

30. 1-3 SALHA 14d: NUMSA

NUMSA



Bulletin

NUMSA CONGRESS:

Destroy apartheid and build democracy for socialism



Striking Toyota Workers march round the Company premises during the 3-week national Auto Strike

- COSATU CONGRESS
- PEACE ACCORD
- CONTINUING THE STRUGGLE FOR WORKERS' RIGHTS

Vol 2 No 2

SEPTEMBER 1991

CONTENTS

NUMSA CONGRESS

- ☐ Ready for the 1990s 1
- ☐ Jay Naidoo's speech 2
- ☐ Main Speakers 4

INTERNATIONAL

- ☐ NUMSA to review its activities 5

COSATU CONGRESS

- ☐ Organise for democracy, economic reconstruction and socialism 7

PEACE ACCORD

- ☐ Peace at last? 9

NUMSA DISCIPLINARY CODE

- ☐ Follow the Procedure 16

DEBATES AND LETTERS

- ☐ Sukuma Msebenzi 17

NUMSA POLICIES

- ☐ Policies adopted at Third National Congress, June 1991 18

LEGAL COLUMN

- ☐ Carrying forward the struggle for Workers' Rights 24

Introduction

In this Bulletin we focus on the NUMSA and COSATU Congresses which were held in June and July this year. We also cover the National Peace Accord in some detail.

In covering NUMSA's Third National Congress we focus on the major points discussed and contributions from guest speakers. We report on NUMSA's current membership and who the new Office Bearers are. We also produce in full the Resolutions that were adopted at the Congress.

We report briefly on the discussions, debates and the resolutions that were finally passed at COSATU's Fourth National Congress. Unfortunately for reasons of space, we have not been able to print the resolutions adopted at this Congress. Shop stewards are therefore advised to contact their NUMSA Regional Office for a copy of the Minutes, Speeches and Resolutions of the Congress, or to contact COSATU Head Office which is due to produce a resolutions booklet soon.

Much has been achieved in the negotiations around a Peace Accord between the ANC Alliance, Inkatha Freedom Party and the National Party. The Accord is pages long and is very detailed. We have tried in this Bulletin to give an overview of its basic features. We hope the chart that goes with the article will help people understand the detail and complexity of it and why it goes much, much further than all previous Accords. The Accord has now been signed by most of the major parties on September 14. Watch the press for details of a new Act which is due to be passed within 30 days outlawing weapons at political gatherings, meetings and processions.

Other features

We also carry:

- ▲ an explanation of NUMSA's disciplinary procedure for its officials
- ▲ an update on the negotiations around the LRA and NMC
- ▲ a letter from comrades in the Wits/Central West Region detailing their plans to rebuild organisation
- ▲ an introductory article on international issues advising of a special Bulletin on these issues.

Thanks to New African for cover pics, the Berliner Illustrierte for pic on page 5 and to William Matlala (COSATU) for all other pics.

We would welcome any comments, contributions, criticisms. Please send them to:

**NUMSA National Education
P.O. Box 10026
Marine Parade
4056**

Published by NUMSA - PO Box 260483 Excom 2023
Designed and Typeset by Artworks, the DTP Agency.
Printed by Art Printers

READY FOR THE 1990s



Congress delegates to NUMSA'S Third National Congress

FROM June 21 to 23, 1025 worker delegates from NUMSA's 11 regions debated resolutions on political and economic issues that will guide us through until the next Congress in 1994. (see pages 18 - 23)

Our General Secretary, Cde Mayekiso reported on NUMSA's massive growth in membership since its inauguration. In 1987 paid up membership was 131 000. By Congress 1991 this had more than doubled to 280 998 making NUMSA the biggest union in COSATU, in South Africa, as well as in the whole of Africa.

Political Resolutions

The Congress reaffirmed its commitment to socialism saying that only a "socialist system can solve the social and economic problems of South Africa." Other resolutions spelt out how the Tripartite Alliance and negotiations for a political settlement should work, including reaffirming our commitment to an Interim Government and Constituent Assembly. Congress also put forward constitutional principles for discussion in the Constituent Assembly.

In a resolution on Membership of political organisations, Congress ratified a Central Committee decision that individuals can belong to

the political party of their choice. The resolution allows Staff and office Bearers to wear two hats, but stresses that NUMSA policy and practices bind them when doing NUMSA work. Their political activity must not adversely affect their union work, if it does only an REC or NEC can sanction this.

Resolutions relating to the Economy

The present government must be replaced by a "democratic people's state" which will run a democratically planned socialist economy.

Congress also outlined our approach to education and training; committed itself to developing an investment code for foreign companies doing business in South Africa and pledged itself to actively support COSATU's campaign to fight job losses.

It spelt out the principles that must guide us in our negotiations and campaigns around the issues of land, housing and shelter.

Organisational resolutions

Congress referred the organisational resolutions to the Central Committee in November this year. These cover how to rebuild our structures, full-time shop stewards, women and culture.

Guest speakers

Various speakers addressed the delegates - Cde Mandela President of the ANC, Cde Gwala, NUMSA's Honorary President, Cde Owen Bieber, President of UAW, USA, Cde Schunk from IG Metall, Germany, Cde Jay Naidoo, General Secretary COSATU. Speaker after speaker stressed that the organised working class had "the greatest responsibility for seeing that South Africa is liberated".

Office Bearers

Cde Dube announced that he was not standing for re-election. New Office Bearers were elected unanimously. They are:

Cde Maxwell Xulu, President, shop steward at Smiths Industries in Pinetown

Cde Mthuthuzeli Tom, First Vice President, shop steward at Mercedes Benz in East London

Cde Percy Thomas, Second Vice President, shop steward at Market Toyota, Cape Town

Cde Moses Mayekiso, General Secretary.

Congress closed on Sunday afternoon having passed resolutions to guide us through the next difficult phase of our struggle for a "united South Africa, free of oppression and economic exploitation." ■

Cde Jay Naidoo's Speech

I salute NUMSA today as the biggest affiliate of COSATU. But before we rest on our laurels - it is not just numbers that will allow us to achieve the fundamental political transition to the democratic socialist society that we are striving for. There are many other trade union federations that are paralysed by bureaucracy.

We as COSATU now have 1.3 million paid up members. But unless that weapon of the working class is used with a clear programme which is defined by the masses of the people, we will find that the struggle for a democratic socialist South Africa will be but a dream for our children. We have no blueprint for the socialism we are fighting for. But what is important is that we are not just fighting for the vote. We want a society that ensures people jobs, a living wage, housing, education, recreation, participation in all decisions in relation to the economy and participatory democracy.

Slogans are important, but slogans alone will not win us the change that we want. We need a programme which unites, mobilises and organises workers and allows us to exert decisive leadership in the struggle.

Organisation gives us power

Organisation gives us power. Power gives us the ability to implement our programme. Transformation then becomes an issue of the balance of forces. We must be organised to ensure a transformation in favour of the working class.

There are many different agendas and all talk of change, but the key issue is the form and content of that change. The current violence is an orchestrated strategy of counter revolution that seeks to divide and

weaken our people. What that achieves is a demobilisation of the mass struggle - the central component to bring about fundamental change.

If our opponents succeed in building a broad coalition around the National Party, it is not at all in our interests. And the major stumbling block for them is the trade



Cde Jay Naidoo, General Secretary, COSATU

unions. So we are now their main target. They are attacking us politically with the trial (of Naidoo, Mafumadi, Mayekiso and Baba Schalk on kidnapping and assault charges) and economically through retrenchments.

What is our response? We must expose provocateurs in our ranks. We've never had ethnic conflict in our organisation because our organisation straddled that, and bound us together. But we must maintain organisation. Before, our leadership came out of the hostels. Now, if I were to ask this house, there would be hardly anyone from the hostels. We've abandoned the

hostels to become barracks for Inkatha. That's a weakness of COSATU.

Strategy to deal with the violence

There must be a multilateral binding agreement - with enforcement mechanisms - where organisations can be penalised. In the past Inkatha and the regime have always reneged. We need to develop an institutionalised structure, like a recognition agreement, where they can be penalised. COSATU has been in the forefront of this approach. We also want included within that structure the need to defend ourselves, and the right to mass action. But we view mass action like a strike - we don't strike randomly, we strike to achieve certain objectives.

We need to develop a mass peace movement of all those whose interest is peace. This has been one of our weaknesses - why didn't we bring out millions for those marches on 15 June? We must not be activist oriented, we must relate to people on the ground.

We must build broader unity - we are too self centred. Co-operation with NACTU is important, and if we are the leading component of the trade union movement we must take the initiative for our federation.

Workers don't eat politics

But to return to the issue of organisation: Workers don't eat politics. We must build around daily issues from the factory floor, and take workers through a process of development. Servicing workers must remain our central objective.

The trade union stands on two legs - the political and the economic. We need to ask how do we develop a cadreship? It has been one of our

weaknesses. How to make the politics of the working class the politics of the people of this country. We have been active in building civics, students', women's and youth structures. This has developed our vision of the new democracy - and this developed even before the collapse of Eastern Europe. We recognised the importance of independent organs of civic society - of viable and democratic organs of people's power. We are not a political party.

But we must also avoid a labour aristocracy. We must struggle for the rights of all workers organised and unorganised and to provide jobs for the unemployed. That is why we enter alliances - as a vehicle for change.

The Alliance

There have been weaknesses with this Alliance: lack of consultation, inconsistency, indecision of leadership. And these problems must not be laid just at the doors of the ANC, but also of COSATU. We must be prepared to strengthen the Alliance. We need to ask what is our position on many hats? How do we use our power to move toward socialism and towards a constituent assembly? If political organisations are not going to take the Patriotic Front seriously, then we must take it forward. This is essential for ending apartheid.

COSATU as a federation must analyse COSATU's weaknesses. We have driven the regime and employers back, but we have had weaknesses. We must deepen our campaigns around retrenchment, the Workers Charter, the economic crisis. If the union movement is going to put forward a programme, clearly it depends on how strong we are. We want a living wage, jobs and a binding agreement. But our success will depend on the balance of forces on the ground and on a united programme supported by the trade unions and the broader democratic



Delegates at NUMSA's Third National Congress

movement.

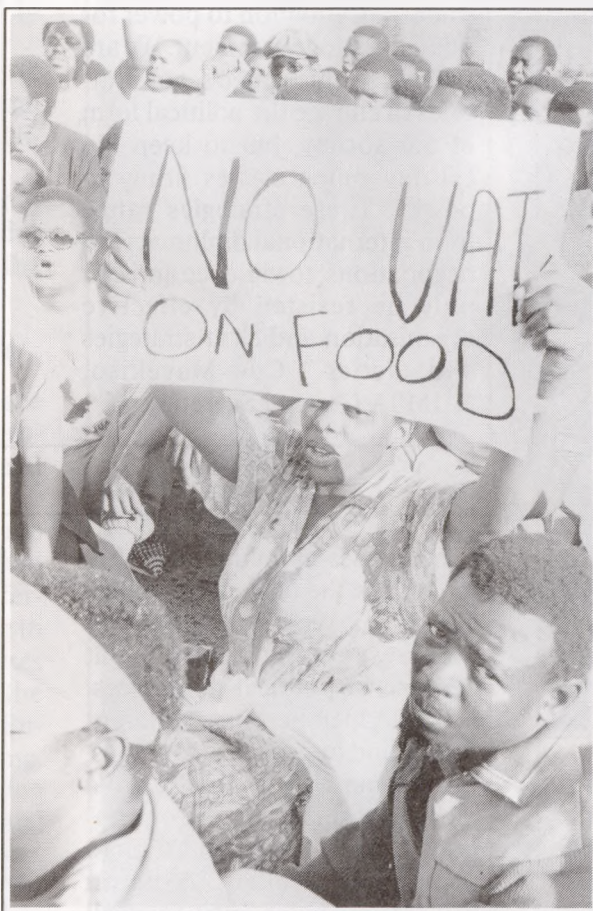
There are two possibilities for the future: a reformist one which may provide benefits to certain organised workers but which will leave the majority of the people outside, or a negotiating process which takes us closer to our objective - a

democratic socialist South Africa and the thorough democratising of our society.

International role

We are seeing a globalisation of the world economy. We think that it is workers in the South that suffer most. But the working class internationally is being attacked. We are paralysed by the forms of solidarity which developed in the past. We need a new vision of worker internationalism. Now that we have come to the end of the Cold War we will see more militarisation, conservatism, more episodes like the Gulf War. The trade unions are central in developing a new world order. We have been meeting with our comrades from South Korea, the Philippines, Brazil; we have been considering a Southern African Workers Charter. We need to see increased workers' solidarity in the south, and then develop connections with the north.

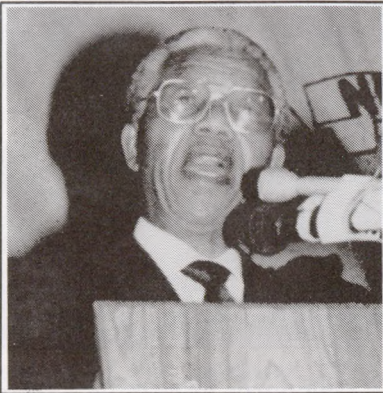
We are currently facing the ANC and COSATU Congresses, with key issues facing us - I hope that this Congress will help address the decisive choices facing our country. ■



Striking Sky Couriers workers declare their opposition to VAT - another COSATU campaign

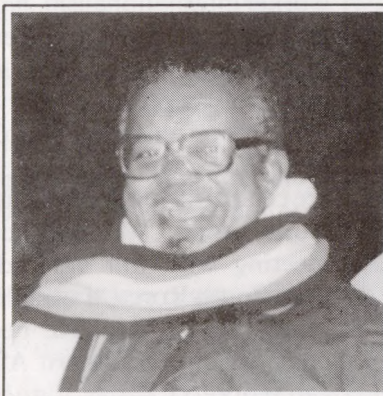
Words from Main Speakers

Cde Mandela



"I have spoken long on the destruction of apartheid. That is but the first step in our greater task of building democracy. We do not have to wait to begin that task now. We will not build a democratic society in South Africa unless we first build political organisations and institutions on a democratic basis. Political organisations have much to learn from the experience of the trade union movement." Cde Mandela, President, ANC

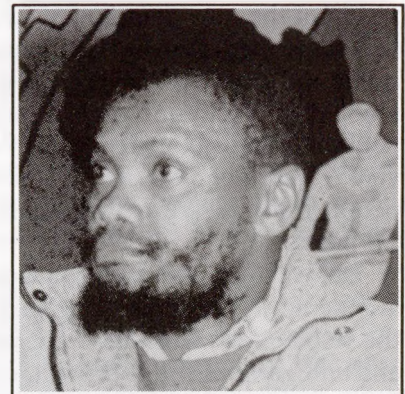
Cde Gwala



"Either the revolution is saved or lost. Who is the core of the revolution? It is those people who every day and every week sell their labour power while the capitalist class make their profits. This is what you the working class must correct." Cde Gwala, NUMSA Honorary President

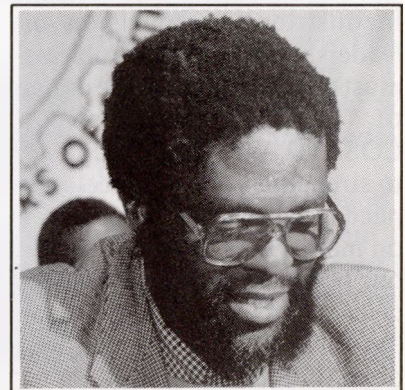
"Comrades, you and I are working in the factory - nothing has changed there. Our South Africa will not be changed by De Klerk. He is not making changes, he is consolidating the position of capital in order to have more strength against our organisation. It is the power of workers on the ground which is going to change this country not into what De Klerk wants, but into what we envision for a new South Africa." Cde Dube, outgoing President, NUMSA

Cde Dube



"After so many decades of struggle we must not stumble at the last difficult hurdle. We will not see a smooth negotiation to power for a democratic government. We are seeing a sophisticated set of strategies to change the political form of our society, but to keep the existing ruling classes firmly in power. These strategies range from international diplomacy, to negotiations, to violence and can only be resisted by effective organisation and clear strategies and tactics." Cde Mayekiso, NUMSA General Secretary

Cde Mayekiso



"The masses in their struggle are looking to the leadership to give guidance. We don't give any promises, but times are difficult because of political differences. NUMSA members have different beliefs and approaches to things. Leaders must be even-handed. We must put aside whatever our political beliefs may be and stick to the Union's beliefs. A union bridges. A leader must treat all equally." Cde Max Xulu, speaking to the Congress after his election as President of NUMSA

Cde Dube



NUMSA TO REVIEW INTERNATIONAL ACTIVITIES

ATNUMSA's First Congress in 1987 we adopted a resolution on affiliation which committed us to affiliate to COSATU (nationally) and the International Metalworkers Federation (IMF) and International Chemical and Energy Workers Federation (ICEF) (internationally).

So as to participate actively in these federations, it was resolved that the Central Committee should set up a committee to deal with solidarity between NUMSA and these federations and any other progressive trade union or labour organisation. The committee's role would be to "ensure that all structures of the union are drawn into practical action in the struggle to achieve worker unity."

NUMSA did not follow up on this resolution fully. The Central Committee did not appoint a solidarity committee.

This has meant that we have not had a very clear international policy which is a major problem for the biggest union in Africa.

Changing International Scene

The changes that have taken place in Eastern Europe have had a profound effect on the international trade union movement.

The World Federation of Trade Unions (WFTU) which once had 200 million members from 88 different countries is in crisis. It is close to collapse as many of its affiliates which were closely linked to the communist parties of Eastern Europe are themselves disintegrating. The new unions which are emerging to replace these discredited national centres are choosing either to remain unaffiliated or are joining the International Confederation of Free Trade Unions (ICFTU).

Celebrations as the Berlin wall comes down



The ICFTU which was formed in 1949 is strongly dominated by the American AFL-CIO and by the largest national centres in Western Europe like the DGB (Germany), and the LO-TCO (Sweden). It has a history of being anti-communist and has given support to national centres which have fought against communism. But there are divisions within the ICFTU and some national centres are now more concerned about building workers' unity than fighting communism.

At its founding Congress, COSATU decided not to join the ICFTU and WFTU. COSATU's main reason was that it did not want to get involved in the "Cold War" between the ICFTU and WFTU because this

might divide our own unions. Instead COSATU chose to remain non-aligned. It said each affiliate must choose for itself whether or not it wanted to join an International Trade Secretariat (ITS) like the International Metalworkers Federation (IMF), International Chemical and Energy Workers Federation (ICEF), International Union of Food Workers (IUF), and others. These ITS are international organisations which bring together affiliates in the same industries from all over the world. They are linked to the ICFTU.

As you can see from our resolution in 1987, NUMSA decided to join the IMF and ICEF (because of its members in tyre and rubber) because it felt that it could get information and fi-

nancial assistance from these ITS. This would help build our organisation at home. We also supported the idea of building worker solidarity through these ITS by linking metalworkers and rubber workers all over the world.

Developing an International Policy

Because of the very big changes taking place in Europe, the NUMSA Central Committee decided that we must make some clearer decisions about international solidarity.

In the next edition of the Bulletin we will provide a lot more information which can be discussed to inform these decisions. ■

Special Seminar on International Policy

There will be a special seminar on International Policy on 5-6 October. By this time all Regions should have discussed the questions given below. This workshop will try to draw together proposals for discussion and submission to the Central Committee meeting on 8-10 November.

1. Is international solidarity important. Why?
2. What has NUMSA done to assist other workers in the world? Do we just expect to get support and not to give it?
3. Should COSATU consider joining the ICFTU because this is where the majority of independent national centres are located OR
4. Should COSATU remain non-aligned and build a bloc of other non-aligned national centres (eg. CUT-Brazil, KMU - Philippines) and regional groupings (eg. OATUU-Africa) outside the ICFTU?
5. Should NUMSA continue with its membership of the IMF and ICEF. If so, what should we be aiming to achieve in these ITS?
6. How can NUMSA build and develop worker solidarity using its own means? Should we run study programmes in South Africa for shop stewards from other countries?
7. What structures for international work should NUMSA have to make sure that we keep our principle of worker control and ensure that international work is part of our overall programme?
8. What policies should we have about invitations from trade unions and other organisations overseas?

Organise for democracy, economic reconstruction and socialism



NEARLY 2500 delegates from all COSATU affiliates met at the end of July to discuss, debate and pass resolutions on important issues that will guide COSATU until the next Congress in three years time. Unlike previous Congresses, there was little heated debate, showing that there is a new spirit of unity holding COSATU together.

Unity of the working class

For the first time a NACTU representative was present to address COSATU delegates showing that unity of the working class is still high on COSATU's agenda.

Cde Ngcukana, the General Secretary, described the division of the working class "as a luxury we cannot afford." He called for the Summit on Trade Union Unity to be convened without delay and spelt out his organisation's approach to workers' rights that should be incorporated into a new Constitution for South Africa.

Congress reconfirmed its commitment to "one country, one federation" and agreed to support the call for another Workers Summit. Congress also adopted clear guide-

lines on which workers' rights should be included in a new constitution, agreed that a Bill of Rights should also be included in it and empowered the CEC to draft a Workers Charter.

International solidarity

Cde Sunmonu, Secretary General of the Organisation of African Trade Union Unity (OATUU) commenting on post-apartheid South Africa, warned delegates to "look well before they leap" before adopting "orthodox structural adjustment programmes". These have left countries with more problems than they had before.

Congress subsequently resolved to affiliate to OATUU, agreed that more efforts should be made to develop unity in Africa as a whole and in the south-south areas. On the sensitive issue of sanctions and disinvestment, Congress called for a conference to be convened with other progressive organisations to discuss these issues.

Political issues

It was another first to have a representative from the PAC, Cde

New COSATU Office Bearers (left to right):

*John Gomomo – President;
Jay Naidoo – General Secretary;
Sam Shilowa – Assistant General Secretary;
Ronald Mofokeng – Treasurer;
Chris Dlamini – First Vice President;
Godfrey Olipant – Second Vice President*

Makwetu delivered the opening speech to the Congress. "The time for petty-quarrels amongst the liberatory forces is over," he declared. At the same time he called for COSATU to participate in the formation of a "Principled United Patriotic Front".

Congress subsequently committed itself to the formation of a broad Patriotic Front "to unite organisations of the oppressed and all those who support the call for a Constituent Assembly."

It reconfirmed its support for the Tripartite Alliance based on the "full independence of each organisation", and the principles in the Harare Declaration. Congress called for a



NUMSA delegates to COSATU Congress

negotiations process that included an All-Party Conference, to "determine transitional arrangements" including setting up an Interim Government and Constituent Assembly. Congress agreed to "Two Hats" but said that no person could hold full-time positions in two organisations. It also agreed to encourage its members to join political organisations.

Social Issues

For the first time social issues were high on the agenda. This reflects the growing concerns of members on issues like AIDS, and the environment as well as a need to work out clear guidelines on issues like pensions/provident funds, public transport, land/housing/hostels so that negotiations with the state can be entered into with a clear mandate.

Organisational and educational issues

Congress agreed that unions should be strengthened in less organised and weaker sectors and that separate unions for farmworkers and public sector workers be established.

COSATU demands to SACCOLA and the State

- ▲ an integrated national training and education policy must be developed including adult basic education
- ▲ job creation programmes must be developed
- ▲ there must be an end to privatisation and commercialisation of essential industries and services
- ▲ tariff policies must promote international competitiveness while preserving jobs
- ▲ investment and technology policies must stimulate the development of a high-wage, low-cost economy
- ▲ VAT should be postponed until further negotiations have been completed
- ▲ legislation must set up structures for collective bargaining in all sectors of the economy
- ▲ State Old Age Pensions must be made equal for all races
- ▲ legislation must be passed to give members of private pension and provident schemes full control
- ▲ basic worker rights must be granted to all those without and the NMC must be restructured.

Organisation of women received a major boost with agreement that a full-time gender co-ordinator should be appointed. Congress also reaffirmed its commitment to centralised bargaining, stating that campaigns must be better organised with more worker control exerted on them.

On educational issues, Congress

committed itself to concentrating on union educational work, reviewing existing education structures. It adopted clear guidelines on a national education and training system including guidelines for a national adult basic education programme.

Inkathagate Scandal

Congress called for action on the Inkathagate scandal. It demanded: an immediate end to all covert operations; the regime must pay reparations to victims of violence caused by organisations funded with public money; the international community must pressurise the regime to disclose the truth; the commercial media must also expose the scandal; the regime must resign and an Interim Government chosen by all must be put in its place; Inkatha members must bind themselves to the peace process.

SACCOLA/State negotiations

Although most of the resolutions on economic issues were referred to an Economic Conference to discuss, the other resolutions adopted give clear guidelines for the negotiating team that will meet with SACCOLA and the State. (See box) ■

Peace at last?

ON September 14, a historic Peace Accord was signed. Drawn up by the ANC, Inkatha Freedom Party and the National Party, it was signed by them as well as most of the self-governing States, Homeland governments and other political parties. It is now a legal and binding document between all the signatories and its members. Although not perfect, it makes major breakthroughs with regard to policing and the security forces, and sets up structures for resolving conflict and for reconstruction and development. Although it was not signed by the PAC and AZAPO, they did pledge to support the spirit of the Accord along with various other organisations. WOSA on the other hand rejected the Accord as co-option saying they would take their proposal to the All Party Conference.

Summary of the Peace Accord

What does the Accord cover?

- Code of Conduct for political parties and organisations
- general rules for the security forces and a Code of Conduct for the SAP
 - socio-economic reconstruction and development
- a Commission of Inquiry into why political violence is occurring
 - Mechanisms for solving conflict

1. Code of Conduct for Political Parties and Organisations

☐ Political tolerance must be encouraged

All political parties and organisations must encourage political tolerance by allowing other organisations to operate freely and by condemning political violence.

☐ Violence and force may not be used

Political parties may not:

- kill, intimidate or use violence on a person because of his/her political beliefs or actions
- force anyone to:
 - join a party or an organisation
 - attend a meeting
 - take part in a boycott or stayaway
 - go on strike
- steal, damage, destroy or misrepresent any symbol or material of any organisation or party
- interfere with people travelling to or from a political meeting
- interfere with another party's attempt to contact or address a group of people.

☐ Parties must not incite violence and hatred

Political parties and organisations must not incite violence and hatred in their publications

and in their speeches. No weapons will be permitted at political gatherings, meetings, or processions.

☐ Parties must give relevant authorities details of events

All parties must inform authorities of the date, place, time (and route) of events. Parties must also take into account the possible consequences of their meeting - for instance, the attitude of the community to the meeting or other meetings already organised nearby.

☐ Lines of communication must be set up between parties

Parties should exchange names, addresses and contact numbers with each other at local, regional and national level and appoint liaison people to deal with problems that might arise.

2. Security Forces

Detailed measures relating to the actions of the Security Forces have been worked out. These commit members of the Security Forces to a code of conduct and spell out guidelines on how they must act in conflict situations. The Peace Accord also sets up structures to speed up investigations of political crimes, establishes structures where members of the public can complain about SAP action and sets up a Board to look at the future role of the SAP to serve and protect.



2.1 Rules for conduct of Security Forces

These are the rules for the conduct of the Security Forces as well as their rights and duties to the public. These rules apply specifically to the SAP, but wherever the SADF carries out a policing function the same rules will apply to the SADF. These rules also apply to all the police forces of self-governing states and bantustans who signed the Accord. In effect this means that only the Bophutatswana government is excluded.

☐ The Police must protect the people

The police must strive to protect the people of South Africa from criminal acts and from violence. This must be done fairly. The SAP must always respond quickly to calls for assistance. They must take steps to prevent violence when they have been warned in advance that violence is likely.

They must endeavour to disarm anyone carrying dangerous weapons in a gathering or a march.

☐ The Police must prevent crime

When a violent clash happens, the police must attempt to arrest all those they suspect of being involved in an unlawful act. After a person has been arrested, the police must conduct a full investigation. All evidence must be made available to the Attorney General as soon as possible.

☐ The Police must be accountable to society

The Police must regularly consult with the Local Dispute Resolution Committees and with community leaders, on the efficient functioning of

"The Peace Accord establishes peace structures and processes for solving and preventing conflict at local, regional and national level." This photo is of a mass funeral at Katlehong Stadium for 14 people killed in political violence, March 1990.

the SAP. Liaison officers who can be approached by communities for urgent assistance must be appointed.

☐ The Police must be identifiable

All uniformed policemen must display a form of identification on their uniform. All official police vehicles must have an identification number painted on their side. All police vehicles must have genuine numberplates. (This excludes vehicles involved in genuine police undercover work.)

☐ Guidelines for Police for dealing with conflict situations

The Police must be issued with guidelines to deal with illegal gatherings. These guidelines must include the following:

- if a confrontation between the police and a crowd is expected, then the police should be commanded by a senior police officer.
- police units performing crowd control duties must be equipped with a public address system and be able to address the crowd in the language they understand.

- before ordering a gathering to disperse, the police must find out the reason for the gathering.
- if residents of a community or hostel are being attacked, then the police should attempt to disarm and disperse the attackers.
- a reasonable amount of time must be given for a gathering to comply with the instructions of the commanding officer.
- the minimum amount of force must be used to disperse a crowd. The commanding officer must only authorise forceful methods of crowd control if he believes that less forceful measures will fail and if the crowd is a danger to the public or property.
- the SAP must use less dangerous equipment for crowd control.

□ The SAP and government must not promote political organisations

Government funds must not be used to promote any political party or organisation. The government must not allow any operation of the SAP or SADF to promote any political organisation or party at the expense of any other. If an organisation believes that either of these agreements is being broken, they can complain to the Police Ombudsman or the Commission of Inquiry.

□ Dangerous weapons may not be carried

Weapons and firearms may not be carried, possessed or displayed by members of the public at political gatherings, meetings or processions.

□ People can defend themselves (Self-Protection Units)

Everybody has the right to defend themselves and their property. People can form self-defence units in their neighbourhoods as long as they are not based on membership or support for a particular organisation or party. Political parties and organisations cannot form private armies. Self-protection units must liaise with the SAP. The SAP must not be prevented from carrying out its duties by self-defence units.

2.2 Improving policing, investigation of crimes, trying of suspects

□ Special Unit to investigate crimes of political violence

A special police unit will be established to investigate crimes of political violence. The unit will be commanded by a police general, who will appoint senior police officers at a regional level to carry out these investigations. This unit will

also investigate claims of police impartiality in incidents of violence.

□ Police Board to be established

A Police Board will be set up made up of equal numbers of police representatives and members of the public. The Board will make recommendations on how to bring the role of the SAP in line with what communities expect of them.

□ Special Criminal Courts

The Department of Justice, in conjunction with the Law Societies and the Bar Council, will oversee the establishment of Special Criminal Courts. These courts will deal only with crimes of political violence and will be set up in areas where they are needed most. They will dispose of unrest related cases quickly and efficiently. As a result someone accused of violence may be tried immediately instead of releasing them on bail and so allowing them to commit another act of violence. Witness protection programmes will be used for the protection of witnesses and their families if the witness requests it.

2.3 Complaints against the police

An official called a Police Ombudsman will be appointed in each region by the Minister of Law and Order on suggestions put forward by the Association of Law Societies and the General Council of the Bar. Complaints against the police can be made to the Police Ombudsman or the Commissioner of the Police. Complaints will be referred to the special police investigation unit and the Ombudsman will monitor the progress of the unit. The Ombudsman will recommend disciplinary action against policeman based on the findings of the investigation. The Ombudsman also has the power to recommend the suspension of police officers who are being investigated, until the investigation is complete.

2.4 Code of Conduct for the Police Force

All members of the SAP must abide by the Code of Conduct which sets out the rules for the behaviour of policemen.

The Code of Conduct commits policemen to these principles and practices:

- to preserve the rights of individuals by preventing crime and violence
- to enforce the law fairly, respond quickly, make personal sacrifices to save lives and encourage police-community relationships.
- use the least possible degree of force
- be clearly identifiable
- maintain high standards of professionalism

FEATURES OF THE PEACE ACCORD

	POLITICAL ORGANISATIONS	SECURITY FORCES	IMPLEMENTATION STRUCTURES	RECONSTRUCTION AND DEVELOPMENT
BASIC PURPOSE	<p>▲ Code of Conduct for Political Organisations and Parties</p> <ul style="list-style-type: none"> - freedom of association - political tolerance - bans use of violence and force - no inciting of violence and hatred against other organisations - no weapons allowed at political gatherings - liaison must be established between parties 	<p>▲ establishes a more effective way of monitoring actions of Security Forces through:</p> <ul style="list-style-type: none"> - Code of Conduct for Security Forces - Detailed Guidelines for SAP in conflict situations <p>▲ establishes improved and faster mechanisms for investigating crimes and trying suspects</p> <p>▲ sets up Board to recommend how role of SAP can be improved</p> <p>▲ sets up mechanisms where members of the public can complain about conduct of Security Forces</p>	<p>▲ Establishes peace structures and processes to solve and prevent conflict</p> <p>▲ Commission of Enquiry to investigate causes of violence, hear complaints against security forces</p>	<p>▲ establishes mechanisms for carrying out reconstruction and development:</p> <ul style="list-style-type: none"> - to rebuild communities damaged by violence - to use development to prevent possible outbreaks of violence
NATIONAL LEVEL	<p>▲ Code of conduct applicable at all levels</p> <ul style="list-style-type: none"> - enforced by implementation structures. 	<p>▲ Code of Conduct and Guidelines applicable at all levels.</p> <ul style="list-style-type: none"> - SAP must protect the people, prevent crime, be accountable to society, be identifiable, - SAP must not must not promote any political organisation - Self-Defence Units allowed but must not be based on membership of a particular organisation/party and must liaise with SAP <p>▲ Police Board</p> <p>Composition - equal numbers of police representatives and members of the public.</p> <p>Function - to investigate and recommend how the role of the SAP can be brought in line with what communities expect of them</p>	<p>▲ National Peace Committee</p> <p>Composition - reps of the major Signatories of the Accord, chair and vice chair appointed from the religious and business community</p> <p>Function - monitors and makes recommendations on Peace Accord.</p> <ul style="list-style-type: none"> - All decisions by consensus. - Can make further agreements and settle disputes not resolved at local and regional level <p>▲ National Peace Secretariat</p> <p>Composition - four full-time people, nominated by NPC + 1 rep from Dept Justice, plus 4 others may be appointed</p> <p>Function - Reports to NPC</p> <ul style="list-style-type: none"> - co-ordinates and sets up RDRC and LDRC <p>▲ Commission of Enquiry</p> <p>Composition - Judge or retired judge will chair, vice-chair will be senior legal person, the NPC will submit a list of names for the other persons to be nominated to the Commission</p> <p>Function - to investigate instances of public violence and intimidation and recommend to State President how it could be prevented</p> <ul style="list-style-type: none"> - investigate matters referred to it by individuals or by RDRC and LDRC, including claims of police impartiality, misconduct - if it uncovers evidence of an offence, it may refer this to the Attorney General to prosecute 	<p>▲ Permanent Sub-Committee of National Peace Committee</p> <p>Composition - Set up by National Peace Committee</p> <p>Function - help peace structures with these issues at all levels, report to National Peace Committee, begin with repairing damage caused by violence; pre-empt violence with development and then move on to overall development. Reconstruction and development must reinforce the peace process.</p>
REGIONAL LEVEL		<p>▲ Special Police Investigation Units</p> <p>Composition - commanded by a Police General who will appoint senior police officers at regional level.</p> <p>Function - to investigate crimes of political violence to speed up investigations and to investigate claims of police impartiality</p> <p>▲ Special Criminal Courts</p> <p>Set up by Department of Justice, together with Law Societies and Bar Council.</p> <p>Function - will deal only with crimes of political violence</p> <p>▲ Police Ombudsman</p> <p>Appointed by Minister of Law and Order on suggestions by Law Societies and Bar Council</p> <p>Function - hears complaints against SAP and refers them to Special Police Investigation Unit and monitors the progress of the investigation around the complaint</p> <ul style="list-style-type: none"> - can recommend disciplinary action against policemen based on investigation's findings - can recommend suspension of police officer until investigation is complete 	<p>▲ Regional Dispute Resolution Committee (RDRC)</p> <p>Composition - reps of whole community, including business, management, SAP/SADF</p> <p>Function - monitors Peace Accord in the region</p> <ul style="list-style-type: none"> - combat violence - inform Commission of Enquiry on causes of violence and steps taken to prevent violence - can request individuals to hand over evidence and order that person's identity or document's contents be kept secret <p>▲ Regional Committees of Commission of Enquiry</p> <p>Composition - appointments made after consultation with RDRC</p> <p>Function - to assist Commission of Enquiry with investigations</p>	<p>▲ Permanent Sub-Committee of Regional Dispute Resolution Committee</p> <p>Composition - Set up by Regional Dispute Resolution Committee</p> <p>Function - Report to RDRC; begin with repairing damage caused by violence; pre-empt violence with development and then move on to overall development. Reconstruction and development must reinforce the peace process.</p>
LOCAL LEVEL		<p>▲ Special Criminal Courts</p> <p>(same as above - may be set up at Local Level as well as regional)</p>	<p>▲ Local Dispute Resolution Committees (LDRC)</p> <p>Composition - representatives of community established where RDRC thinks it's necessary</p> <p>Function - implement peace accords</p> <ul style="list-style-type: none"> - settle disputes between individuals or parties - act against conditions causing violence - promote trust between organisations (including SAP) - liaise with local police or magistrate over political gatherings to prevent violence - can request individuals to hand over evidence and order that person's identity or document's contents be kept secret <p>▲ Justice of the Peace</p> <p>Appointed in consultation with LDRC</p> <p>Function - has limited powers to settle disputes</p> <ul style="list-style-type: none"> - can request individuals to hand over evidence and order that person's identity or document's contents be kept secret 	<p>All reconstruction and development work must be done with co-operation and involvement of the whole community. It must help develop the skills and economic resources of the community.</p>

- prevent personal feelings and prejudice from influencing decisions
- develop self control, honesty and set an example to the public.

The police also undertake to provide their co-operation to the Commission of Enquiry or to the Police Ombudsman when police are investigated for misconduct.

3. Socio-economic reconstruction and development

• Development sub-committees will be set up

Permanent sub-committees must be established by the National Peace Committee and Regional Dispute Resolution Committees at national and regional levels to deal with socio-economic reconstruction and development.

• Crisis Assistance

The committees will deal with the immediate effects of the violence eg. homelessness, and address infrastructure problems that spark off violence eg. water, electricity, schools.

• Prevention of Violence

The Committees must also identify flash points of conflict and co-ordinate socio-economic development to defuse tension eg. squatter settlements, and hostels.

• Reconstruction and development at local level

All reconstruction and development projects must work on the ground at local level. The community and those benefiting from the projects must be involved in the negotiations with experts and donors so that the implementation of the projects is done as close to the grassroots as possible and with the support of all political organisations. All reconstruction and development in a community must be done in a way that will help develop the skills and economic resources of those living in the community.

4. Implementation Structures

The peace accord establishes peace structures and processes for solving and preventing conflict at local, regional and national level. Disputes on the Code of Conduct for Political Parties should wherever possible be settled at a grassroots level, through the participation of the parties themselves and using the methods of mediation, arbitration and adjudication. If the parties cannot resolve the dispute themselves then it will be referred to the National Peace Committee. If the NPC is unable to reach consensus, then the dispute will be referred to an arbitrator agreed by all parties. A detailed arbitration procedure forms part of the Accord which sets out the steps that must be followed.

□ National Peace Committee (NPC)

The NPC is made up of all major signatories of the Accord who will appoint a chair and vice chair drawn from the religious and business communities. The NPC monitors and makes recommendations on implementing the Peace Accord. It also has the power to make further agreements and settle disputes. All decisions will be taken by consensus.

□ National Peace Secretariat (NPS)

A National Peace Secretariat will be established, made up of at least four full-time people, nominated by the NPC and one representative from the Department of Justice. The NPS will report to the NPC. The main task of the NPS is to co-ordinate and set up peace structures at a regional and local level. These structures are called Regional Dispute Resolution Committees (RDRC) and Local Dispute Resolution Committees (LDRC).

□ Regional Dispute Resolution Committees (RDRC)

Regional Dispute Resolution Committees will be made up of representatives of relevant political organisations and churches as well as trade unions, business, management and SAP and/or SADF representatives.

The RDRC must monitor peace accords in their region and consult with the relevant authorities to combat and prevent violence. They will also inform the Commission of Inquiry on causes of violence and inform the NPS of the steps they have taken to prevent violence.

The Regional Peace Committees will also act on any matters referred to them by the NPS, the Commission of Inquiry or Local Dispute Resolution Committees. They will assist the Local Peace Committees in carrying out their duties.

□ Local Dispute Resolution Committees

Local Dispute Resolution Committees will be established in areas where the RDRC considers it necessary. They will be made up of representatives of the community. The LDRC must implement peace accords and settle disputes relating to violence between individuals and parties. They must act against conditions which cause violence and promote trust between organisations (including the SAP) on a grassroots level. The LDRC must liaise with the local police and magistrate about marches, rallies and gatherings to prevent violence. The Committee must also agree among themselves on rules and conditions relating to marches, rallies and gatherings.

□ Justices of the Peace

Justices of the Peace (JP) will be appointed in consultation with Local Peace structures. These

are members of the community who will be given limited powers to settle disputes.

- **Powers of Regional and Local Dispute Resolution Committees and the Justices of the Peace**

These have the power to request individuals to give evidence or hand over documentary evidence. They also have the power to protect the identity of people giving evidence by keeping their identity or the contents of documents confidential.

- **Commission of Inquiry**

- **Function**

A permanent Commission will be established in terms of the existing Prevention of Public Violence and Intimidation Act. The Commission will investigate why public violence and intimidation occurs, how this could be prevented and will make recommendations to the State President on the prevention of public violence and intimidation.

- **Composition**

The Commission will be composed of 5 people. It will be chaired by a judge or retired judge, the vice-chair will be a senior legal person. The NPC will submit a list of names for the other three positions on the Commission.

- **Conducting Investigations**

Any individual can approach the Commission with a request to investigate a matter. The Commission will also investigate matters on its own accord or those that are referred by Regional Dispute or Local Dispute Committees.

- **Powers of the Commission**

In carrying out an investigation, the Commission has the power to:

- call on anyone to give evidence
- order anyone to put documents or material evidence to the Commission
- to order that the identity of a person giving evidence is kept secret if their assistance to the Commission could endanger their life
- order that protection must be provided for such a person
- order that the contents of documents or evidence is kept secret if it is necessary
- investigate claims of the misuse of public funds or covert SAP and SADF operations.



No weapons will be permitted at political gatherings, meetings or processions. Here hostel dwellers brandish "traditional weapons"

Once the investigation is completed it will be referred to the State President with a copy to the National Peace Committee. Any evidence constituting an offence may be referred to the Attorney-General and to the Special Criminal Courts for them to prosecute.

Regional Committees

To assist with investigations, Regional Committees of the Commission should be established in each of the regions identified by the Commission. Appointments will be made after consultation with the relevant Regional Dispute Resolution Committee. ■

Dismissing your official – Follow the procedure!

A NEW Disciplinary Code for all Officials of NUMSA was adopted in April 1991. The NEC was mandated to draw up a Code after some officials were fired and NUMSA was charged with wrongful dismissal!

In this article we detail the procedures that must be followed when disciplining an official. The procedure stipulates that enquiries must be held at different levels, builds in an appeals system which culminates in Arbitration if the official is still dissatisfied.



Who disciplines who?

Officials will be disciplined in Disciplinary Enquiries called by the constitutional structure that they fall under.

- ▲ Local officials by the Local Office-Bearers and Local Shop Stewards Council;
- ▲ Regional Officials by the Regional Office Bearers and Regional Secretary
- ▲ Head Office Officials by National Office Bearers and General Secretary

But these Disciplinary Enquiries cannot dismiss the official concerned. If it looks as if the official's actions are so bad that s/he should be dismissed, then these structures must recommend dismissal to the following higher structures after holding an enquiry:

- ▲ the Local to the REC
- ▲ the Regional structures to the REC
- ▲ the National structures to the NEC

These constitutional structures must then hold further Disciplinary Enquiries to establish whether the recommendation from the lower structure should be upheld.

Disciplinary Enquiry

Disciplinary enquiries must follow

certain steps to ensure a fair process:

Before the Enquiry:

- ▲ Advise official in writing of:
 - charges against him/her
 - date, time and place of enquiry
 - and give him/her sufficient time to prepare defence.

At the Enquiry:

- ▲ The official can represent him/herself or be represented by another official or member.
- ▲ The Enquiry must be conducted by the relevant Office Bearers and Secretary or Committee
- ▲ If the Official fails or refuses to attend the Enquiry can proceed in his/her absence.
- ▲ An interpreter must be present if necessary.
- ▲ The Official can present his/her case, call witnesses and question all witnesses called by the Union.
- ▲ Those conducting the Enquiry must make a decision at the Enquiry on whether an official is guilty of some or all of the allegations. They must then tell the official immediately.
- ▲ If the Official is guilty, s/he can then lead further evidence to show why the penalty should not be too harsh. Those conducting the

Enquiry must take this evidence into account when considering the penalty.

Outcome of Enquiry:

- ▲ The Official must be notified within 5 working days of the hearing whether s/he is guilty or not, and what the penalty is.
- ▲ S/he must also be notified of the procedure for Appeal against this decision.

Appeals:

- ▲ If the Official wants to appeal, s/he must notify the relevant constitutional structure within 5 working days of receiving the letter about the outcome of the Enquiry.
- ▲ The Appeal must then be convened as soon as reasonably possible.
- ▲ The Official must be notified in writing of the time, date, place of the Appeal as soon as a date has been set.
- ▲ All those present at the initial Enquiry may be present at the Appeal.
- ▲ The Committee considering the Appeal may give their decision at the Appeal Hearing or as soon as possible after it. They must advise the official in writing of the outcome.

Arbitration:

- ▲ If the Appeal also decides on dismissal and the official is still dissatisfied, then the official must refer the dispute to arbitration under IMSSA. The decision of the arbitrator will be final and binding.
- ▲ Who pays – if the arbitrator rules in favour of the official, NUMSA will pay all the costs of arbitration. If the arbitrator rules in favour of NUMSA, then NUMSA and the official will each pay half. ■

Sukuma Msebenzi Campaign Project

Comrades from the West Rand Local of the Wits Central West Region have sent us this letter which details their plans for rebuilding our structures. The plan involves targetting important factories in each local and then allocating a specific organiser per local to these factories. The aim of the plan is to achieve 100% membership in these factories. Members and shop stewards from these factories will then be used to rebuild factory strength as well as the strength in the local.

Comrades, the idea of rebuilding our structures and the name of this project (Sukuma Msebenzi) came when the Organising and Collective Bargaining Department of our union realised that the union structures are no longer functioning properly:

- ▲ worker power is weak at factory level
- ▲ no factory general meetings are being held both by local organisers and the shop stewards
- ▲ shop stewards no longer hold monthly meetings amongst themselves and with management
- ▲ there is a lack of education and information for members on NUMSA policies, NUMSA and COSATU campaigns and so on.

The Secretary of the Organising Department, Cde Bernie Fanaroff was delegated to hold meetings with regional organisers and visit the regions to help draw up an "organising plan".

First we listed the names of big and strategic factories in each local. Then after discussions and debates in all the local and regional structures, we came up with the following plan:

- ▲ Locals are to target one organiser who will be servicing these factories;
- ▲ we aim to achieve 100% membership in these factories. To do this we must:
 - identify major problems in these factories and plan with shop stewards and members how to take up these problems;
 - make sure that shop stewards are holding factory general meetings;
 - make sure that targetted organisers are holding meetings with shop stewards, members and helping shop stewards at the monthly meetings with management.

Each targetted organiser must find



out what are the major problems facing workers in the factory. They must find out information about the company, including if there is a recognition or wage agreement there, as well as what the total workforce is and how many union members there are.

The organiser must also educate the shop stewards and the membership on issues like NUMSA and COSATU structures, as well as identifying problems in the factory and how to take them up with management.

There must also be more intensive training for the shop stewards. This will include how to recruit new members in the factory and the industrial area around the factory; basic skills training, for example how to write minutes, how to report back; building local shop steward councils, and integrating them into multi-national or company councils where appropriate.

Monitoring

The Project will be co-ordinated and monitored by Local Office Bearers, the local shop steward councils, the REC, regional staff meetings and co-ordinators meetings. The regional

Targetted factories will be used to rebuild local structures and so ensure that members are involved in campaigns of the Union.

team - regional secretary, regional organiser, regional legal and education officers - will assist targetted organisers to develop and implement the plan.

At a national level the targetted organisers will receive training to improve their skills, information on these strategic companies, as well as economic and political factors that affect the company concerned.

The campaign will be run for 6 months but after the first 3 months there will be an assessment.

Shop stewards from all the targetted factories in the region will meet to launch this project. Pamphlets, banners, photos will help to popularise the campaign.

Progress so far

So far the factories have been targetted and the organisers allocated. There will be a regional staff meeting on August 12 after which the campaign will be launched. ■

POLICIES ADOPTED AT NUMSA'S THIRD NATIONAL CONGRESS, JUNE 21-23 1991**1. RESOLUTION ON BUILDING CIVICS****MOVED:** HIGHVELD**SECONDED:** E. CAPE

That COSATU should assist in building a national civic structure that is independent of party political structures and is non-sectarian.

2. RESOLUTION ON SOCIALISM**MOVED:** WITS CENTRAL WEST**SECONDED:** W. CAPE**NOTING THAT:**

1. Capitalism has failed to provide the basic goods and services for almost all of our people.
2. Capitalism is in a crisis and unemployment is increasing every year.
3. Capitalists have kept their profits high by reducing employment, by increasing exploitation, and by producing mainly luxury goods which most of the people cannot afford.
4. There is more inequality in South Africa than in any other country.
5. Capitalism cannot solve the social and economic problems of South Africa: it can only lead to an even more unequal society where a few people have money, jobs, skills, houses and goods services, and the majority have nothing.
6. Capitalism has failed to improve the lives of the majority of people in South Africa, South America and many other regions of the world.
7. Capitalists are motivated only by profit and so they can never develop the production in any country in the best way to benefit all the people.
8. Bureaucratic implementation of socialism has failed in Eastern Europe and other countries because: their societies were not democratic, the building of socialism was in the hands of an elite not in the hands of the masses; socialist production was inefficient and so it could not increase the wealth of these countries and could not provide a better standard of living for their citizens; the organisations of civil society, such as the trade unions were not independent and were controlled by the political party and by the government, so they could not fight to ensure that the needs and interests of the urban and rural working class remained dominant.
9. The workers in these socialist countries failed to support socialism because of these problems and because the system did not bring them a good enough standard of living.
10. The working class cannot build socialism if it does not have a programme of how to do it.

BELIEVING THAT:

1. The democratic socialist system is the only system which can solve the social and economic problems of South Africa.

2. A socialist transformation will only be truly realised if both economic and political power are firmly entrenched in the hands of the working class.
3. The foundation for building socialism is strong organisation of the masses of the working class in mass based and democratic trade unions, civics and rural organisations and the working class party.

THEREFORE RESOLVE THAT:

1. We believe that the socialist system is the only system which can solve the social and economic problems of South Africa.
2. Socialism can only develop and benefit the masses if it develops in a way which allows the maximum democracy and guarantees collective and individual rights and freedom. This must include multi-party democracy.
3. The independence of the mass organisations of society especially the trade unions and the civics from political parties and the government must be guaranteed and must work in practice as well as in theory.
4. Socialist production must be efficient, otherwise it does not use the productive forces better than capitalism. But this efficiency must be developed in ways which do not lead to the exploitation of workers Socialist Production must bring full employment and a good standard of living to all.
5. We confirm the resolution of the NUMSA First and Second National Congresses calling for the development of a working class programme and we will work towards the discussion of such a programme in NUMSA and COSATU. This must include discussion of what socialism is, in the light of the setbacks in other countries, and how socialist production can be efficient. The working class programme must also say how we can build socialism in South Africa and internationally. This congress mandates the Central Committee to open up discussion in the union on what should be included in the working class programme. This discussion should include our members upwards.
6. NUMSA to propose to COSATU the unification of the left and the co-ordination of a conference for all socialist organisations to map the working class programme and a process leading to complete co-operation, and unity.

3. RESOLUTION ON PATRIOTIC FRONT**MOVED:** N. NATAL**SECONDED:** BORDER**NOTING THAT:**

1. The Apartheid regime is trying to broaden its social base by creating its front and is also exploiting the differences between various political organisations by promoting violence.
2. We have a duty to unite our people to fight apartheid rule and undermine the Nationalist attempt to divide us.

THEREFORE RESOLVE:

1. That a Patriotic Front be formed charged with the specific tasks of campaigning for Peace, Unity and a Constituent Assembly.

2. That while such a Front should be as broad as possible, the primary focus should be to unite the organisations of the oppressed.
3. That a National Preparatory Committee be established which will facilitate the launching of local, then regional and finally the National Committee. This is to ensure that the Front is not a unity of leaders at the top or a paper Front.
4. That decisions of the Front should be based on consensus and be characterised by a culture of political tolerance.
5. That components of the Front must commit themselves to Mass Action to remove the Apartheid Regime from power.
6. That there will be ongoing consultation between the organisations that are party to the front on all major initiatives being contemplated.

4. RESOLUTION ON TRIPARTITE ALLIANCE

MOVED: WITS CENTRAL WEST

SECONDED: WITS EAST

NOTING:

1. NUMSA has previously adopted resolutions on alliances and how they should work.
2. The structures of the Alliance between COSATU, ANC and the SACP have had some weaknesses. There has been too little consultation on major actions and initiatives and especially on the progress of negotiations.
3. The Alliance has failed to give clear and decisive leadership at national, regional and local level. There has been very little discussion of strategic issues and very little strategic planning.
4. Calls for mass action have been with too little consultation and at too short notice.
5. Policy statements are regularly made without proper discussion in the Alliance, even where these policies directly affect the interests of Alliance partners.
6. There is a great need for clear, strategic and decisive leadership by the Alliance on the violence, on procedures for negotiations and on policy making.

THEREFORE RESOLVE THAT:

1. We should build the structures of the Alliance at all levels.
2. The Alliance should give much more attention to the violence and to a carefully prepared long-term strategy to deal with it, which takes into account all aspects.
3. The Alliance should develop mass campaigns to complement and strengthen the negotiation process.
4. The Alliance should be strengthened by the negotiation between the Alliance partners of agreed positions on issues of interest to each of the partners. These agreements should be the basis of the Alliance.
6. Leadership and delegates to the Alliance must be mandated and accountable to the organisation which elected them as delegates.
7. We reaffirm that COSATU should remain independent of all political parties and will not affiliate to any political party.

8. That all decisions within COSATU and its affiliates are taken within the constitutional structures of the organisations concerned, based on the mandate of the trade union members themselves, in accordance with their policies.
9. The Alliance will seek, through consensus, to make recommendations to facilitate co-ordination and joint action of the parties to the allies.
10. No organisation will be bound by any decision that affects its members unless that organisation has been consulted on the decision and given its backing.
11. The Alliance will determine which campaigns are campaigns of the Alliance, and which are of the constituent organisations. All campaigns of the Alliance will be planned, organised and conducted jointly at all levels.
12. COSATU will uphold the principles of full freedom of political association, membership of political organisations for its members, and declares that it will act against any decision that detrimentally affects its members, now and in a future non-racial democratic South Africa.

5. RESOLUTION ON INTERIM GOVERNMENT AND CONSTITUENT ASSEMBLY

MOVED: NORTHERN TRANSVAAL

SECONDED: WITS EAST

INTRODUCTION

1. It is our conviction that the framing of a democratic Constitution must be the responsibility of the people as a whole through an elected Constituent Assembly.
2. The process leading to a Constituent Assembly should be characterised by free political activity and access to the Media. The Nationalist Government and its Security Forces cannot guarantee this.

THEREFORE RESOLVE:

1. To intensify our struggle on all fronts to force the Apartheid Government to:
 - a) Resign
 - b) Abolish the present Apartheid Constitution
 - c) Agree to a democratic election on the basis of one person one vote on a common voters role for a Constituent Assembly
2. That only a democratically elected Constituent Assembly, whose proceedings are public, by broadcasting its work on mass media, should draw up a democratic Constitution for a non-racial and democratic South Africa. The Interim Government should ensure access to mass media for all political parties.
3. To combine our mass actions in the trade unions and communities to ensure that an Interim Government is established to administer the transitional period and supervise the Constituent Assembly elections. This Constituent Assembly will not be restricted in any way by any prior agreement concerning the constitution it will draw up.
4. To re-affirm COSATU Resolutions calling for SADF/SAP to be kept in the barracks and disarmed and that an international peace

keeping force accountable to and controlled by the Interim Government is established to ensure peace and combat crime during the transition period.

5. That the Constituent Assembly is empowered to adopt the new constitution only once its final version has been subject to a referendum of all South African people.
6. That the Interim Government should be composed of the major political parties that have proven and identifiable constituencies.

6. RESOLUTION ON NEGOTIATIONS

MOVED: N. TRANSVAAL
SECONDED: WITS EAST

RESOLVES THAT:

1. COSATU should participate in the talks about talks including talks about security.
2. For negotiations, the triple alliance should work as follows:
 - 2.1 COSATU will adopt its own position.
 - 2.2 We will then meet as an Alliance Forum to formulate the position of the Alliance. The Alliance Forum would be in the form of Executive members of the 3 parties to the Alliance, meeting as mandated delegates.
 - 2.3 The Alliance Forum would be present near the negotiations at all times to receive reports from the negotiating team and to give fresh mandates.
 - 2.3.1 There can be no agreement outside that mandate without a new mandate being approved by the members.
 - 2.4 The Alliance Forum will act as a support group during negotiations, facilitating report backs to and mandates from the constituencies.
 - 2.5 COSATU team members of the negotiating team will be elected democratically by the COSATU CEC.
 - 2.6 COSATU must put more effort into establishing effective structures for reporting back.
 - 2.7 COSATU in retaining its independence reserves its right to put forward and publish to its members and others its own positions, outside the negotiations.
 - 2.8 The Alliance will operate on the basis of independence of the parties and on consensus.

7. RESOLUTION ON WORKERS RIGHTS AND THE CONSTITUTION

MOVED: BORDER
SECONDED: VAAL

INTRODUCTION:

1. As organised workers, we need to ensure that the Constitution of the country reflects our interests and that our rights are fully protected.

2. Only an open and democratic process can ensure the development of a really democratic constitution.

THEREFORE RESOLVES THAT:

1. The Constitution should be drawn up by a freely-elected Constituent Assembly based on mandates and reporting back to constituents.
2. We put forward the following constitutional principles:
 - ▲ a united, democratic and non-racial state.
 - ▲ equality for all, irrespective of race, colour, creed, gender or religion
 - ▲ guaranteed independence and rights of the organisations and institutions of civil society, including full trade union rights and the right to strike
 - ▲ a Workers' Charter to be protected by the Constitution
 - ▲ a government that is fully accountable to the people on all issues
 - ▲ a democratically planned economy which meets the needs of our people and redresses the imbalances of capitalism and apartheid.
3. Constitution or constitutional principles to be discussed and agreed on by the Constituent Assembly not by the All Party Conference.

8. RESOLUTION ON MEMBERSHIP OF POLITICAL ORGANISATIONS

MOVED: WITS CENTRAL WEST
SECONDED: WESTERN CAPE

BELIEVING THAT:

1. NUMSA aims to unite all workers in the metal industry.
2. The lessons of perestroika show that trade unions must remain independent of political parties.
3. The development of party political groupings in NUMSA will lead to party political dominations of the Union and disunity among workers.

THEREFORE RESOLVES THAT:

1. Every NUMSA member and official is free to belong to the political party of his or her choice.
2. All NUMSA members and officials are free to give any point of view in the debates which take place in the Union.
3. NUMSA members and officials must participate in these debates as individuals. The Union will not allow members or officials to participate in debates as a bloc.
4. NUMSA will not accept the development of party political blocs within the Union.
5. The following guidelines will apply to involvement by NUMSA Staff and Office Bearers in political organisations.

keeping force accountable to and controlled by the Interim Government is established to ensure peace and combat crime during the transition period.

5. That the Constituent Assembly is empowered to adopt the new constitution only once its final version has been subject to a referendum of all South African people.
6. That the Interim Government should be composed of the major political parties that have proven and identifiable constituencies.

6. RESOLUTION ON NEGOTIATIONS

MOVED: N. TRANSVAAL

SECONDED: WITS EAST

RESOLVES THAT:

1. COSATU should participate in the talks about talks including talks about security.
2. For negotiations, the triple alliance should work as follows:
 - 2.1 COSATU will adopt its own position.
 - 2.2 We will then meet as an Alliance Forum to formulate the position of the Alliance. The Alliance Forum would be in the form of Executive members of the 3 parties to the Alliance, meeting as mandated delegates.
 - 2.3 The Alliance Forum would be present near the negotiations at all times to receive reports from the negotiating team and to give fresh mandates.
 - 2.3.1 There can be no agreement outside that mandate without a new mandate being approved by the members.
 - 2.4 The Alliance Forum will act as a support group during negotiations, facilitating report backs to and mandates from the constituencies.
 - 2.5 COSATU team members of the negotiating team will be elected democratically by the COSATU CEC.
 - 2.6 COSATU must put more effort into establishing effective structures for reporting back.
 - 2.7 COSATU in retaining its independence reserves its right to put forward and publish to its members and others its own positions, outside the negotiations.
 - 2.8 The Alliance will operate on the basis of independence of the parties and on consensus.

7. RESOLUTION ON WORKERS RIGHTS AND THE CONSTITUTION

MOVED: BORDER

SECONDED: VAAL

INTRODUCTION:

1. As organised workers, we need to ensure that the Constitution of the country reflects our interests and that our rights are fully protected.

2. Only an open and democratic process can ensure the development of a really democratic constitution.

THEREFORE RESOLVES THAT:

1. The Constitution should be drawn up by a freely-elected Constituent Assembly based on mandates and reporting back to constituents.
2. We put forward the following constitutional principles:
 - ▲ a united, democratic and non-racial state.
 - ▲ equality for all, irrespective of race, colour, creed, gender or religion
 - ▲ guaranteed independence and rights of the organisations and institutions of civil society, including full trade union rights and the right to strike
 - ▲ a Workers' Charter to be protected by the Constitution
 - ▲ a government that is fully accountable to the people on all issues
 - ▲ a democratically planned economy which meets the needs of our people and redresses the imbalances of capitalism and apartheid.
3. Constitution or constitutional principles to be discussed and agreed on by the Constituent Assembly not by the All Party Conference.

8. RESOLUTION ON MEMBERSHIP OF POLITICAL ORGANISATIONS

MOVED: WITS CENTRAL WEST

SECONDED: WESTERN CAPE

BELIEVING THAT:

1. NUMSA aims to unite all workers in the metal industry.
2. The lessons of perestroika show that trade unions must remain independent of political parties.
3. The development of party political groupings in NUMSA will lead to party political dominations of the Union and disunity among workers.

THEREFORE RESOLVES THAT:

1. Every NUMSA member and official is free to belong to the political party of his or her choice.
2. All NUMSA members and officials are free to give any point of view in the debates which take place in the Union.
3. NUMSA members and officials must participate in these debates as individuals. The Union will not allow members or officials to participate in debates as a bloc.
4. NUMSA will not accept the development of party political blocs within the Union.
5. The following guidelines will apply to involvement by NUMSA Staff and Office Bearers in political organisations.

- 5.1 The Union neither endorses nor forbids participation by staff in the structures of political organisations.
- 5.2 Staff approached to become involved in the structures of political organisations must carefully assess whether this would have an adverse effect on their Union work.
- 5.3 The standard of work accountability and discipline demanded of NUMSA Staff and Office Bearers will apply irrespective of any political involvement by such persons. Exceptions to this can only be made by an REC or NEC.
- 5.4 When carrying out the work of NUMSA or representing NUMSA, both Staff and Office Bearers are expected to work within the mandate of NUMSA policy and practices.

9. RESOLUTION ON INTERNATIONAL SOLIDARITY

MOVED: N. TRANSVAAL

SECONDED: BORDER

N. Transvaal formally withdraws the International Solidarity resolution in support of the Central Committee resolution on procedures.

This Congress therefore resolves that the Central Committee is empowered to take a decision on this matter.

10. RESOLUTION ON ECONOMIC RESTRUCTURING

MOVED: WITS CENTRAL

SECONDED: W. CAPE

NOTING:

1. That the structural crisis in the South African economy is the cause of poverty, unemployment, inflation, shortage of housing and basic facilities.
2. That policies of the Nationalist Regime and capital contribute to the crisis rather than solving it.
3. That Capitalism by its very nature is geared towards profits for the minority and not for the needs of the majority.
4. That the position of the economies of South and Southern Africa in relation to the world economy is deteriorating continually.

BELIEVING:

1. That Capitalism all over the world cannot solve the problems of unemployment, poverty, lack of basic facilities, nor can it meet the aspirations of the working class.
2. That only a democratic people's state under control of the working class can solve the present economic crisis.

3. That organised workers must intervene decisively to achieve an economic reconstruction that:
 - (a) deals effectively with unemployment, poverty and lack of basic facilities.
 - (b) strengthens the power of the working class in its advance towards a democratic socialist society.
 - (c) develops both South Africa and the economies of Southern Africa in a way where their relations with the world economy will be of mutual benefit. The external orientation of our economy must build and strengthen international worker solidarity.

THEREFORE RESOLVE:

1. To campaign for the smashing of the present apartheid capitalist state and in its place to establish a democratic people's state.
2. That this democratic people's state will constitutionally guarantee that the economy will meet the needs of the people.
3. This new economy must be a democratically planned socialist economy, based on the following key principles:
 - (a) worker control of factories, farms, banks and mines
 - (b) social ownership that includes nationalisation of the leading heights of the economy
 - (c) nationalisation of land.
4. COSATU and its Allies to intervene and develop a campaign programme on the key issues facing the working class presently i.e:
 - ▲ privatization and commercialisation
 - ▲ economic restructuring
 - ▲ retrenchment
 - ▲ lack of basic skills
 - ▲ This intervention is a short term strategy that must be linked to our long-term goal of a democratically planned socialist economy.
5. The development of the South African political economy must contribute to the development of the political economy of Southern Africa to meet the needs of the people in the region.

11. RESOLUTION ON FIGHTING JOB LOSS

MOVED: WITS CENTRAL WEST

SECONDED: E. CAPE

INTRODUCTION:

1. Loss of jobs is caused by the past and present mismanagement of the economy by the capitalists and the government.
2. The capitalists, with the assistance of the State, are trying to restructure industry and the economy in ways which will increase profits at the expense of workers. To do this they have to weaken the trade unions.
3. Tripartite negotiations cannot stop job loss unless the whole working class is mobilised around a clear programme of action.

4. The full restructuring of the economy for the maximum benefit of the working class and all the people can only be achieved by building democratic socialism.
5. Job loss can only be stopped by major investment in projects which will also provide basic goods and services for the masses.

THEREFORE RESOLVES THAT:

1. Working class organisations should be united around a programme to fight job losses which are aimed at increasing profit and to demand very big investments in affordable housing for all, affordable electrification for all, schools for all, technical training etc.
2. This programme should be based on militant actions such as demonstrations, marches. etc. The campaign should be developed through Worker Summits which should also invite political organisations to send representatives.
3. COSATU and its Affiliates should investigate ways in which workers in other countries can support this struggle. This should include more serious co-operation between unions internationally to influence policy making on trade, workers' rights and similar issues which can lead to job losses and to develop real solidarity in facing multi-national companies.
4. COSATU and NACTU should demand from SACCOLA and the State that ways be found to stop retrenchments and job losses.
5. COSATU should demand that major investments be made in infrastructure projects such as affordable housing for all, affordable electrification for all, schools for all, training for all etc. The conditions on which these investments are made and the way in which the projects work, must be negotiated with COSATU and the civics, so that they are able to create very many jobs at a living wage, rather than just creating more profits for a few capitalists.

12. RESOLUTION ON EDUCATION AND TRAINING

MOVED: WITS CENTRAL WEST

SECONDED: N. TRANSVAAL

NOTING :

1. That the present provision of adult education and training has resulted in a massive shortage of high level skills at the same time as there is mass unemployment among people who are classified unskilled who have been denied every opportunity to improve their skills. The system has therefore totally failed.

BELIEVING THAT :

1. A more highly skilled working class is needed to lay the base for a democratically planned socialist economy.
2. Skills will be needed if the working class is to gain and maintain control of production.

THEREFORE RESOLVE TO FIGHT FOR :

1. A training programme based on the following principles:
 - 1.1 Training must be linked to economic planning.
 - 1.2 Trade Unions must play a central role in planning, implementing and monitoring training. There must be agreed procedures for selection and testing.

1.3 Trade Unions must fight to end the effects of past class, race and sex discrimination in training.

1.4 Employers and the State have a duty to train, both have a role to play in financing such training.

1.5 All workers have a right to paid education and training leave. Workers facing retrenchment or experiencing unemployment have a right to re-train as a stepping stone to secure employment.

1.6 Education and training should continue throughout a worker's life to ensure that his or her skills keep pace with technological change, are needed by society and enable the person to develop his or her abilities.

1.7 Formal education must be free and compulsory. There must be clear links between the formal schooling system, the adult education system, the industrial training system and other education and training systems eg. for the youth and unemployed.

1.8 Training must be linked to grading, and hence to pay. An increase in skill must lead to an increase in pay. The grading system must allow workers to advance up a career path from the lowest to the highest level through training.

1.9 Training must be based on short courses that allow workers to progress from one course to the next. The courses must lead to national or industrial certificates.

1.10 There must be provision for recognition and pay for skills that workers already have.

1.11 There must be career paths for trainers. Training trainers must be a central part of the system.

2. Measures to ensure that special problems that women workers face are adequately addressed, such as:

2.1 equal wages for skills of equal value

2.2 women's skills are recognised and paid

2.3 encourage women to take up training opportunities in non-traditional areas of skilled work.

2.4 full parental and childcare rights for all trainees.

2.5 career paths for areas of traditional women's work - such as clerical work will have to be developed.

2.6 all documentation to be non-sexist.

2.7 all facilities to be equal for men and women.

3. An adult education programme based on the following principles:

3.1 An adult education system should be nationally negotiated and be recognised by both management and the State. The system should be negotiated by COSATU, rather than individual affiliates where practical, in order to ensure that the courses are recognised across all industries.

3.2 Courses must be recognised as providing sufficient education for entry into training courses. The course must also be recognised nationally as equal to formal education standards.

3.3 All courses, including literacy and numeracy must be developed to allow clear steps to advance from one course to the next. The courses must lead to nationally recognised certificates.

3.4 There must be paid time off for literacy and numeracy courses.

3.5 Employers must provide facilities for literacy classes and negotiate with Unions both the paying and training of literacy and numeracy teachers as well as the development of suitable materials.

13. RESOLUTION ON CODE OF INVESTMENT

MOVED: WITS CENTRAL

SECONDED: VAAL

INTRODUCTION

1. Foreign investment in capital, technology and expertise will be required in the post-apartheid South Africa.
2. Such investment must take place on terms that will benefit the working masses, not only individuals and corporations in South Africa and abroad.
3. There are major pressures for an end to the disinvestment policy from the allies of De Klerk's regime in other countries.
4. It is therefore very urgent for the Labour movement in particular and the working class in general to develop policies for investment and have these policies agreed to by the alliances.
5. Investments must take place in a way which strengthens policies for economic development that benefit the working class.
6. The terms and conditions of foreign investment must be made public and open to negotiation between the state and civil society, in particular the trade union movement.

THEREFORE RESOLVE:

1. NUMSA should as a matter of urgency develop a draft Code of Investment for discussion in the structures of the organisation. The Central Committee is mandated by the Congress to adopt such a draft after discussion in the structures.
2. NUMSA should jointly develop with COSATU a proposed code which can be discussed with the Alliance.
3. The draft code should include the following stipulations.
 - 3.1 Investment in South Africa should be in the development of manufacturing industry, the mining industry, agriculture and social services. Speculative financial or property investment should be excluded.
 - 3.2 Investment in JSE shares must be limited.
 - 3.3 Investment must comply with the short, medium and long term policies laid down by the state in negotiations with the mass organisations of civil society.
4. Investors must commit themselves to support the centralised bargaining forums and National and Industry level training programmes necessary for the advancement of the working class.
5. Investors must be bound by an agreed set of minimum labour standards.
6. There shall be no areas set aside where investors are able to enjoy special conditions inferior to the above minimum labour standards and be exempted from nationally negotiated wages and conditions of employment.
7. Investors shall ensure that South African nationals are trained and develop expertise and shall not be allowed to retrain or recruit foreigners unless they train and recruit South African workers as a priority and simultaneously.

14. RESOLUTION ON LAND, HOUSING AND SHELTER

MOVED: HIGHVELD

SECONDED: S. NATAL

NOTING THAT:

1. The question of land is central in our liberation struggle.

2. The indigenous people of our country were dispossessed of their land and livestock, using the police and army, through a brutal system known as forced removals.
3. The government has been failing in its responsibility to build affordable houses, and is instead privatising land and house building. The result of these government policies is that many of our people are without land of their own and are housed in shacks.
4. This privatisation makes housing increasingly unaffordable and is being used to increase divisions amongst organised workers and the working class generally.
5. That the state's apartheid policies have had the effect of creating artificial land and housing shortages and have restricted freedom of settlement.

BELIEVING THAT:

1. A comprehensive response to the issues of land, housing and shelter which is located within broader urbanisation strategies is urgently required.
2. The main responsibility for building and facilitating the provision of affordable housing lies with the State, which must allocate large resources to address this issue urgently.
3. The employers also have an important responsibility to provide housing, which so far they have not been fulfilling.

RESOLVES THAT:

1. The selling of land by the State should be stopped forthwith.
2. The people who were forcibly removed from their land should be returned, where possible. Where this is not possible they should be compensated with equivalent land.
3. The land should be distributed justly and freely to the people who can afford to farm and the Government should subsidise the farmers.
4. While in no way ignoring the needs of higher paid members who have access to formal housing, the Union must campaign to compel the State to address the needs of the lower paid and unemployed sectors of the working class by:
 - 4.1 Providing free houses to the poorest of our people
 - 4.2 Providing free land to those who can afford to build their own houses.
 - 4.3 Stopping the demolition of shacks while the government builds affordable houses complete with all infrastructure.
 - 4.4 Repealing all legislation (e.g. Land Act, Group Areas Act, Illegal Squatting Act) which restricts the rights of people to freely choose where to live.
 - 4.5 Increasing subsidies, on a non-racial basis, to all citizens for all housing needs including rental options.
 - 4.6 Protecting the rights of people to remain on and to develop land where they currently reside until other options agreed to by all parties are provided by the State.
5. Wherever possible the Union must develop viable and secure alternatives to private home ownership. This should involve:
 - 5.1 Company Housing Schemes, favouring lower paid workers, to be available to all workers for all housing needs. These should not be linked to pension/provident fund schemes. They must be negotiated with the Union.
 - 5.2 Negotiating a housing allowance applicable to all workers.
6. In order to achieve the above, we must build joint campaigns with other trade unions and community groups. This should include building a COSATU/NACTU/Civics forum to prepare for a wider negotiating forum to include COSATU/NACTU/ Civics/ SACCOLA/ State. ■

Carrying forward the struggle for Workers' Rights

TO many the signing of the COSATU/NACTU/SACCOLA Agreement on changes to the LRA, and the subsequent gazetting of this agreement on May 1, 1991 was the end of the LRA Campaign.

But this is not the case. Our LRA Campaign was always to fight for the rights of all workers. Domestic workers, farmworkers and public sector workers and many workers in the Bantustans have little protection from the law. For example LRA, UIF, Wage Act, Basic Conditions of Employment Act all don't apply to farmworkers and domestic workers. These workers have very little protection from employers - they can be fired for no reason and they can be paid any wages the employer feels like.

Since then COSATU has been struggling to get employers and the government to agree to extend basic rights to all workers. We were encouraged by the agreement on changes to the LRA, we were encouraged by the changes to apartheid legislation, we were encouraged by the government's statements that they would negotiate issues of importance with all parties involved.

But after a year of negotiating over extending basic rights to those that don't have them, we have little to show. It seems to us that employers and the government only understand when we put real pressure on them.

So we have to build our organisation on the ground to be prepared for major, mass action. Metalworkers will have to support the struggles of farmworkers, public sector workers, domestic workers and those in the Bantustans. It is not enough just to negotiate - we have to back our negotiations with WORKER POWER.

To be powerful we must be well informed about what is going on. We should not just take mass action

because NUMSA leaders said so or because COSATU or the ANC said so. We must know for ourselves why mass action must be taken. NUMSA members must themselves decide what kind of action to take.

Comrades, we must never fall into the trap of saying - "Oh well, those negotiations are for other workers, they don't affect us!" This is called "chauvinism" - it means just worrying about yourself. It will lead us nowhere. Unless the working class is fully united we will not achieve our socialist goals.

This article summarises the major issues that are being negotiated and the progress with these negotiations. We must keep ourselves informed on these issues because mass action will be the only way that we get basic rights for all workers.

Issues being negotiated

- ▲ extending Unemployment Insurance Fund Act (UIF), Basic Conditions of Employment Act (BCEA), Wage Act (WA), and the LRA to farmworkers and domestic workers. The Workmens Compensation Act (WCA) should also be extended to cover domestic workers.
- ▲ extending the rights in the LRA to public sector workers and workers in the Bantustans.
- ▲ restructuring the National Manpower Commission. COSATU agreed to participate in the NMC to negotiate basic rights for farm and domestic workers. But we agreed to participate on certain conditions - we said the NMC must be restructured. We want the NMC to become a proper negotiating forum for the State, trade union federations and major employer groupings like SACCOLA.
- ▲ COSATU wants new rights in the LRA. When the NMC is restructured, we will have to fight

for this very hard. We want an LRA which protects workers on strike and sets up a proper industrial court system which will not be biased towards employers.

Extending basic rights to all workers:

Domestic workers

SADWU and COSATU have been involved in the NMC negotiations on extending basic rights to domestic workers. The NMC recommended that the LRA and BCEA should be extended to domestic workers. It also agreed in principle to the extension of the UIF and WCA to cover them. But nothing happened.

The majority of the NMC opposed extending the Wage Act to domestic workers. COSATU was totally opposed to the NMC majority.

Now these recommendations have been published for comment from interested parties. COSATU has said that it doesn't know who these other interested parties are because they were all covered when negotiations took place at the NMC.

The government and big employers are not really worried about rights for domestic workers. They are just dilly-dallying on this issue. So COSATU called a meeting with the Minister of Manpower in August. We demanded that the Cabinet must agree to extend basic rights to domestic workers in the 1992 Parliamentary Session. We said we want a clear response from the Minister and the Cabinet by the end of October - are they prepared to put basic rights legislation for domestic workers in the next Parliamentary Session or not?

Farmworkers

The NMC had agreed in principle that the BCEA and UIF should be



extended to farmworkers and a Bill was tabled in Parliament in June. But it was never debated and it excluded several amendments that had been agreed to by the parties to the NMC.

At COSATU's meeting with the Minister of Manpower, COSATU criticised the government for not passing these Bills and for excluding the amendments agreed to. The Minister agreed that excluded amendments of the BCEA would be included and that all efforts would be made to ensure that the BCEA and UIF become law in the 1992 Parliamentary Session.

On the LRA and the Wage Act, COSATU demanded that the Minister make sure that these Bills are tabled next year. The Minister agreed to see if the Cabinet agreed in principle to the extension of the LRA and Wage Act to farmworkers. We also want an answer on this by the end of October. The extension of the Wage Act will be very tough to

achieve. Farmers are resisting the extension. Solidarity action from all COSATU members will be needed.

Public Sector Workers

Half of the public sector workers fall under the Public Services Act, not the Labour Relations Act. But later this year more public sector workers - railways and post office workers - will be covered by the LRA. Representatives of COSATU and NEHAWU, the COSATU union which organises hospital workers and other state sector workers, have been participating in negotiations with the Commission for Administration (CFA) and 10 other staff associations and unions who fall under the Public Services Act. The CFA is the body which administers this sector. It does not fall under the Department of Manpower.

COSATU's demand has always been clear - "All workers must be covered by one statute - the LRA."

However, at a meeting at the

Secretaries of COSATU affiliates lead the march from the Department of Manpower offices, June 1990 to protest against the LRA amendments

beginning of September, the CFA came with a draft of a Public Services LRA. It incorporates similar rights to the LRA and also uses the Industrial Court and the Labour Appeal Court and sets up a Public Services Bargaining Council similar to Industrial Councils. However, there are problems with the section on strike rights.

COSATU will now discuss the Draft to see whether it should agree to it or continue with its demand for one LRA. A further meeting will be held with CFA at the end of September.

Extending the LRA to the Bantustans

The same story of delays and no progress applies to extending the



LRA to Bantustans. Meetings had been held with government representatives who had agreed in principle that there should be one law that would apply to all workers in the whole of South Africa, including the Bantustans. The government agreed to set up a meeting with Bantustan governments to discuss extending the LRA and using one industrial court system. But it has not done this yet.

Restructuring the NMC

In the Laboria Minute in which the government agreed to take out the 1988 amendments to the LRA, COSATU agreed to participate in a restructured NMC.

We rejected the existing NMC because it was toothless and unrepresentative. We only agreed to participate in this old NMC for two reasons:-

- ▲ to negotiate extending basic rights to farm and domestic workers and
- ▲ to restructure the NMC.

NMC negotiations on extending

basic rights for farm and domestic workers are now finished. The Minister, his Cabinet and the white government must now decide whether or not to accept the NMC recommendation.

COSATU has also put its position on how the NMC must be restructured. We have demanded that the NMC:-

- ▲ must become a negotiating forum
- ▲ must be representative of the major actors from capital and labour
- ▲ must have some representation from the State.

In meetings of the NMC it was agreed that the whole restructuring process would be finished by September with a new NMC starting in October.

But again the Minister has missed all the deadlines agreed on. It seems to COSATU that the Minister is no longer prepared to make any commitment on when it will be restructured. So COSATU has demanded that it must get a clear answer by the end of October as to whether the

Farmworkers have few rights

Minister and his Cabinet will accept restructuring the NMC to become a representative negotiating body.

Where to now?

Comrades, some of these issues might not affect you directly. But a South Africa with basic rights for some workers and not others will not lead to a united working class. It will divide and fragment it and this can only be to the advantage of employers and the State. But the issue of restructuring the NMC is a very important one for all workers

At the moment discussions are taking place on linking the negotiations with mass action. It's possible that dates might be fixed for November. Make sure that you take part in these discussions. We will not win basic rights for all workers by sitting back and doing nothing! ■