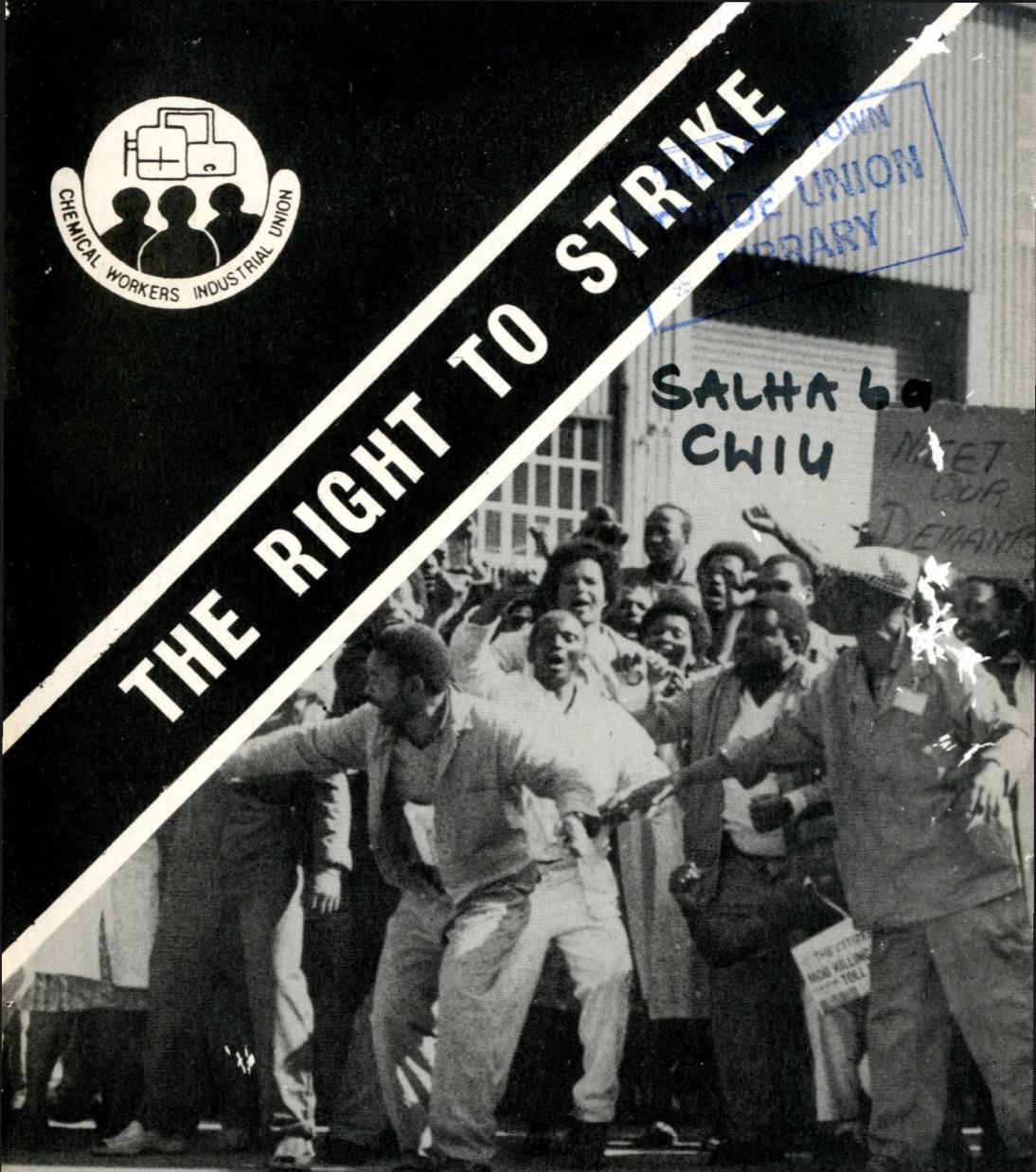




THE RIGHT TO STRIKE

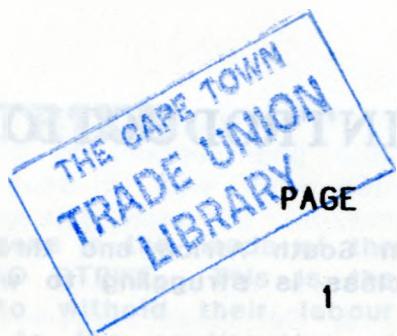


10TH

ANNIVERSARY OF ARMOURPLATE STRIKE
6TH SEPTEMBER 1976

SALHABA : CWI 4

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INTRODUCTION

In South Africa and throughout the world the working class is struggling to win the full right to strike.

This booklet is published to commemorate the 10th anniversary of a landmark in this struggle under Apartheid. Ten years ago, on 6th September 1976, members of the Glass and Allied Workers Union at Armourplate went out on strike. The first legal strike by black workers. Although their brave struggle was not successful then, many lessons were learnt that have allowed victories to follow. Such lessons were put into practice in the Dunlop strike and the sit-ins covered in this booklet.

The legal position of strikes is confusing and part of this booklet tries to clear this up. The present legal rights can be compared with our demands in the COSATU resolution.



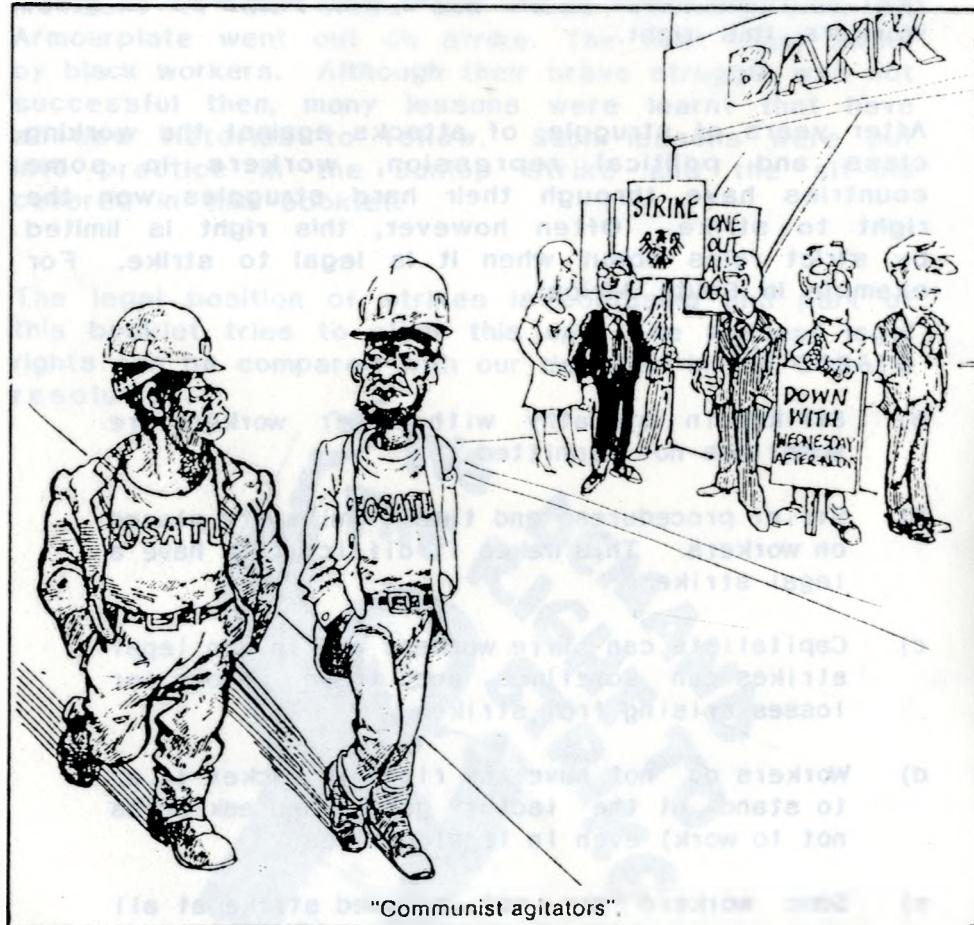
THE RIGHT TO STRIKE

One of the most powerful weapons in the hands of the working class is the RIGHT TO STRIKE. This is the legitimate right of workers to withhold their labour power which is so essential to the continuation of capitalism and profits. The strike weapon has been used by workers for over 100 years. At the end of the day it is the only natural weapon workers have got. At first no ruling class in the world was prepared to grant workers this right.

After years of struggle, of attacks against the working class and political repression, workers in some countries have through their hard struggles won the right to strike. Often however, this right is limited by strict rules about when it is legal to strike. For example in South Africa:

- a) Strikes in sympathy with other workers are sometimes not permitted.
- b) Strict procedures and time limits are placed on workers. This makes it difficult to have a legal strike.
- c) Capitalists can fire workers and in non legal strikes can sometimes sue trade unions for losses arising from strikes.
- d) Workers do not have the right to picket (i.e. to stand at the factory gates and ask scabs not to work) even in legal strikes.
- e) Some workers are not allowed strike at all e.g. so called "essential services" like nurses, railway and Escom workers.

So the struggle for the right to strike and other rights which give support to the right to strike has not yet been fully won in South Africa. This struggle must continue. But some gain has been made because recently the Industrial Court has given judgements in which workers were allowed to strike legally, without being fired. But these judgements are not meant for all cases at all times.



LEGAL STRIKES

Factories can be divided into two groups:-

- 1) **Those factories not covered by an Industrial Council.**

To have a legal strike union members must: -

- a) have declared a dispute in writing
- b) have filled out forms and applied for a Conciliation Board
- c) have held a ballot of members
- d) wait at least 30 days from the date of application

BEFORE they can strike legally.

- 2) **Those factories covered by an Industrial Council.**

To have a legal strike union members must: -

- a) have declared a dispute in writing
- b) have told the Industrial Council in writing
- c) have held a ballot of members
- d) wait at least 30 days from the day the Industrial Council was informed.

BEFORE they can strike legally.

If the strike is lawful, then the bosses cannot try and get the courts to stop the strike or make the workers pay for losses the company suffers because of the strike.

CAN YOU BE DISMISSED ON A LEGAL STRIKE?

It depends. Workers have won the right to strike but the law is not clear about stopping the bosses from dismissing strikers. This is why the union fights to have clauses in our recognitions agreements which prevent the bosses dismissing workers on strike.

CAN YOU BE THROWN OUT OF COMPANY HOUSING?

It depends. If you are not dismissed you will still need to pay rent. If you are dismissed it depends if the dismissals are legal.



COURT CASES

There have been two important cases where the courts have upheld the rights of workers not to be dismissed during a strike.

MARIEVALE MINE VS NUM

The first was at the Marievale Mine. Gencor fired miners and evicted them from the hostels during the NUM legal wage strike in September 1985. Though the Supreme Court decided that the dismissals were lawful, the union took the case to the Industrial Court. Here the court ordered that the workers be reinstated because the dismissals were unfair. The company had refused mediation or arbitration. It just implemented wage increases and told the workers that they would be dismissed if they went on strike. It broke an agreement with the union by evicting workers from its premises.

This was a very important victory because the Supreme Court later agreed with the Industrial Court that legal dismissals could be tested for fairness. The court also agreed that the union was entitled to act for its dismissed members in court.

NATAL DIE CASTINGS VS MAWU

The other case was at Natal Die Castings where 100 legal strikers were dismissed in 1985. The workers went on strike because the Company refused to bargain in good faith on production and long service bonuses and travel allowances. The Company also refused to refer the dispute to an independent arbitrator. The Industrial Court said that the dismissals were unfair because the company did not really want to reach an agreement. The bosses production target was much higher than anything that had ever been achieved before.

WHAT IS A STRIKE?

In the Labour Relations Act a strike is defined as:-

'strike' means any one or more of the following acts or omissions by any body or number of persons who are or have been employed either by the same employer or by different employers—

- (a) the refusal or failure by them to continue to work (whether the discontinuance is complete or partial) or to resume their work or to accept re-employment or to comply with the terms or conditions of employment applicable to them, or the retardation by them of the progress of work, or the obstruction by them of work; or
- (b) the breach or termination by them of their contracts of employment, if—
 - (i) that refusal, failure, retardation, obstruction, breach or termination is in pursuance of any combination, agreement or understanding between them, whether expressed or not; and
 - (ii) the purpose of that refusal, failure, retardation, obstruction, breach or termination is to induce or compel any person by whom they or any other persons are or have been employed—
 - (aa) to agree to or to comply with any demands or proposals concerning terms or conditions of employment or other matters made by or on behalf of them or any of them or any other persons who are or have been employed; or
 - (bb) to refrain from giving effect to any intention to change terms or conditions of employment, or, if such a change has been made, to restore the terms or conditions to those which existed before the change was made; or
 - (cc) to employ or to suspend or terminate the employment of any person;

This is a very wide definition of a strike compared to other countries.



IN 1973 100,000 WORKERS IN DURBAN WENT ON STRIKE OVER WAGES. IT WAS THE BIGGEST STRIKE FOR MANY YEARS IN SOUTH AFRICA. THESE WORKERS DID NOT HAVE UNIONS. AFTER THE STRIKE SOME UNIONS WERE BORN, ONE OF WHICH WAS THE CHEMICAL WORKERS INDUSTRIAL UNION.

THE ARMOURPLATE STRIKE

1976

(This is a shortened version of the Glass and Allied Workers Union report in 1976)

On 6th September 1976, workers at Armourplate Glass (members of the Glass and Allied Workers Union which in 1982 merged with the Chemical Workers Industrial Union) began the first ever legal strike by black workers in South Africa. This is the story of the strike.

Black trade unions although legal were not recognised by the law and many bosses hid behind these laws and refused to negotiate with the unions and instead established works and liaison committees. At Armourplate most of the works committee were union members.

The strike was caused by management dismissing three workers in a most unfair way. Management broke an agreement with the Works Committee to scrap old disciplinary records. Management refused to negotiate with the Works Committee. The newspapers printed only the management side. The bosses said that workers had not been consulted about taking strike action.

On Monday 6th September, 1976, the committee went to the bosses. Police warned the Secretary and Organiser of the union who were outside the factory that they should leave as they were breaking the Riotous Assemblies Act ban on gatherings. Meanwhile inside the factory the Chairman of the Committee found the Manager, Mr. Fitzhenry with armed strangers. The boss refused to meet the whole committee. Management refused to budge from their position of not reinstating the workers. The next day workers went to collect their pay but found the gates locked. They had to leave because of police presence and the ban on gatherings. Management claimed

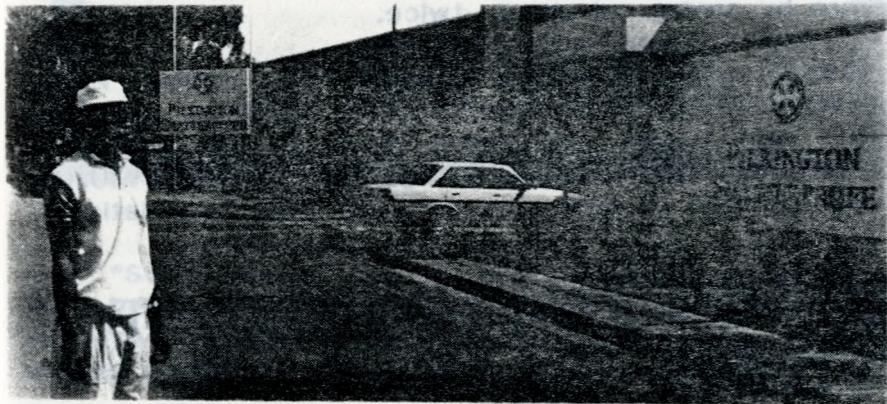
that the workers had resigned. Management tried to sign them off. Workers said that they were still employees but on strike.

Management attempted to keep up production by using workers from other Pilkington and Armouplate branches including flying two workers from Port Elizabeth. When these workers learnt what was going on they refused to do the work or train new workers. Workers learnt that the strike was having an effect. That the bosses were not managing so well. Glass delivered by Pilkingtons was piling up. It took six whites to operate a machine normally operated by three black workers.

Management remained steadfast in not talking to the Union, saying that the strike was the work of instigators and since all the workers had "resigned" there was no committee to negotiate with.

Strikers were harassed by the security police who interrogated several and tried to make them spy for the police.

SHOP STEWARD AT SITE OF 1976 PICKET



On September 23, the striking workers commenced a picket. As soon as management saw this they called the police and 27 workers were arrested. Within hours they had been convicted under the Riotous Assemblies Act, fined R50 or 75 days and detained at Modderbee prison.

The Union borrowed money and got the men released later. The Union appealed to the Supreme Court which cancelled the convictions because the trial had been irregular.

The Magistrate in Springs then refused permission for the Union to hold a picket.

On Monday 1st November, after nearly 2 months the workers all went to the factory, collected their pay and pension but did not apply for reinstatement.

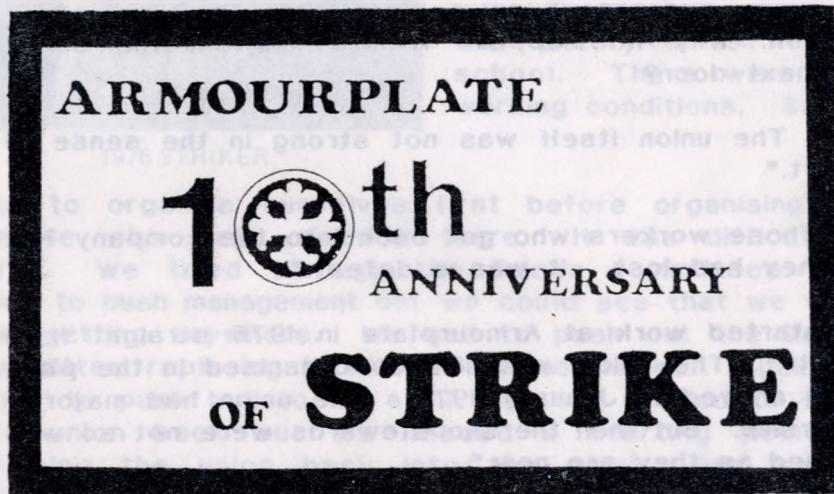
So ended the first legal strike by black workers in South Africa. The strike was long and the workers suffered. They did not have enough money to pay accounts, and had to borrow food from neighbours. Workers had problems with their passes as these had to be signed each month by the employer. The law stopped workers getting UIF. But workers were strong. They had meetings each day. Seminars were held. Workers were encouraged by the support of unions in this country and overseas who collected money from their members. The Glass and Allied Union was able to assist striking workers by paying out money twice.

In 1985 the Armourplate plant, now called PSSG, reorganised itself into the Chemical Workers Industrial Union. And today, ten years later all five Pilkington factories in South Africa are organised by the CWIU. The struggle is now to have one national wage negotiation.

INTERVIEW WITH ARMOURPLATE STRIKERS

Recently some of those workers who went on strike in 1976 and shop stewards at PSSG were interviewed. They spoke about the strike and the rebuilding of the Union at PSSG.

P.S. [Joined the company in 1974, working as a machine operator] "The strike happened as a result of the company dismissing the chairman of the works committee. He was dismissed after telling a white manager that one day we will sit down to have tea in the same place. The workers themselves decided to strike. Then the police were called to the factory, and some of the workers were arrested. As soon as workers went on strike the company hired scabs. When the strike was over some people did not go back to work. The management said we want these people and not these people. About 25 or 26 people lost their jobs. The chairman never came back"



A.L.: "Some people had a difficult time finding another job, because of their records at Armourplate. When employers asked where are you coming from and they answer Armourplate, then there was no job."

"For the workers that returned there was a bad atmosphere in the factory. They were seen as intimidators by management and by the whites. Management did not think that workers would be able to organise themselves to hold a legal strike. But instead of

sitting down to negotiate they (management) brought in 'the system'. When the senior shop steward went in to negotiate with management he found 'the system' there - three guys with revolvers on the table in front of them. So he could not say a thing."

"During the strike many of those who continued to work still supported those on strike and donated part of their wages to keep them going."

P.S.: (only returned to Armourplate some 8 months after the strike.) "By that time the Glass and Allied Workers Union was no more existing. It was wiped out."

Question: Why no support from Pilkington, the sister plant next door?

L.R.: "The union itself was not strong in the sense of support."

P.S.: "Those workers who got back into the company felt that they had lost. It was a defeat."

J.L. {started work at Armourplate in 1976 straight from school} "The union was already organised in the plant when I arrived in January 1976. The union had majority membership. But then the shop stewards were not so well organised as they are now."

A.L.: "There was some support from unions in the UK."

J.L.: "One mistake we made was that before the strike we were working overtime so that the company had plenty of stocks in the dispatch area."

L.R.: "But only the committee knew about this support from the UK. So you see the circulation of information was poor. That is why most people lost confidence in the union itself."



1976 STRIKER

had to organise ourselves first before organising the people who were already there. It was difficult at first. We tried through the liaison committees. We tried to push management but we could see that we were not getting anywhere. We had to push out the liaison committee replacing it with works committee. Again we tried to push but to no avail. So we needed to bring the union back but we needed a starting point of bringing the union back into the plant. We had to convince the people involved in the 1976 strike. And again we had to convince the new people, and some had been polluted by this idea of 1976. So we had those major problems. They said to us in 1976 there was a union in this plant and workers were fired and you want to bring it back."

"But by 1981 you also had the Wiehahn report and we could show workers that other plants were recognising unions. It was hard but we managed to get 75% of the workforce into membership. We had to have many meetings. We convinced workers that worker control must exist inside a union."

P.S.: "When I returned to work after the strike, the union was wiped out. But workers were not scared to start organising again."

A.L.: "When I started work there in 1978 there were still some problems in organising workers at the plant.

L.R.: "I started work at the factory in 1977 from school. There were bad working conditions. So we

"When the union approached management about recognising the union it was not difficult. We were organised and prepared to go for a strike if the company was not prepared to recognise the union. To our surprise the union was accepted. The reason was that the two plants in Port Elizabeth were already organised.

Question: Was there any conflict between the long service workers and the young blood arriving from school?

L.R.: "Sure. But this was created by the management. The whites used to refer to us as the stone-throwers. They told the older workers, look you must avoid these people because they are bringing trouble - they will lead you to 1976. But they are our people and we had to convince them to understand where they belong. We had to work with them, visit them after hours where they stay."

"When I joined in 1977, it was still bad for those who had taken part in the strike and were known to management as intimidators - they were given the cold shoulder. They used abusive language against these people. There was no way of fighting back. People were easily dismissed then. It was not safe. You could talk through the liaison committee but beyond that its the gate. It was terrible then. People were silent in fact. They were not even complaining about the problems. The white staff was using every single power that they had in hitting back for what happened in 1976. For us it was terrible. We had to struggle before fighting back."

A.L.: "We took up retrenchments. Retrenchment was happening every month. And we said to the company no more retrenchments. We will work short time instead and

people were happy about this because they kept their jobs."

L.R.: "Now we have been pushing for a 40 hour week which is COSATU policy. When we said short time the management suggested 35 hours but we kicked that totally out. There was no way we can agree to that but we can agree to 40 hours. We pushed this with management and mobilised workers for 40 hours. So when we were supposed to go back to 45 hours workers refused. So we will be pushing for this in coming negotiations."

"With retrenchment and new technologies coming in everybody's job was at stake. So everyone joined the union. Before that some were still having problems with 1976.

A.L.: "Also now we keep in touch with other plants in South Africa."

L.R.: "Although Pilkington Shatterprufe is the biggest glass company in the country it still exploits workers. It is a question for the union to equip its members with more information. We need more training seminars for shop stewards. Compared to 1976 I would agree things have totally changed. Workers now feel that they are working in a company where you can walk around; you couldn't even talk, but now you can chat to a friend - so that is an improvement."

J.L.: "In 1976 unions were not so organised as now. There were no stop orders. You collected subscriptions yourself. We paid 50c a week then. The union was not so effective."

"There have been many strikes since 1976. This year we had a 5 hour stoppage demonstrating against the detention of Moses Mayekiso of MAWU. The second stoppage we had was over short time when management tried to put us on 35 hours. The third occasion was for the release of comrades who had been detained - these were FAWU members who were detained in Groblersdal for attending the funeral of their shop steward. Also we say that whenever workers are killed by 'the system', we are going to bury them on a week day and take the time off work."

"Again since 1976 there is more organisation - we have a Chemical Shop Stewards Council and the COSATU local. Also we hold joint seminars of shop stewards from all the Pilkington plants."

L.R.: "Looking back since 1976, we see workers demanding a living wage. And again you see workers taking a lead more than other existing bodies and political organisations. Then only the organisations were taking the lead. Today we find that workers are taking the lead and forcing the government to change. Workers want a new government that will care for workers."



THE DUNLOP INDUSTRIAL PRODUCTS

DIVISION OF BTR DUNLOP LIMITED

On 3 April 1986 workers in all the Dunlop plants held a demonstration stoppage to protest against Dunlop's refusal to reinstate the 1000 workers dismissed from Sarmcol - a BTR-Dunlop subsidiary.

On 4 April 1986, 600 workers at the Benoni plant, organised by CWIU, downed tools. The Company had threatened to dismiss 7 workers on final warnings for the previous day's action.

A two week battle took place. Workers refused to work until the Company undertook not to dismiss the 7 workers. How could Dunlop victimise 7 workers, when 600 workers were involved in the protest?

The strike escalated. In Durban, 3 Dunlop plants organised by MAWU, also downed tools as Management took disciplinary action against workers and stewards because of the Sarmcol protest. A few days later, the Dunlop Ladysmith plant came out in sympathy.

In Benoni, the Dunlop management backed down. They agreed not to dismiss the 7 workers. However, there was still a problem in Durban where the 2 workers had been dismissed. The Benoni workers, even though their problem was solved, still refused to work. They said that Dunlop is one Company. The problems of one Dunlop plant are the problems of all Dunlop plants. The Dunlop workers came out on strike to support each other, they must go back together.

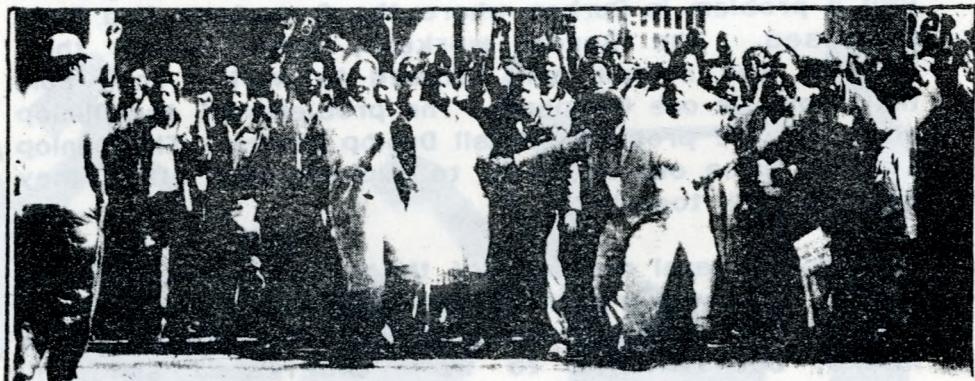
Following several meetings of the national shop steward council, the workers in all plants returned to work on 18 April 1986. The Benoni workers had been out for 2 weeks, but returned to work undefeated and still united. The Dunlop shop steward council was strengthened by the strike and meets regularly. Both Durban and Benoni have been involved in wage strikes since the April strike.

SIT-IN SEASON

The first few months of 1986 have seen the widespread use by workers of a new tactic - the "sit-in" or "sleep-in".

In January this year Chesebrough Ponds workers were locked in a bitter wage battle with the company. When management remained stubborn workers downed tools. In order to really shake the management they decided not only to sit-in the factory, but also to sleep-in the factory. They argued that:-

1. This would put management under tremendous pressure as they would fear damage to their property.
2. No scabs could be employed.
3. No machines could run.
4. It would be more difficult for the company to move finished products out of the factory.



Chanting slogans, striking workers gathered at the gates of Chesebrough Ponds, Wadeville, today.

Strikers stage all-night picket

The sleep-in was a great success. Workers won all their major demands:

- A minimum wage of R3.25 per hour
- Annual Bonus of one months wages
- A reduction in working hours
- May Day as a paid public holiday

The Chesebrough Pond's sleep-in started a trend. Workers from all unions in the Transvaal (particularly COSATU unions) started "doing it".

In CWIU in the Transvaal the following factories have "slept-in" and most have been very successful in winning their demands.

Chesebrough Ponds	- Wages & working conditions
Accoustical Fibreglass	- Wages & working conditions - Dismissal case
Gillette	- Wages & working conditions
G & W Base	- Wages & working conditions
Dunlop	- Wages & working conditions
Revertex	- Wages & working conditions
Mobil Oil	- Dismissal case
Propan	- Wages & working conditions



RESOLUTION

One of the first resolutions which COSATU passed at its first Congress in November 1985 was on the right to strike.

THIS FEDERATION NOTING:

1. That the strike is a legitimate right and necessary weapon of the working class in their struggle against bad working conditions and low wages.
2. That the strike is internationally accepted as an essential element of collective bargaining.
3. That freedom of association, assembly and picketing for strike action are also fundamental rights, internationally, in industrial struggle.
4. That the infringement or curbing of these rights is detrimental to the social and economic interests of the workers.
5. That the right to strike is severely curtailed in South Africa.
6. That a strike involves a democratic form of struggle.
7. That picketing is an integral part of a strike and of morally persuading fellow workers not to break a strike.

8. That essential service workers are not allowed to take industrial action in pursuing their demands.

THEREFORE RESOLVES:

1. To continue a relentless campaign which will allow workers full freedom of association, assembly and picketing for strike action. This requires that all forms of security legislation that deny these rights be removed.
2. To ensure that where workers have followed mutually agreed dispute procedures with employers, there will be full job security during such strikes. This requires that eviction from accommodation and other such measures be outlawed.
3. To campaign and respond vigorously against police and state intervention in strikes or industrial disputes.
4. To fight for the right of trade unions to establish and control strike committees.
5. To ensure that strikers are free to establish and control strike committees.
6. To fight for the removal of the designation of essential services and that all workers be allowed to share equal rights.



DECLASSIFIED

7. That picketing is an integral part of a
strategy of morally persuading individual
workers not to break a strike.

'A Strike-breaker is a traitor'



Blacklegs in the Garw Valley of South Wales in 1929.

Jack London's definition of a Scab.

'After God had finished the rattlesnake, the toad and vampire, He had some awful substance left with which he made a scab.'

'A scab is a two-legged animal with a cork-screw soul, a water-logged brain, a combination backbone of jelly and glue. Where others have a heart, he carries a tumour of rotten principles.'

'When a scab comes down the street, men turn their backs, the angels weep in heaven, and the Devil shuts the gates of Hell to keep him out.'

'No man has a right to scab so long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with. Judas Iscariot was a gentleman compared with a scab, for after betraying his Master he had character enough to hang himself. A scab has not.'

'Esau sold his birthright for a mess of pottage. Judas Iscariot sold his Saviour for 30 pieces of silver. Benedict Arnold sold his country for the promise of a commission in the British Army. The modern strike-breaker sells his birthright, his country, his wife, his children and his fellow-men for an unfilled promise from his employer.'

'Esau was a traitor to himself; Judas Iscariot was a traitor to his God; Benedict Arnold was a traitor to his country. A STRIKE-BREAKER IS A TRAITOR to his God, his country, his wife, his family and his class. A REAL MAN NEVER BECOMES A STRIKE-BREAKER....'