal industrial relation confrontations will be classified as subversive actions. In practice, management perceives any collective action or group activity as a threat to its perceived right to manage.

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attention given to fair procedures, suggests a lack of appreciation, or not wanting to face up to the reality of the arbitrary manner in which discipline is required and action against offences, is taken. This attitude was exemplified by one corporation which included in the circular sent out by the Group Personnel Department, the following statement:-

> "The ideal situation aimed at is one which, in the long term, produces a climate wherein the majority of employees are so well-motivated and self-disciplined that the undisciplined and selfish individual is made to feel unwelcome and departs without management having to resort to the use of the disciplinary code". (C.9).

This approach not only assumes that those against whom disciplinary action has to be taken display pathological tendencies - and hence the inherent conflict of interest in employment relations is denied - , but that the group of workers will accept the values underlying this perspective and apply group sanctions against such a person. It is a matter of concern that because the company controls the training of committee representatives, such values will be part of the courses. This is as serious as the explicit statement in training of committee representatives, to be discussed, that to declare a dispute is pathological.

One of the unresolved questions is to what extent a grievance procedure can be used by a worker who faces disciplinary action. The free enterprise company which was most advanced in formulating procedures did not include in the procedural part of its explanation of disciplinary action any mention of the possible role of the shop steward. The definition of a grievance, however, included the instance of a dispute between the company and the employee "on any condition of employment". This should include the question of appeal against disciplinary action and the facts on which such proposed action was based.

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Subsequent to the interview, one of the free enterprise companies which had established a working relationship with a Black union (although not recognising it as a bargaining unit) sent a copy of its grievance procedure which had been accepted by the union. It is of interest to briefly describe the stages and time limits contained in that procedure. The policy statement stressed the importance of speedy resolution of grievances, a factor ignored by the greater majority of companies, when faced with issues of differences between management and worker.

The following steps are laid down:

(i) The aggrieved worker is to take the matter up with his immediate supervisor who is to reply as soon as possible but not later than the following shift.

(ii) If the matter is unresolved, the employee together with his shop steward should approach the foreman, who is to reply within three shifts of the matter having been raised.

(iii) If unresolved, the shop steward and the employee to complete a grievance form for investigation by the labour relations representative and the equivalent of a departmental manager. The reply to be given within four shifts of the matter having been raised.

(iv) If unresolved, the Labour Relations representative to refer the matter to the Labour Relations supervision and the equivalent of a Works Manager for investigation and settlement.

(v) If unresolved, the Labour Relations Manager, together with the local Secretary of the Trade Union to negotiate settlement. If necessary, the Labour Relations Director to be brought in.

(vi) If unresolved, the matter to be referred to the relevant industrial council for further investigation and arbitration. (C.5).

It is to be noted that the company specifically recognised that the procedure could also tackle disputes of a "group of employees". Generally speaking, management only wants to deal with grievances from an individual

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and wants to deny either the legitimacy of a collective grievance or wants to assume that such matters have to be referred to the Department of Labour and the Police or the Industrial Council. Whether, however, a collective disputes procedure and an individual grievance procedure can in incorporated in the same mechanism, is questionable.

The testing time of any formal procedure is whether it is used by the workers. At the time of writing it appeared that the above procedure was acceptable to the parties. The procedure does meet the following criteria: definite stages and short time limits; union involvement, both internal and external representatives; mediation or arbitration to outside agency and written record of issue of differences.

Is there need for a grievance procedure?

The question was raised by one respondent whether a grievance procedure is necessary. This is a relevant question considering the following findings: paternalistic companies had not formulated grievance procedures and confused them with disciplinary action; free-enterprise companies had not effectively instituted grievance procedures at the time of the investigation, and the plant-based committees were perceived, although not able, to take up problems of workers.

Is there justification in regarding grievance procedure mechanism not so much as unnecessary but as redundant? It is so that in contrast with the United States of America, but in common with most Western countries, the processing of grievances is not a vital element in the Netherlands industrial relations system. This is partly because of effective legislation. Can South Africa claim such a situation?

The position of the Black worker in South Africa during the 1970 decade cannot be compared to that of workers in Europe, even before World War II, because of the restrictions and controls he is exposed to. It is possible to identify a number of conditions necessary before a situation is reached where there is no need for grievance procedures:

- That workers should be encouraged by the values of a society to feel justified in demanding that their interpretation of a situ-

ation be attended to. In Sweden, in fact, workers have the right of interpretation on issues normally processed through grievance procedures. That is, their interpretation of what conditions of work should be when so given to management, comes into operation and management must prove otherwise, not the worker. The grievance procedure is based on the premise that the worker must show that the action of decision of management is wrong or contravenes an agreement or legal regulation.

- That workers or union members be able to use the resources of their union, both in terms of information and guidance on an issue as well as to gain confidence in confronting management.
- That an effective and trusted Labour Court system exists which is accessible to workers and their union at little or no cost and is part of the judicial system.

These conditions do not prevail in South Africa. As a result of the re-emergence of Black unions from 1973 onwards, Black workers had organisations they trusted, where they could go with problems. Increasing numbers of workers came forward with complaints about unfair employment practices of companies. For this reason legal advice services and clinics become part of the activities provided by worker educational organisations to handle complaints. The Complaints and Legal Service Department of the Industrial Aid Society, in 1975 handled 100 work-related complaints and grievances. The workload increased considerably and in the first three months of 1977, 386 cases were handled of which 66 had to be referred to the Legal Aid Clinic (Industrial Aid Society, 1977) . In evidence to the Wiehahn Commission of Inquiry, the Urban Training Project Legal Aid Clinic showed that for the five month period April to October 1977, 131 files were opened. (Urban Training Project, Supplementary evidence to the Commission of Inquiry, into Labour Legislation, 1977). The issues deal with by both legal services included:- alleged victimisation, alleged wrongful dismissal, wage complaints (reduction in pay, underpayment; overtime, unlawful deduction); Workmen's Compensation claims; Unemployment Insurance claims; Sick pay; leave pay; notice pay; pension scheme problems, references and registration problems.

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presented itself, to seek redress for their grievances. Unions gained membership in the majority of cases, in factories with a reasonably large labour force where some personnel function operated. It therefore does not follow that the operation of a personnel department reduced the need for mutually accepted grievance handling.

(IV) The committee system of representation in the work place

During the twenty-year period up to 1972, the plant-based committee system as provided for in terms of the Bantu Labour (Settlement of Disputes) Act of 1953, was not used. Even employers found the requirement of the Act that a Department of Labour official be present at the committee meetings, an intrusion. Increasing numbers of employers with a larger labour force established what were referred to as non-statutory committees. At the end of 1972, only 25 committees were said to be registered in terms of the Act although some were found to be non-operative. This number represents an infinitesimally small percentage of actual committees which could have been formed; there are 30,000 registered factories, not counting sectors such as transport, commerce, construction, etc. But over a hundred non-statutory bodies consisting of joint labour-management representatives were said to be in operation.

As discussed, employers associations, in particular Seifsa, requested that the legislation amended in 1973, include provision for establishment of joint worker-management committees besides the works committee type consisting only of worker-elected representatives. The amended legislation provided for both types of committees. Inevitably the choice heightened the conflict between companies and the emerging Black unions and resulted in extreme hostility regarding each other's motives. The companies imposed liaison committees and the unions fought for works committees.

A number of questions were put to the respondents, under the heading of 'System of Representation', including type of committee; content analysis of minutes; satisfaction with system; report back procedure; evidence of worker support for committee, etc. A description is also included of the findings followed by an analysis of the committee system as it is being developed.

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By 1976, 2329 committees had been registered in terms of the Act, the greater majority, namely 2042 being of the liaison committee type. The preference shown by employers for liaison committees was also reflected by those registered in the corporations interviewed. Of the 473 committees, 455 were liaison committees and 18 works committees. However, 118 committees were modelled on a two-tier system, i.e. the committee was registered as a liaison committee but the worker representatives could meet as a caucus body before meetings of the joint body.

One company was the exception to the rule. When asked for an explanation as to why the Group had 9 works and 7 liaison committees, the respondent wrote : "In the case of the works committees the members hold a formal meeting presided over by an elected Chairman and minutes are taken by an elected Secretary. This is followed by a meeting of the full committee with management when the Minutes of the Works Committee meeting form the agenda for the joint meeting. In the case of the Liaison Committees, the employer representatives caucus either the day before or on the day of the scheduled meeting with management. The Secretary is usually provided by management. Communication between worker representatives and management is, in both cases, always face-to-face." (Letter dated 3.9.76, C.4).

In the training programme of another semi-paternalistic corporation, the difference between liaison and works committees was explained. It was stated that the liaison committee gives less chance of misunderstanding as the chairman of the works committee has to meet management on his own. This argument overlooks the reason for the preference of a works committee by Black unions which stresses the importance of worker representatives being able to caucus on their own to arrive at a unified approach or policy to a matter or issue. The explanation given by this corporation in the training programme is as follows:

> "The second way to work is through a works committee. The members are elected exactly as in the liaison committee. They then meet on their own and elect their own chairman and secretary. They then send only the chairman to meet the manager. He sees the manager and then comes back to the committee to tell them what the manager said. They can then go back to the other worker and report what the manager has said.

> This is not as good as the liaison committee. The manager now only hears second hand what the members say and the workers only h ecord hand what the manager said. With the liaison cc tee all the elected members are there and they can all hel one another and bring back the message more correctly. There is less chance of misunderstanding.
>
> What is important to remember is that we prefer the liaison committee system because obviously it is the most suitable way for workers to talk directly to management." (C.10).

The preference for a liaison committee is thus based on the argument that a joint body enabled management immediately to reply to matters brought up. The chairman of the liaison committee was a management representative and the secretary a management appointee. The justification for this approach rested on the argument that the worker representatives lacked any experience in committee work and the procedures to follow. The Black unions perceived the preference for liaison committees as part of the control strategy by companies. A further reason given by those companies in the engineering industry was the policy decision by Seifsa that liaison committees be established, thereby denying the choice in the Act. The model constitution used by five of the paternalistic companies and three of the semi-paternalistic companies included a "limitation clause". The most typical examples state: "The committee cannot by resolution or otherwise reverse or amend any instruction by management". (C.7), and, "The committee may only recommend a course of action through the chairman". (C.14). Concern by the employer that the management's rights be protected and that its prerogative to take decisions not be undermined, is typical of the reaction of managers in countries where labour increasingly demanded a say in the decision-making processes. However, to include such a perspective in a committee constitution at the early stage in the development of the Black labour movement, reflects a misunderstanding of the power such a body could in fact wield.

One respondent from a semi-paternalistic company with 70 liaison committees admitted that the works committee alternative was rejected because of a fear that this would lead to a collective bargaining situation. (C.10). When the workers, at one section of the company's operation, voted for a works committee, management refused to give in. In fact, a deadl ck stiuation developed and the workers elected a

works committee. Instead of some discussion being held about a satisfactory arrangement whereby the committee could convey its decisions to management, the company ignored that works committee and no system of representation was established.

Items brought up at committee meetings

What was the committee used for? What items were discussed at the meetings, whether brought up by management or labour representatives? The personnel department was responsible for maintaining an assessment of items discussed at liaison committee meetings and how they were resolved. This assessment ranged from regular content analysis of minutes to scrutiny of the minutes by reading through them. Because of these different approaches, a common and comparable set of data was not available from any of the respondents. However, a common coverage of the most frequently raised items of the other companies was obtained. Only one of the free-enterprise companies had information on the committee system. Free-enterprise companies had committees, but compared with paternalistic companies the resources and efforts put into their operation, monitoring and training of representatives was negligible.

Five of the six paternalistic and two of the five semi-paternalistic companies supplied information from which it is possible to identify 8 items most frequently discussed at committee meetings of 346 committees (73% of all such bodies) during 1975, or, in the case of another corporation, for 1976. These eight items, in order of frequency, were:

- Problems arising out of accommodation, in four cases in particular hostel facilities.
- Problems arising out of inadequacy in transport facilities, both the times of buses and routes taken.
- Problems relating to the supply or adequacy of and necessity for protective clothing.
- Leave arrangements, including in particular longer weekends and when to work-in time lost.
- Problems relating to food services (e.g. canteens).

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- Difficulties in using committees, not only procedural but understanding of their scope and limits.
- The question of skill training for Black workers.
- Problems arising out of interaction between superiors and Black workers, including Black committee representatives.

It is not possible to give quantitative values to these problems, apart from noting their prominence, as information on who initiated the items, how they were discussed, if and how they were resolved and to what degree of satisfaction, to the worker representatives - let alone to the workers - was not available. The respondents from the other companies and corporations did not have, or did not want to give, information about items discussed at committees.

A number of other items were raised as common concerns brought up by committees of these companies. These included wage or remuneration problems, not in the form of demands for negotiations but matters to clarify wage practices or pleas for consideration of an increase (when it was known that management was considering a cost of living adjustment) by mentioning increases in cost of food or transport or rent. The other items, classified by the one personnel department as conditions of service matters, ranged from pension fund rules, shift systems, retrenchment procedures, dismissals, other social security benefits such as medical aid, sick leave allocation, work procedures; aspects of disciplinary action, etc.

The respondents listed a number of extraneous factors which influenced what and how an item was discussed at meetings. These were: type of leadership workers elected - initially workers were elected whom it was felt management would approve of; the attitude of the management representatives, which would either reduce committees' effectiveness or maintain its operation even in the face of apathy; the attitude of middle and lower management representatives, etc. It was felt that committees were still being "tested by both sides", and had not settled into discernible patterns. The detailed content analysis carried out of the personnel department of a corporation in one division, showed up a definite decline in the frequency a matter was brought up and the

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different matters brought up at 10 liaison committees. When the question of wages was excluded, because this was raised as it was known that the annual review of wages was being conducted, the total number of matters brought up declined steadily in the last quarter of the year to one-third of what had been the position during the first quarter. There was no information to conclude whether this suggested that there was nothing to bring up or whether this demonstrated disenchantment with the outcome of matters brought up. Considering the rejection of the liaison committee system in Port Elizabeth, still to be discussed, the latter was probably the case.

The following comments put the nature of the operation of committees into perspective.

One respondent from a paternalistic company who had specifically monitored the process of committee operation as reflected in minutes of approximately 60 committees over nearly two years, said that a definite pattern was noticeable.

"Initially the agenda items generated from the workers, - with the emphasis on hygiene factors such as bad lighting, better washing-up facilities, monotonous food at canteens; need for meals at smaller depots; overalls - both the issuing of them and the problem of laundry and at whose responsibility. The next stage included items which were more in the line of an extension of management concerns (and were brought up by management) such as labour turnover, absenteeism, inefficiency in certain operations, management being accused (by certain committee representatives) of being too lenient to workers." (C.12). According to his overall assessment, the committee had improved communication.

- This perspective was further elaborated upon by the respondent of a nation-wide paternalistic corporation which had six liaison committees and one works committee. "We have moved out of the stage of hot water, toilets and proper meals. Now it is increasingly a matter of 'environment and quality of life'; i.e. items that concern their total living situation rather

than actual job conditions. These include: Buses - transport; sport facilities; compound conditions; lack of protective clothing; dismissals which seem unjust. Management used to say 'Does this concern us?' now it accepts that it does". (C.8).

- The personnel department of another company sent the following circular to the Chairman of 122 liaison committees - all of them small service-type units.

"In the 8-months' period (under review) 321 meetings were held by 122 committees - giving an average of one meeting per committee every 3 months. If this frequency rate is maintained, our committee system is bound to fail. Please made every effort to hold meetings on a monthly basis as was originally envisaged.

The constitution states "Not less than seven days notice of ordinary meetings shall be given. An agenda shall accompany each such notice". In addition it was agreed that prior to the production of the agenda committee, members were to be given an extended tea break or other time so that they could hear problems of the group they represent.

An examination of the minutes reveals that in many cases this practice is not followed. Apart from the fact that we should honour our agreement to give the elected members time to canvas their group, it will go a long way towards solving the problem of a lack of subjects for discussion". (C.7).

The disillusionment with the committee system and general assessment by employers that the Black unions did not constitute too serious a threat to them, caused senior executives of corporations to reassess their attitude to industrial relations. Three paternalistic corporations said that top level meetings of managers of divisions had been held during 1976 to discuss the companies approach to industrial relations. The respondent of one company supplied the summary notes prepared after the meeting was held. Although a wider range of items than just those in connection with the operation of the committees is dealt with

in these notes, the total management approach adopted to industrial relations is reflected in this document.

"The most important points raised in group discussions included:-

1. The need for urgent action to improve the functioning of existing liaison and works committees, by:-

   a) developing a negotiation procedure to review wages and other conditions of employment during the currency of an Industrial Council Agreement.

   b) training committee members to understand the Industrial Council Agreement, Bantu Labour Relations Amendment Act, other relevant legislation, Pension Fund regulations and committee procedures etc.

   c) developing improved systems of communication between committee members and the workers they represent.

   d) attempting to arrange representation at Industrial Council level.

   e) noting that regular changes in membership of committees makes training an on-going process.

2. The need for discussion with White workers and supervisors to lower their anxiety level and to obtain understanding of the need to advance Blacks into positions currently manned by Whites. Such discussion to be followed by plans of action in specific area.

3. In anticipation of future demands consideration be given to Medical Aid Schemes, Pension Fund improvements, increased annual leave, transport and home ownership schemes and married accommodation for Black workers in rural areas. When action is proposed these matters should be discussed with committees to guard against paternalism.

4. While recognising the fact that Black Trade Unions may be inevitable, management should make every effort to minimise the need by anticipating the attitude of workers, giving a fair deal and

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being human in applying disciplinary action.

5. In recent wage reviews attempts have been made to close wage gaps and the introduction of job evaluation systems has provided a continuous wage scale. The rates paid to White workers are inflated by the current shortage of skills. In principle the company policy should be to pay equal rates for the same job, such rates being determined by labour market conditions. There is a need to counter the inflationary wage drift by ensuring increased productivity.

6. A meeting of representatives from each works/liaison committee was considered to be desirable only if called for a specific purpose. There is no need for urgent action. Some contact through head office or a visit by the Managing Director and Personnel Manager may be adequate at this stage.

7. Black personnel assistants of the right calibre should be employed to assist in bridging the communications gap. It is important that persons selected for these positions can identify with the workers and White supervisors. They must not be "Managements' stooges" and should be carefully screened to ensure that they are not agitators. An important aspect of their responsibilities would be to advise on the "managerial relations" aspect and particularly in regard to proposed disciplinary action.

8. The need to intensify training efforts to improve Black/White relationships.

9. To ensure a follow-up on these discussions it was formally proposed that -

"A company wide committee be formed of suitable persons, including managers from each major work area to meet monthly and discuss the

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progress on the implementation of the steps to be taken in improving industrial relations and to report and make recommendations monthly to the executive committee". (C.6).

It is significant to note that in these suggestions as to how to improve industrial relations, management is aware that this implies paternalism. Furthermore, a naive or malevolent approach to industrial relations underlies the proposals. If there was understanding of the power variable in labour-management relations, the importance of institutionalising conflict would have been considered. The emphasis in the deliberations would then have been to consider what is involved in advising workers of their rights and in the union recognition process instead of aiming to improve the functioning of the existing liaison and works committee and to consider appointing Black personnel officers of the "right calibre" who should neither be "management stooges nor agitators".

The circular also reflects the lack of satisfaction with the operation of the committee system generally expressed by companies. However, consideration of the causes was not on the agenda of such deliberations by senior management and executives; it was felt to be sufficient to try and "improve" the system rather than discuss its basic defects as a sole structure to process the industrial relationship between management and labour.

Report back

It was the unanimous view of all respondents that report-back procedures by committee representatives constitutes the major difficulty of creating an effective committee system. The following comments reveal the awareness of this problem.

"The outstanding weakness of the committee system is the report back". (C.13)

"Quite frankly, this is what worries me most - report back". (C.8).

"Report back problems are serious". (C.9)

"We have had to remove the onus of communication to the work force from committees". (C.6)

"Report back is recognised (by the corporation) as a weakness but we cannot allow general meetings of workers". (C.3).

Two solutions were adopted to overcome this problem, namely the presence of management representatives during report back and the briefing group system; in fact these solutions were not mutually exclusvie.

In four companies, committee representatives of one or more subsidiaries had asked management to be available at the report back. For example, "if a committee feels a subject is an explosive one, we have the chairman or secretary present with leaders when he reports back to his section". (C.9).

Another respondent said that committee representatives are frightened of being molested when they go on a bus; they had expressed fear by saying, "We have got women and children at home". Subsequently it was arranged for a management representative to be present when liaison committee representatives report back, usually during lunch time. This company had experienced a strike and it was known to management that a Black trade union had established a presence in the plant. (C.15).

In terms of the conceptual framework regarding the institutionalisation of industrial conflict, intra-organisational bargaining can only occur in a body which has a constitutional membership clause. Workers do not belong to a committee, hence the elected representatives are not perceived as able to look after their interests by the workers.

One respondent from a semi-paternalistic company elaborated as follows on the reasons for the "outstanding weakness" of report back. "The committee representative cannot do this (i.e. report back); that is, he only sees one rationality and set of explanations for a situation.

You cannot expect committee representatives to get a true measure of the significance of issues. Committee representatives can neither tell us the extent of dissatisfaction of workers and, secondly, cannot convey complexity of reasoning behind decisions as to why management had to take a certain decision .... Therefore we are now looking at briefing groups. If you want to retain the right to manage and retain business, then you must be able to communicate down to all management representatives and workers". (C.10)

Five corporations had introduced the briefing group system. The briefing group system, developed in Britain, is a means of downward communication through the line of command or hierarchy of the company by means of face to face communication, i.e. through small groups. Its purpose is to reduce the number of misunderstandings that occur between management and the employees and increase the latter's commitment to the company as well as gain co-operation from those employees for changes in the work place. It is hoped that it will strengthen the position of superiors by giving responsibility for communicating important information from management to their work groups. (Baddeley, J., 1977). The question is, from the perspective of industrial relations, how appropriate is this system?

The briefing group system should not be used to prevent the worker representative from exercising their responsibility of reporting to their constituents. The briefing group system should primarily be used for those levels of management in the hierarchy including and above that of supervisors. Below that the committee representatives have the responsibility of handling "downward communication", particularly if the item under consideration is one in which they were involved or for which the workers perceive them to be responsible. The fact that this is not the practice again points to the subservient role committee representatives are reduced to.

In the handbook produced by the Institute for Industrial Relations on the use of briefing groups, it is suggested that "when a decision is taken on a matter affecting a number of employees, arising from an upward communication meeting, this decision should be briefed to the

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employee concerned. In order to preserve the credibility of the representative system, the representatives should be told of the decision before the brief goes out. Also, the brief should state that the matter was raised at the committee". (Ibid, p.14). It is doubtful whether in fact this procedure does preserve the "credibility of the representative system". What role is left for the representative when he goes to meet his constituency? The operation of the briefing group system in such a situation will merely make it even more impossible for the representatives to establish a relationship pattern with those who elected them.

The critique is not against the briefing group system as a management procedure but against its introduction in a situation where workers have no independent representative base and its use for all levels of employees in the company hierarchy. The introduction of the briefing group system in the South Africa situation will suppress the institutionalisation of conflict because the registered trade unions have not developed a tradition of work-place influence and the Black unions are not recognised. The eagerness with which the briefing group system was introduced suggests in fact that management hoped that its definition of the situation would be adopted by workers. The briefing group system offered management a mechanism to reinforce its value system. Its use is justified by the belief that the union is a third party to the management-worker relationship. This denies that workers hold different perceptions to management about job evaluation, working conditions, safety and occupational health matters, a fair wage, etc. Hence the briefing group system as used in South Africa suppresses industrial conflict by denying the necessity for these different perceptions to be articulated.

By relying on the briefing group system in order to overcome the report back problem, companies are side-stepping the reason for the failure of the committee system of representation. If the committee system is to be retained by legislative decree it requires the support, resources and involvement of the independent union expressed through union membership and the operation of the union branch in the place of work or shop steward committee.

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Contrary to the findings about the other variables, no difference was found between paternalistic and free-enterprise corporations and their use of the griefing group system. In fact the briefing group technique was introduced into South Africa by a free-enterprise corporation. Only one free-enterprise corporation did not use, or contemplated using, the briefing group system. Although the free-enterprise corporations acknowledge the importance of balancing the briefing group system with "upward communication", no details of the structure required and its relation to workers' rights were given. It might be possible that only the operation of the union branch in the place of work can achieve this balance.

(V) Training of Committee Representatives

The consistent concern with the shortage of skilled labour during the second half of the 1960 decade focussed attention on the need for training of workers. Progressive companies started to budge for in-plant training schemes in the early 1970's and this activity became an important service rendered by personnel departments. This development was supported when the Government accepted in 1974 that Black workers could be trained in White areas. In 1975 the Institute of Personnel Management devoted its annual convention on the subject of training. Different methods of training, including behaviour modelling, were introduced to South Africa.

It was therefore understandable that training of committee representatives was increasingly identified as an area for which programmes could be devised. But if situational factors now made management more receptive to the idea of training committee representatives, something which would not have been possible, say in the 1960 decade, the question still remains what were the necessary variables which led up to the considerable emphasis on the training of committee representatives? During the interviews two aspects were consistently raised by all but four of the respondents, namely, the "British sickness" and "inappropriate"training for committee representatives.

The emergence of workers' educational organisations, namely, the Urban Training Project in Johannesburg (1971) and the Institute for

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Industrial Education in Durban (1973) represented an unknown and uncertain activity to management. Registered trade unions had paid little attention to education of their members. Why should Black unions be so involved? Concern arose about the content of the seminars and courses which workers attended. Were they suitable and relevant to the peculiarities of the South African situation?

At a meeting held on 19 March 1974 of the East Rand Branch of the IPM the problems arising out of the operation of work and liaison committees arose. The meeting addressed by a panel of four experts "by general consensus felt that a liaison committee was the more desirable of the two". According to the minutes, anxiety was expressed "about various attempts being made to influence their workers to demand works committees in preference to liaison committees. The attempts were being made by "subversive" and/or 'irresponsible' organisations including inter alia the Urban Training Project. The reply given was that employers should ensure that the alternative they offered was more attractive to workers. A representative of one of the companies, which refused to participate in this survey, gave details of a two-phased training programme instituted at their factory. The elected representatives of the liaison committee were required to undergo 20 hours of training over 5 days. Such courses offered a viable alternative to outside training.

The debate about the composition or nature of the South African system of industrial relations and to what extent this should include recognition of Black trade unions always directed itself, on the part of management representatives, to concern about the British system. Not only was trade unionism in Britain seen as being responsible for bringing that country "to its knees" but the shop stewards were identified as militant, if not communist minded, individuals who did not represent the interests of the total labour force. In the discussions following this analogy, concern would be expressed that worker leadership in South Africa should not adopt the same attitudes as those perceived to be prevalent in Britain. It will become apparent from the following comments that this perception of the British situation must have led to the adoption by certain companies of behaviour

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modelling as a technique to train committee representatives.

The interview schedule included an item on the techniques used by companies to train committee representatives. Two different approaches were revealed which corresponded to the two types of corporations identified in this research.

Four of the six paternalistic corporations had decided to use behaviour modelling as the basis for the training of committee representatives in "negotiating skills". This technique was seen as suitable for the problem solving approach which those companies had decided was to form the basis of the new industrial relations system that South Africa should develop. As one of the respondents stated - "What we are trying to achieve is to move negotiations out of the mode of 'warfare' in the continuum of human interaction. It is imperative in South Africa for negotiations in all spheres - political, social, industrial and even international, to aim at a problem solving model". (C.9). The analysis of the behaviour modelling training technique and its manipulative nature for training of representatives is given in the next section. One of the companies categorised as semi-paternalistic also used the behaviour modelling frames of reference developed by one of the paternalistic corporations in its training programme.

Although the content of the training programmes were not exactly the same, they covered the following areas:-

- industrial legislation - differences between works and liaison committees, and their respective roles, functions, and constitutions;
- the wage regulating instrument in operation in that sector - also items such as j ' evaluation, wage structure, performance appraisals;
- personnel policy - including items such as disciplinary procedures and the disciplinary code;
- effective representation or management/worker interaction.

The technique used in the latter item was the behaviour modelling training approach.

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At the time of the interview, one paternalistic corporation has trained 110 Black committee representatives in a training programme taking up to 10 days in terms of the first three categories mentioned above, and seven committees had already undergone the "advanced" course of five days using behaviour modelling frames of reference to learn negotiating skills. Besides training committee representatives, the company was also to embark on a programme of training workers.

Another paternalistic company ran a three and a half day training course to cover similar subjects for nine committees. The third corporation had trained 80 committee representatives on a one week full time training course. The fourth corporation had not yet introduced the behaviour modelling training programme at the time of the interview. (C.9, C.12, C.13).

The semi-paternalistic corporation had at the time of the interview trained the equivalent of 50% of the 115 committees in operation in its subsidiary service centres.

The remaining semi-paternalistic companies had taken committee representatives through the following types of courses:-

- a two day course dealing with historical analysis, legislation, communication;

- a course on legislation and its provisions as well as meeting procedures, lasting three afternoons over a three week period;

- a course, based on modules drawn up by the employers association concerned, consisting of the following items:

  purpose of liaison committee, liaison committee constitutions, industrial legislation, in-company policies, business acumen, negotiating skills.

Three of the four free enterprise companies had not involved their training departments in any specific programmes for committee representatives. The corporation involved in committee representative training did not use the behaviour modelling approach but during a two and a half year period used outside consultants to assist the committee develop certain negotiating skills. The content dealt with legislation,

the committee system and the constitution. The course did not contain pre-determined objectives regarding the behaviour which should be displayed during the training programme, but emphasized the importance of case preparation and case presentation for negotiations.

The provision of information to committee representatives regarding their role and type of structure in which they have to perform certain responsibilities can be welcomed. There are however, two aspects about the approaches adopted by the paternalistic corporations which require comment. The manipulative nature of behaviour modelling as a training technique to teach representatives negotiating skills is a matter of grave concern. The deliberate attempt to inculcate certain attitudes in commitee representatives by requiring them to display through the specifically designed frames of reference of the training programme, certain behaviour patterns, must be deplored.

The basic objectives of the behaviours outlined in the frames of reference is to achieve a situation where representatives accept that industrial relations is primarily a matter of joint problem solving and hence that there cannot be any issue of inherent difference between management and labour. This approach denies that there can be conflict and confrontation between the two parties. The assumption is made that committee representatives are the worker leaders. But the findings of the research conducted by a company in the same sector to one of these corporations, showed that just less than half of the workers regarded the committees as ineffective because they had no power. Furthermore, in one of the four subsidiaries of that corporation covered by the survey, the employees stated that the elections were not taken seriously and that "they will continue having the same members voted back in office until they saw a change of attitude of management towards the committee system".

It is remarkable that although management was aware that report back constituted a crucial problem in the whole operation of committees, they still felt that the training of committee representatives was valid and that no clarification of the limits of the committee structure as a system of representation was needed.

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The second matter to comment on is the inclusion in the training programme of a course for about 25% of the time of the whole programme on "business acumen" or "general business principles". The objective of such courses is to "give the necessary information relating to the task of obtaining finance for a business and how the money is used in this business". The question must be asked why such emphasis is placed in a training course for committee representatives on this information and why it was felt necessary for students to be able to answer the following types of questions:-

- show an incomplete diagram of the flow of money in a business; tell the instructor how to complete the diagram correctly.

- state three factors which must be considered before starting a business;

- state three uses to which the profits of a company are put according to the money flow diagram;

- state two places where money is obtained for a business;

- give one example which relates to productivity from your own job. (C.12)

Does this information about the nature of the free enterprise system assist committee representatives to understand and accept not only their role in relation to the constituents who elected them, but also the nature of the society in which they find themselves? Will that information clarify for them the discriminatory society they live in, or the reasons behind the racial wage gap which exists, not only in terms of different rates for different jobs but also the large gap in earnings between Black and White, or the lack of advancement of Black people into more senior positions.

As Mulder correctly postulated in his studies regarding the possible closing of the power distance between subordinates and superordinates, the committee system does not close the power gap between management and labour. (Mulder, M., 1973). In fact, committee representatives identify with management. This structural tendency is reinforced by behaviour modelling training programmes

and the attempts to teach committee representatives "business acumen". In other words, the gap between the committee representatives and the constituents which elect them is increased.

The comments made by the respondents indicated that an assumption was made about the nature of the British system of industrial relations and these assumptions were transposed on to the Black labour force. The paternalistic companies assumed that the relationship between labour and management in South Africa had already set into a rigid "win - lose situation" and that committee representatives would become militant shop stewards. This explained the determination to inculcate specific attitudes in the Black committee representatives through behaviour modelling training, in order to prevent them from turning towards socialism. In terms of the above analysis, it would appear that all that has been achieved is to widen the gap between management and labour.

To hope that committee representatives accept management's frame of reference regarding the nature of the factory system of production and the South African society, is naive. It is naive to assume that the worker representatives are the leaders of the workers and can exercise that function. It is naive to assume that even those committee representatives who have leadership acceptance by the labour force, internalise the behaviour patterns they are required to display in management controlled behaviour modelling role play sessions. It is naive to assume that workers do not want their own organisations with whom they can identify.

(VI) Information

The nature of the information to be made available by management to the worker representatives raises complex issues. Markham regards the right to information as the prerequisite base on which the exercising of other rights such as the right to a hearing, the right to make proposals, the right to consultation, etc. depends.

During the interview, the respondents were requested to indicate if, and when, information was given and whether or not on a regular basis, to the committee. A separate question was also asked about the processes of consultation with the committee. The response to both questions was poor and in fact the asnwers to these two questions

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could not be easily separated.

None of the respondents indicated that information of a specific nature was given on a regular basis.

Information which one could expect committees to receive reports on would be: matters arising out of the industrial council activities and decisions; information, say on a quarterly basis, on resignations and dismissals; information about grievance, information about operation of social security benefit funds; information about the services and activities of the personnel department - from new engagements to training programmes, etc. Questions about such specific areas were put to the respondents. In general, the response was that of recalling one or two specific instances where such an item was on the agenda of committees. In 7 cases, four of the paternalistic and three of the semi-paternalistic companies, it was said that when appropriate the relevant house journal carried articles on such items.

Except for three of the companies, all had committees operating in factories or places of work which were covered by an industrial council agreement. Yet none of these committees received any, let alone regular, information about the industrial council services or activities; the exception being where a new agreement had been concluded but then only information about wage rates.

The amending legislation to the Bantu Labour Relations Regulations Act envisaged that committee representatives could be permitted, by selection, to sit in during industrial council negotiations. Besides the negative effect of the selection, rather than election mechanism, and the voting rights limitation, this constitutes a half-hearted attempt to incorporated Blacks into the industrial council system. The elected representatives were excluded from other industrial council committee activities, and could not gain an understanding of the administrative side of the industrial council activities.

Two of the paternalistic companies planned to allow representatives from committees to sit in during the meetings to negotiate a new agreement for that sector. But this development, regarded as

innovative by the respondents, was envisaged to bring those selected representatives up to the council level. The importance of bringing an understanding of the industrial council system down to the committee level was not considered. In fact, the possibility of a committee as a unit, or hopefully the worker representatives separately, being able to influence the industrial council was seen as dangerous. Any potential move towards decentralisation of the industrial relations system was not being thought about, let alone considered.

The supply of other information to the committee was ad-hoc and only if it was felt by management that it would be useful for the committee to know about changes which management had introduced. The following examples were given of the ad hoc specific issues about which information was supplied to committees:

- change over to payment by cheque system;
- rationale behind the retrenchment procedures being introduced - in three cases;
- fire and emergency regulations;
- new sick leave procedures;
- pension scheme rules and benefits;
- changes in wage rates - in 6 cases.

In seven cases, four of them of the paternalistic type, two semi-paternalistic and one free-enterprise, an attempt had been made, or was still being tried, to give information about either one or more of the following matters: productivity performance, absenteeism, labour turnover, and profit levels, 'tight' situation of the order books; importance of being aware of wastage. However, none of the respondents could indicate what effect the tabling of this information had on either the perception of the committee representatives or changes in the indices measuring those items.

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(VII) Failure of the Committee System

The conceptual analysis presented in the section on the institutionalisation of industrial conflict led to the conclusion that plant-based committees would fail as a system of representation. Committees would be used as negotiating bodies by companies, but as they are plant-based and have no power from workers as a collectivity in terms of membership rights and responsibilities, the intra-organisational sub-process cannot be activated. Furthermore, committees are established before unions are recognised and hence the supporting role of the union to ensure the complementary function of the committee to that body cannot even be developed.

The following summaries of research findings regarding the operation of the committee system supports the conclusion that they fail as a system of representation between two independent parties. Committees cannot be part of the institutionalisation of conflict and, intentionally or not, are part of the process of suppression of industrial conflict. These findings are here included as they augment the foregoing analysis of the committee system.

- a summary of an in-depth study of the industrial relations policies and practices of a company which, because of managements' refusal, could not be included in the interviews conducted for the survey. Had it been included, it would have been categorised as a paternalistic company in terms of the findings of this in-depth study.

- a brief summary of the findings of the perceptions held by Black workers in the Port Elizabeth - Uitenhage area regarding the committee system;

- a brief summary of the unpublished findings of a survey conducted by a corporation in the food sector on the attitudes of employees towards the committee system in four subsidiary companies.

No joint consultation

As reported, 19 individual industrial relations or personnel managers

identified as spear-heading developments were approached for their willingness to be interviewed regarding the policies of their company. One of the four companies which could not be included had embarked on an extensive programme to develop plant-based committees in the various locations of the company.

The European-based Head Office of that multi-national corporation faced considerable pressure for its involvement in South Africa. To counter adverse publicity, the local subsidiary commissioned in 1978 a Research Unit at one of the English speaking universities to carry out an independent assessment of that comapnies social policy, including industrial relations practices. A three month's long survey was carried out involving interviews with one out of every nine employees.

The author of this study was asked to act as a consultant and to comment on the report prepared on the basis of that survey. That report dealt with the operation of the committee system in that subsidiary company, the attitude of employees to it, and the functioning of other industrial relations practices. The findings regarding these items are relevant to this study and are summarized in the following paragraphs.

The company claimed that its sytem of multi-racial committees had "made particularly good progress". In the investigating report on the social policy of that company it states that the investigator came across considerable "reluctance among employees to make themselves available as candidates for the committees". At the time of the research seventeen liaison committees were in operation. This reluctance could be explained by the following findings and observations.

- "The irregularity of meetings is only one factor which, from the point of view of employees, casts doubt upon the commitment of their local management to the committee system. The manner in which some chairmen from management ranks handled meetings was another factor. It was claimed that these management representatives rushed through the agenda in such a way that the elected

representatives felt that they were in effect 'steam-rollered'.

- The employee representatives on three committees had the suspicion, whether correctly substantiated or not, that the minutes of their meetings had on occasions been arbitrarily censored by the management appointed secretaries.

- Although the constitution of the committee system guaranteed the representatives that they were free to discharge their duties and that they would not be prejudiced by any action they took while acting in the capacity of a committee representative, the fear of victimisation was real both amonst employee representatives as well as their constituents. As the report records 'the fact is nonetheless that this is no uncommon fear and, moreover, one which many employees justify on the grounds of what they describe as cases of victimisation involving colleagues or themselves'.

- A number of employer representatives felt that the management representatives on the committees lacked authority to take final decisions on matters brought to their attention.

- The survey revealed a lack of substantive discussion during committee meetings. The report states 'there can be several reasons for this - employee representatives fail to sound out their constituents; they or their constituents fear to raise matters; there are simply no problems of any consequence at that particular time; and problems that do arise are resolved outside the committee system due to good communication between management and employees".

- The investigator also identified report-back as a problem facing committee representatives. The report states "A great many representatives do not bother to sound out their constituents before the joint consultative meetings and do not report back after meetings either. While it is true that constituents have free access to the representatives and that minutes are circulated, the flagging interest in committee activities probably justified a concerted effort on the part of a large body of representatives to

involve their constituents. At one centre, the representatives failure to sound out their constituents and report back is due to local management's unwillingness to allow them time to do so".

- The report also states that the matter in which local management handled the committee resulted in representatives of two committees to consider not only resigning from but dissolving those committees.

The research revealed the following attitudes of management towards the committee system:

- The complaints by local management of the various sites that "the elected representatives sometimes convert meetings into "bitch sessions", i.e. they raised their 'personal gripes and groans'.".

- Criticism of the elected employee representatives on committees for not taking their responsibilities seriously enough, quoting in particular their being late for meetings and being ill prepared for the items dealt with at those meetings.

- The tendency amongst elected representatives to "pass the buck", i.e. not accept joint responsibility on issues and over decisions.

- The poor calibre of the elected representatives. "This particularly applies to centres with a large body of semi-literate and unskilled Black employees".

The research also found reluctance amongst some local management to serve as representatives on the committees, "although the majority, however, do not regard their membership as an encumbrance and approach it in a constructive way".

The research dealt with a number of other industrial relations practices of the company and the perception of the workers to those activities.

The company had appointed four Industrial Relations Officers and was considering the appointment of a Coloured Industrial Relations Officer. The report noted "although the Black Personnel Officers have succeeded in a relatively short time, to gain widespread

acceptance amongst Black employees, there are still a good many Blacks who have yet to be convinced of the reliability and efficiency of these advisers".

The company had introduced a grievance procedure. The procedure stressed that the "open door" policy should enable a worker to express himself freely to his supervisors about any aspect of the job or company policy. The first stage in the grievance procedure gives the supervisor five days to settle the matter before the employee is entitled to refer the matter to a higher level of management. Two further levels of management can be approached before a grievance procedure committee consisting of the Personnel Director and Head of the relevant Division makes a binding rule on the matter. The aggrieved employee is not assisted by a committee representative while processing his grievance up the management hierarcy. Furthermore, mediation is not included.

According to the report, "the present survey discovered widespread ignorance among employees of all races about the grievance procedure. Probably less than half of those interviewed were really familiar with the procedure; a large number were simply totally unaware of its existence". The total number of resignations of all race groups for 1977 and 1978 were 333 and 294 respectively. This large annual number of resignations consisted of 237 Whites and 77 Africans, and represented 10% of the total labour force. The necessity for a mutually accepted grievance procedure is evident from these statistics.

The report does not give information about the existence of a disciplinary code or a disciplinary procedure. Yet, in 1977 and 1978, forty-six and fifty workers respectively were dismissed by the company. The need for an effective disciplinary code known and understood by all employees and an acceptable appeal procedure is also suggested by these statistics.

The company states in its internal policy that although it prefers to deal directly with employees "by using formal and internal processes of joint consultation, the right of employees to determine whether

they desire third party representation is recognised". This policy is elaborated on in a subsequent report issued by the company. "Whilst we believe that for our organisation, joint consultation is more appropriate, our attitude to unions is neutral. We will not prevent or obstruct union membership on the part of employees who are free to join the union of their choice, registered or unregistered. Such membership in itself will not, however, mean that the employees will automatically be represented by the union they join. We should first want to ascertain, through a formal ballot, whether the majority of employees in a particular common interest group wish to be represented by a trade union. Since our employees at all levels comprise more than one race group, the foregoing means that we will only recognise a union which is prepared to accept and represent members of all race groups within the common interest group - unless of course we are compelled by law to recognise racially separate unions". The requirements of a multi-racial union is unrealistic in the present divided union movement in South Africa and was used to justify the anti-union policy.

The company's claim that a neutral policy is adopted towards trade unions is not substantiated. As the report of the survey notes: "In a more negative sense, the committees could conceivably - provided they operate successfully - stave off trade unions. Alternatively - and this was said by the manager at a site - the company believes that if it in future had to allow unionisation of its employees, the Black employees would through their committee experience have acquired the 'correct attitude' and then by implication become moderate trade unionists who would not jeopardize the company's interests". The company has therefore, used the fact that t nionism as a value has no legislative or other social support South Africa, as an opportunity not to form a relationship with a trade union, and has deliberately promoted the committee system to keep trade unionism latent within the labour force.

Although the company had run courses of three days' duration for representatives of the committees, reactions to the course according to the report had been mixed. Black representatives seemed to regard the course as beneficial but some management representatives felt that

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few positive results had come out of the attendance by employer representatives at the courses. The training course was to be expanded both in scope and depth although the actual details were not worked out as they depended on the content of the recommendations from the Wiehahn Commission. The company was also considering a proposal that managers and supervisors undergo a training course in industrial relations. It was felt that such a course was necessary to ensure that managers displayed correct behaviours and this would enhance the "credibility of the joint consultative process as seen by our employees". Furthermore, if "management's behaviour in dealing with their employees does not support the basic premises and stated policy of joint consultation, then employees will lose faith in the system and may turn in time to other forms of employee represenation. It is felt that this point assumes even greater importance should South African labour become organised in the future". This statement clearly indicates that the training programmes were seen as a means of preventing the emergence of a trade union presence amongst the labour force.

The above information as contained in the report suggests that two assumptions made by the company could not be upheld. Not only did the research reveal that the industrial relations system introduced by the company lacked acceptance, but the claimed neutral stand of the company cannot be supported. The requirement that the recognition of a union is dependent upon it being multi-racial, overlocks the dynamics or organisational development amongst the Black population group. If the classification by Hovels and Nas is applied, then the committees in operation in that company were either organis of management or marginal bodies. This conclusion is supported by the findings regarding the infrequency of the meetings, the lack of substantive discussion, the difficulty or inadequacy of the report-back procedure, the poor preparation for meetings, the decision by the representatives of two committees to consider dissolving those bodies, and the allegation by representatives of three committees that management was censoring the minutes of those meetings. (Geldenhuys, D., 1979).

As noted, the South African subsidiary of this multi-national company was approached for inclusion in the survey of companies who

were developing industrial relations policies and practices. Through delaying tactics and finally a refusal, the interview was not held. However, the findings reported above are detailed enough in the selected areas to enable the company to be classified into the paternalistic category. This categorisation is based on the following specific company statements and research findings: The perception of the union as a third party; the stress on "open-door policy"; the lack of a disciplinary code and the inadequate institutionalisation of the grievance procedure; the requirements made before recognition of a union could be considered, particularly that of multi-racialism; the deliberate use of the committee system as a means to either prevent unionism from emerging or, hopefully ensure that moderate union leadership develops.

Black worker perception of liaison committees

In 1978 de Jongh published the findings of research regarding the perception of Black workers towards liaison committees in the Port Elizabeth and Uitenhage areas. The sample of 525 workers came from member companies of the Midland Chamber of Industries and the author notes that if there was a bias in the sample, it relates to the fact that the workers were selected from companies which had made an effort to establish committees and were more confident that their efforts would stand up to scrutiny. (de Jongh, M., 1978). One of the companies included in this survey and classified as a free-enterprise company was included in the research. The respondent endorsed the conclusions reached.

The specific findings regarding the attitudes of Blacks towards the committee system can be summarised as follows:-

Although 86% of the workers said they were satisfied with the election procedure, the interviewers felt that the question was not understood and that it seemed "the safest answer" to say "yes". Further probing brought the following responses from people who said "yes":-

- Do not know how it works
- Blacks are represented by Coloureds

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- A candidate is voted only to be replaced by another who is appointed in his place
- "totsies" and not "thinking persons" were elected.

The survey found that only 42% of the workers believed the liaison committee could change conditions affecting their working lives. Twenty per cent of the workers stated the committee had no effect, while another 19% of the workers felt the committees could only change some things. One fifth of the workers could not evaluate the operation of the liaison committee.

The author categorised criticism of the liaison committee in terms of the following items:-

Type of Criticism	Percentage of Workers
Lack of decision making and bargaining power of the liaison committee	41
Lack of sympathy/negative attitude of management	41
Incompetence of committee members	13

The author observes that the two major categories are related. The author further quotes a number of statements which he says were selected on the grounds of being representative of the reaction of a large body of workers in response to the question about the effectiveness of the committee.

Each time they bring up suggestions there is a barrier from White management;

Management are too tricky - although the grievances are sound the management beats about the bush;

We can't demand too much because we might get into disfavour with our foreman;

There is always a delay because they say they have to write to Cape Town;

Because some people are afraid to speak to the big foreman of the committee, they won't speak the truth;

Company says Head Office must give permission;

Whites sack a worker without calling the liaison committee or consulting them even;

The committee members are squashed by the management;

When they hold meetings and one member makes a suggestion or lays down a complaint he is told to sit down as he is arguing a point for himself.

Regarding the criticism that the liaison committee lacks power, the author comments as follows:-

"The complaint is that they can act, at the best, in an advisory capacity only; that they are puppets of management; that they have no say on important matters and only management can change things. If the liaison committee is successful at all, the success is possibly only within the confines of existing rules- they have no power to change the rules themselves".

The author also established that although the vast majority of workers, namely 92%, were aware of the existence of the liaison committee, and more than half, namely 56% were dissatisfied with some aspect of the working conditions, only one sixth or 16% of those who knew about the committee made use of the liaison committee in connection with their dissatisfaction. So it is evident that the committee system was not seen or trusted as an instrument to channel or process some dissatisfaction regarding the working conditions of the place of work.

It is appropriate to quote the statement made by Processor R. van der Merwe in his foreward to the publication. "No perceptive observer can fail to sense the undercurrent of dissatisfaction which the Black worker keenly feels; to be concerned at the problems uncovered in the sensitive area of first line supervision; or to realise that as avenues of conflict - resolution and bargaining, liaison committees leave much to be desired and have a distressingly low credibility among the workers". (Ibid., p.2).

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Committees at most solve hygiene factors

During 1977 a food manufacturing corporation conducted a survey amongst employees of four subsidiaries with a total labour force of 5 200 workers in order to determine their perception of the committee system. (Unpublished Report, 1977 (C.16)). A 15% sample of 348 employees was interviewed with the objective of ascertaining the extent of their acceptability, and their perception of the effectiveness, of the committee system as well as their attitudes towards discipline. Hence the scope of the survey was constrained. The findings can be summarised as follows:

- The following responses were given to the questions:

"Are you satisfied with the functioning of the existing committee?"

Yes = 154. No = 143. Cannot say = 51.

The reasons given for satisfaction with the committee system were:

- the committee system is a good means of communication between management and employees
- the committee system represents the interests of employees
- the committee has achieved good results, e.g., improved living conditions in the hostels, employee-management relations
- the committee settles disputes in the hostels.

The following reasons were given for dissatisfaction with the committee functioning:

- the committee is powerless
- management is not committed to the system (all requests are rejected)
- problems referred to the committee take too long to be attended to
- provision for the transmission of problems at feedback is very poor.

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It became evident from the quesion asking what form the workers would like to see the committee take, that they did not know the difference between works and liaison committees. "The could not suggest any form they wanted to see the committee take. They stated that the idea of a committee came from the company because talking to a small group of employees would minimise the danger of a strike". The respondents were also asked what sort of problems they normally referred to their committee representative. Seventy-three respondents, or 20% of the sample stated that they had referred nothing to their committee because their problems were ignored by management, and because there was no contact between employees and the committee. The other respondents gave more than one reply to this question. The replies can be listed as follows and fall primarily in the hygiene category of findings:-

- request for pay increase = 164
- dissatisfaction about food =127
- appeal against warnings/dismissal/ill-treatment = 65
- misunderstanding about calculation of overtime = 55
- hostel disputes = 32
- sport and recreation = 33
- dissatisfaction about grading or grades = 30
- houses for visiting wives = 24
- protective clothing (overalls) = 14
- other = 19.

The survey did not establish whether these referrals had been satisfactorily resolved or an acceptable compromise reached. However, in terms of the findings regarding report back which is dealt with in the next item, it is apparent that few of these items were settled.

- In answer to the question "Does the committee discuss all matters you refer to it at meetings?" 161 respondents said "no" and 120 said "yes". The reason given for the negative answer was "Poor feedback or no feedback at all". As the report on this survey commented, "the poor contact between the committee and the employees is caused by:-

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- committee members not being conscious of their responsibility towards the employee, and

- committee members do not meet employees to ascertain their problems before meetings with management".

Report back meetings with workers were rarely held. The highest number of report back sessions at the four subsidiaries was three times a year, yet regular monthly committee meetings were held at all subsidiaries. Meetings between the committees and employees were not well advertised and at one of the four establishments report back meetings were not allowed. It was concluded: "The committees have a very low past achievement record. When committee members call employees for a meeting, there is very little response because employees see the meetings as a waste of time if their interests are not going to be settled".

- The answers to the questions regarding participation in elections revealed that the workers did not take the elections seriously for the following reasons:-

  - they did not wish to go against the wishes of management
  - they are not informed about committee matters
  - the committee has not helped much to resolve their problems. "The committee is powerless".
  - the concept of committee system is not understood
  - at one of the establishments the employees stated that they would continue having the same representatives voted back into office until they saw a change of attitude of management towards the committee system.

- In response to a specific question whether the committee system was seen as effective, 35% of the respondents in the sample said it was effective, whereas 45% said that it was ineffective.

- The respondents were also asked what things they liked least about the company's procedure with regard to dismissals. More than one

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