

SALHA 23: SAMWU Samwu ba

NATIONAL BARGAINING CONFERENCE

2 - 4 DECEMBER 1998

RESOLUTIONS

TRADE UNION LIBRARY AND
EDUCATION CENTRE

NATIONAL INSTITUTIONS

1. NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL (NEDLAC)

It was resolved that:

- a) the policy on reforming Nedlac adopted at the Policy Conference be pursued;
- b) implementation of this policy requires considerable work in order to win the position in Cosatu and then in Nedlac as a whole;
- c) it be noted that the appointment of a new director of Nedlac could impact on the functioning of the council;
- d) business and government selectively utilises Nedlac.
- e) the collective bargaining officer be responsible for co-ordinating the union's involvement in Nedlac;
- f) there be an additional person employed in the collective bargaining unit to assist in co-ordinating Nedlac involvement;
- g) SAMWU delegates to Nedlac keep the NEC/CEC apprised of developments and seek mandated within the parameters of accountability to Cosatu;
- h) one NOB be assigned the responsibility of Nedlac;
- i) the NOBs in consultation with provinces make recommendations to the NEC on delegates to serve on Nedlac;

*Proposed by KwaZulu Natal
Seconded by Northern Province*

2. DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT

It was resolved that:

- a) agree that we will have to engage DCD (or any successor department) from time to time;
- b) an arrangement be made to regularly meet with the department to gather information and to influence policy;
- c) The CBO and Servicing Department to co-ordinate the engagement with DCD. This will require an increased capacity of the CBO unit in the form of additional staff.
- d) The Bargaining Council should also seek to engage with the department on areas where consensus exists;
- e) Project Viability be required to speedily complete its audit of the assets of local government;
- f) that we seek support from SALGA to apply pressure on government to lift the capping on municipal budgets;
- g) that should the capping be lifted the capacity/training of Local Government finance officials and councillors should be intensified;
- h) accountability mechanisms to be put in place at local government level;
- i) capping is directly linked to GEAR. We need to intensify our campaign against this aspect of GEAR;
- j) engage the Alliance on the impact that the capping has on the extension of services (IDPs);
- k) We should consider legal action if all else fails. A legal opinion to be sought.
- l) that the funding to local government should be increased based on an agreed formula which the union should research;
- m) That all funds given to provinces for local government functions should be transferred to local government.

***Proposed by Northern Province
Seconded by Western Cape***

3. COSATU

It was resolved that:

- a) Samwu attempts to co-ordinate an approach to wage negotiations amongst public sector unions in Cosatu;
- b) the CBO attempts to gather information on other affiliates wage negotiations campaigns;
- c) that through the NEC we could mobilise our members for solidarity action;
- d) the co-ordination should also include the mobilising of the other public sector unions to increase the central government funding to Local Government;
- e) ensure that there is a common position on collective bargaining issues in the public sector to be presented to COSATU;
- f) Samwu to be included in the Cosatu's Public Sector Forum and that these forums also be created at the provincial level;

- g) the Education Department and CBO should be the link with NALEDI;
- h) we should commission NALEDI to do research on bargaining in the public sector, specifically in local government;
- i) we should ensure that we send articles to the Shopsteward Magazine and the Worker News;
- j) more educational articles to be published;
- k) should make use of the community radio stations;
- l) joint mass meeting with ANC/Civics;
- m) ensure members are part of community structures;
- n) Cosatu occasions to be used as a primary vehicle in reaching communities;
- o) the union should actively mobilise shop stewards to attend Cosatu locals and ensure that we have a clear position which we take to the locals.

***Proposed by Northern Cape
Seconded by Gauteng***

4. SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL (SALGBC)

It was resolved that:

- a) on the negotiating committee that there be no distinction between rural and urban representation but recognise that women be part of the team. The balance of the team be elected based on capacity and ability;
- b) negotiations are to be spaced in order for there to be sufficient time for report backs and mandates;
- c) prior to negotiations, agreement must be reached at the Bargaining Council with regards to time off for members and shop stewards to do report backs and obtain fresh mandates;
- d) General meetings should be held;
- e) POBs to work out programmes for organisers that will include report backs to members in order to obtain mandates;
- f) wage negotiations will take priority over other union work;
- g) the NOBs continue to serve on the executive committee of the SALGBC;
- h) our representation on the central council should be on the current formula which contains representatives of all divisions and the unions NOBs and head office staff. An assessment of the attendance of the current delegates needs to be made;
- i) the representation on the working groups be based on expertise in the field and need not be SALGBC delegates.

***Proposed by North West
Seconded by Free State***

5. AFRICAN NATIONAL CONGRESS

It was resolved that:

- a) it be noted that tension has developed in the union's relationship with the ANC as a result of -
 - i) accusations made by certain individuals in the ANC;
 - ii) the attitude of certain ANC individuals towards the union;
 - iii) misinformation that is given to ANC councillors;
 - iv) the marked policy differences on GEAR and privatisation;
 - v) the lack of accountability of ANC councillors to the ANC.
- b) the union adopts a flexible approach to the ANC provincially and locally;
- c) we continue to lobby our positions with the ANC and ANC councillors;
- d) provide the ANC with our research on local government;
- e) we ensure effective participation in the Joint Alliance Executive.

*Proposed by Western Cape
Seconded by North West*

6. LEVELS OF BARGAINING

It was resolved that:

- a) The basis of bargaining at national level is to set national standards, policy, monitor divisions and to provide a dispute resolution mechanism for disputes at divisional and national level.

The areas for bargaining shall be the following:

- i) Finalisation of exemption applications to ensure that a single standard is applied nationally
- ii) Determining a basic set of organisational rights
- iii) Establishing national minima on conditions of service, e.g. setting of actual wage rates across the country, hours of work, leave, contribution to medical aid schemes and to retirement funds
- iv) Considering national policy issues, e.g. minimum service levels
- v) Addressing broad issues on national campaigns, e.g. privatisation
- vi) Determining a national grading/job evaluation system
- vii) Consider disputes which arise from the divisions

- viii) Socio-economic Issues: Training; financing of local government; public sector.
- ix) Address the grading of local authorities.

- b) Divisional bargaining is directed to implement national agreements/policy, addressing issues which are of a local nature, carrying out preliminary investigations for the central council and providing a dispute resolution mechanism for divisional and local authority level.

The areas for bargaining shall be the following:

- i) Consider applications for exemptions from local authorities in the division;
- ii) Negotiate variation on organisational rights which on balance shall be upwards;
- iii) Negotiate improvement on minimum conditions of service determined nationally;
- iv) Implement national policy;
- v) Ensure adherence to national agreements;
- vi) Ensure implementation of a national grading system and implement mechanisms to handle disputes;
- vii) Rationalisation of retirement funds and medical aid schemes in line with national guidelines;
- viii) Consideration of exemptions from agreements; disputes arising from division negotiations; disputes arising from disciplinary and grievance appeals;
- ix) Locomotion allowances, housing allowances; other issues having monetary value; terms and conditions linked to transfers/rationalisation and actual leave provisions;
- x) Consider disputes which arise at local authority level.

- c) Local authority bargaining shall give effect to national and divisional agreements, negotiate local issues and provide for individual dispute resolution.

The areas for bargaining shall be the following:

- i) Determine constituencies for shop stewards
- ii) Address questions of health and safety - ablution facilities, protective clothing etc.
- iii) Address workplace restructuring
- iv) Address affirmative action
- v) Incorrect application/non compliance with agreed wage rates
- vi) To monitor and agree on basis of acting allowances
- vii) Exact work hours including lunch and tea breaks
- viii) Management of public holidays

- ix) Details of disciplinary and grievance procedures
- x) Delivery targets and methods of delivery
- xi) Procedures for introduction of new work organisation systems and new technologies
- xii) Workplace restructuring and its effect on labour
- xiii) Address local issues.

- d) The CEC shall be free to amend the locus for bargaining specific issues depending on changing conditions.
- e) The union shall not set up Workplace Forums and shall instead utilise local forums to address the bargaining and consultation requirements of the union.

***Proposed by Gauteng
Seconded by KwaZulu Natal***

WAGE STRATEGY

1. ADEQUATE INFORMATION FOR BARGAINING

It was resolved that:

- a) shop steward and union officials supply wages and conditions of service data of each local authority to Head Office and Head Office in turn to supply consolidated reports to provinces;
- b) the union should declare a dispute in the event employers refuse to disclose information timeously;
- c) The CBO should develop a common schedule on all areas where information is needed including information on the budget;
- d) mechanisms for implementation should include specific time-frames based on three months with the first six weeks set aside for head office to develop a common schedule.

*Proposed by North West
Seconded by Northern Cape*

2. NATIONAL MINIMUM WAGE

It was resolved that:

Our ideal remains that of an actual minimum for all municipal workers as a long term strategy. In the short term the union to start a process for demanding an entry level for all workers without tampering with the existing actuals.

*Proposed by Western Cape
Seconded by Gauteng*

3. CATEGORISATION

It was resolved that:

- a) The principle of categorisation as a means of reducing the disparities between wages between different local authorities be accepted.
- b) The basis of categorisation should be developed by the CEC.
- c) Categorisation should not become a permanent feature of the local government arena.

*Proposed by North West
Seconded by Northern Cape*

4. A LIVING WAGE

It was resolved that:

- a) The living wage should be defined along the lines of socio-economic conditions facing the people, e.g. access to electricity, water, shelter, clothing, education, health and so on. All the above should be underpinned by the principle of affordability of basic needs and fair and equitable distribution of wealth.
- b) The concept should ensure that workers live under acceptable living standards which take into account the long term sustainability based on their political aspirations for a changed society.

Proposed by Free State
Seconded by Northern Province

5. SOCIAL WAGE

It was resolved that:

- a) The following be accepted as a definition of the social wage:

The social wage is composed of those provisions by the state which reduce the direct burden on workers' wage to provide for the same :

 - i) clean water and sanitation
 - ii) public provision or subsidisation of housing even in the form of rental stock
 - iii) public transport
 - iv) access to public health services
 - v) free refuse collection
 - vi) free or subsidised education and workplace education and training
 - vii) social old age pensions
 - viii) unemployment insurance
 - ix) Workman's Compensation
 - x) Safety and security of person and property - the police and correctional services
- b) An appropriate form for engaging the state needs to be developed by the CEC.

Proposed by Northern Cape
Seconded by North West

6. THE RATE FOR THE JOB

It was resolved that:

We support the principle of rate for the job across the country with the proviso that exceptional cases may be addressed through allowances. This should be done by way of formulating clear criteria and uniform methods as to when and how this can be done to avoid being used to undermine wage rates across the country.

*Proposed by Western Cape
Seconded by Eastern Cape*

7. EQUAL PAY FOR WORK OF EQUAL VALUE

It was resolved that:

Need to set in motion a process involving the Job Evaluation and Grading System Committee to give thought and content to a proposal for further debate.

*Proposed by North West
Seconded KwaZulu Natal*

8. THE WAGE GAP AND THE NARROWING OF DIFFERENTIALS

It was resolved that:

- a) we engage IMATU on issues relating to percentage increases as compared to increase based on monetary value. This should include lobbying of ANC councillors around the issue.
- b) we gather information on the COSATU resolution of a 1:8 ratio between the highest and the lowest earner to determine whether it is suitable for local government.

*Proposed by North West
Seconded by Western Cape*

9. JOB EVALUATION SYSTEM

It was resolved that:

- a) we support the idea of a single grading and job evaluation system for the country;
- b) a skill based system should be just one of the systems considered and that other systems be considered as well;
- c) Education and training be an integral part which takes into account prior learning based on Pilot Projects.

*Proposed by North West
Seconded by Western Cape*

10. MARKET RELATEDNESS OF WAGES

It was resolved that:

- a) research has to be commissioned to clarify which posts are considered to be above market value ;
- b) note the fact that local government unlike the private sector is not profit driven but local government may generate surpluses;
- c) market-relatedness not be based on the high level of unemployment in certain areas;
- d) the entire package be taken into account when determining market-relatedness.

*Proposed by Gauteng
Seconded by Northern Cape*

11. WAGE GRADE NOTCHING

It was resolved that:

- a) wage grade notching is discriminatory and open to abuse;
- b) provinces gather information from the workplace as to the extent that notch increase is enjoyed by our members;
- c) On the basis of information derived from the above process, the union would be in position to determine its stand on the issue.

*Proposed by North West
Seconded by Western Cape*

12. CONTRACT MANAGEMENT

It was resolved that:

the current system of fixed establishment posts for a" posts be maintained and that disciplinary measures against management be taken where necessary in order to address non-performance.

*Proposed by Free State
Seconded by KwaZulu Natal*

**13. SPECIAL RATES IN RELATION TO PUBLIC WORKS PROGRAMME
AND LEARNERSHIP**

It was resolved that:

- a) Learnership should not be abused to perpetuate bad working conditions and slave wages;
- b) The concentration of learnerships should be at the lower levels;
- c) PWP should be geared towards creating long term jobs and not be seen to alleviate poverty only;
- d) Local Government should be given sufficient funding to ensure that PWP programmes are carried out. This will also assist in developing local government capacity ;
- e) PWP should remain a function for local government.

*Proposed by North West
Seconded by KwaZulu Natal*

14. LONG TERM STRATEGIES AND MULTI-YEAR AGREEMENTS

It was resolved that:

- a) Our long term vision is to be based on an achievable demands within specified time frames;
- b) The broad issues for the vision are:
 - i) social wage including education and training
 - ii) rationalisation and extension of non-wage issues
 - iii) single minimum wage preceded by a minimum entry level wage
 - iv) developing a job grading system
 - v) Narrowing the wage gap
 - vi) transformation and democratisation of the workplace to ensure quality delivery of service.
- c) support the idea of a framework agreement which will be inclusive of multi-year and annual agreements based on a living wage;
- d) The multi-year agreement is to incorporate:
 - i) Social wage issues, e.g. education and training
 - ii) Parental Rights
 - iii) Job Evaluation system.

*Proposed by Eastern Cape
Seconded by Western Cape*

15. INDEXED AGREEMENTS

It was resolved that:

Linking wage increases to particular indexes not be considered at this stage until such time that the minimum wage reaches an acceptable level.

***Proposed by North West
Seconded by Western Cape***

16. FORMS OF WAGE DEMAND

It was resolved that:

- a) the form of Samwu's wage demand be the greater of a monetary and a percentage figure to allow for the uplifting of the minimum wage whilst ensuring cost of living increases for the higher paid workers;
- b) A standard national entry level wage should also be set;
- c) A principled agreement be reached with the employer to commence multi-year bargaining for the 2000/2001 financial year.

***Proposed by Northern Province
Seconded by KwaZulu Natal***

NON-WAGE ISSUES

1. RETIREMENT BENEFITS

It was resolved that:

- a) it be mandatory that each employer to contribute on behalf of its workers to a retirement fund;
- b) a minimum contribution rate of 18% per month of the worker's salary shall be paid by the employer to the worker's retirement fund;
- c) employers who have not previously contributed to a worker's retirement fund be compelled to pay a gratuity into the worker's current retirement fund. The formula for the gratuity shall be considered by provinces and finalised at the CEC;
- d) freedom of choice exercises be completed in all division of the SALGBC;
- e) divisions are to finalise agreements on the number of funds to be approved and to ensure that unapproved funds transfer its members to approved funds;
- f) education of union members on the Samwu National Provident Fund should improve.

Proposed by Free State

Seconded by KwaZulu Natal

2. MEDICAL BENEFITS

It was resolved that:

- a) employers be compelled to contribute to a medical aid scheme for those workers who wish to belong to such a scheme;
- b) SAMWU members are to support the SAMWU National Medical Scheme;
- c) shop stewards shall be workshopped to ensure understanding of Samwu's envisaged scheme, who will in turn have to ensure that members join and support SAMWU scheme;
- d) provinces are to consider the benefit design prepared by LRS and forward their positions to the Social Benefits Committee;
- e) a code of conduct for those serving on a board of trustees is to be developed by the Social Benefits Committee.

Proposed by Eastern Cape

Seconded by Western Cape

3. LEAVE

It was resolved that:

- a) vacation leave be standardised nationally to a minimum of 25 working days to achieve national uniformity in the sector;
- b) we shall strive for equalisation of leave amongst all employees, irrespective of being salaried or non-salaried workers;
- c) the question of leave for cultural activities be discussed by all provinces with the view of finalising a proposal on this matter for the SALGBC.
- d) 120 days sick leave provision in a three year circle, excluding occupational related sickness;
- e) the parental rights demands as contained in the draft parental rights agreement are supported;
- f) the parental rights demand be forward to the SALGBC with a view to negotiating them centrally although the union is to raise them in divisions to support the national process;
- g) the question of leave for special leave for education shall be discussed by all provinces with the view of finalising a proposal on this matter for the SALGBC.

***Proposed by Mpumalanga
Seconded by Eastern Cape***

4. ALLOWANCES

It was resolved that:

- a) prior to SAMWU making conclusive proposals on various allowances whether they are legitimate or not, a data bank/audit of what is currently applicable should be established;
- b) allowances are to be standardised and be applicable to all workers.

***Proposed by North West
Seconded by KwaZulu Natal***

5. HOUSING SUBSIDY

It was resolved that:

- a) the housing subsidy be increased to R100 000 and be extended to all workers;
- b) the subsidy should also apply to those resident in the rural areas;
- c) two married persons at a local authority may not each qualify for a housing subsidy;
- d) a rental subsidy be granted to workers as well.

***Proposed by Gauteng
Seconded by Free State***

6. **HEALTH AND SAFETY**

It was resolved that:

the union's health and safety framework be used as a basis for kick-starting negotiations on health and safety at divisional and central level.

*Proposed by Western Cape
Seconded by KwaZulu Natal*

LOCAL GOVERNMENT FINANCES

1. WAGE BILL

It was resolved that:

- a) the government's position that the wage bill should not comprise more than 25% of a local authority's total budget is unscientific and does not take heed of the developmental needs of South Africa's local government;
- b) the proportion of the wage bill taken up by management has to be quantified in order to assess whether this portion of the workforce receives an undue proportion of the wage bill.

Proposed by Western Cape

Seconded by North West

2. UNFUNDDED MANDATES

It was resolved that:

- a) central and provincial governments burdening local authorities with unfunded mandates be rejected and that if a local authority is required to perform a certain service that it be provided with adequate funding for the service;
- b) SALGA be approached to support the union's demand to central government.

Proposed by Eastern Cape

Seconded by Northern Cape

3. POVERTY ALLEVIATION

It was resolved that:

arguments opposing a living wage be rejected on the following basis:

- a) That workers bear the costs of unemployment through having to distribute their income to far more people than the theoretical 5 person nuclear family of the Minimum Living Level measures;
- b) That there is sufficient wealth in the world and in SA to provide every person with a moderately good standard of living. It is not lower levels of the workforce who eat up the wage bill;
- c) That while unemployment and poverty go hand in hand there are also many wage earners who are paid poverty wages (including our members).

Proposed by Western Cape

Seconded by Free State

RESOLUTION OF DISPUTES

1. MINIMUM SERVICE LEVEL AGREEMENTS

Noting that very little progress has been made in concluding Minimum Service Level Agreements in individual local authorities as provided for in the Essential Services Framework Agreement,:

It was resolved that:

- a) Provincial Office Bearers should drive the process of local level agreements, including the introduction of an awareness campaign;
- b) National guidelines, as previously circulated, should inform local level negotiations, including taking into different designations as opposed to broad services;
- c) We should seek an extension of the 31 January 1999 deadline for concluding agreements.

2. INDUSTRIAL ACTION

It was resolved that:

- a) the strike remains a strategic weapon in the hands of the Union;
- b) we shall also continue to be confronted by spontaneous, "wildcat" action on the part of our members;
- c) the Union has always used industrial action, even when prohibited by law, to promote the socio-economic and political interests of our members;
- d) we note that the law now makes provision for a large portion of our members to strike. That we need, as far as possible, to encourage our members to comply with the provisions of the Act when engaging in industrial action;
- e) we should engage in further debate within the Union on the implications and options for the Union of the strike/arbitration situation which prevails in our sector.

3. STRIKE FUND

It was resolved that:

- a) the Union establishes a Solidarity Fund.
- b) That the purpose of such Fund should be primarily to:
 - i) Build the morale of members on strike;
 - ii) Transport and other costs related to set up meetings of workers on strike.

- iii) Assist with costs associated to any "casualties" which might occur during a strike;
- c) the Solidarity Fund be funded by an annual levy of R3,00 which should be introduced in accordance with the provisions of the Union Constitution, with effect from 1 July 1999. The National Office would ensure that all local authorities are informed. The amount of R3,00 would be reviewed on an ongoing basis;
- d) the Solidarity Fund would be managed by the NEC and disbursements considered on the merits of each application;
- e) the issue of the investment of moneys collected in the Fund would be dealt with once the Union finalises its overall investment policy.
- f) the union continues debates about the feasibility of establishing a fully fledged strike fund, i.e. a fund which will cover a proportion of lost wages while workers are on strike.

4. STRIKE STRUCTURES

It was resolved that

- a) In the event of the Union embarking on a strike, Strike Co-ordinating Committees must be established at local level;
- b) The establishment and co-ordination of these structures must be driven by constitutional structures at a local and provincial level;
- c) It is the responsibility of these structures and the local shop stewards to maintain discipline during strikes;
- d) Regular report back meetings to members, involving office bearers, should take place;
- e) Our Media Unit must play a vital role in keeping members and the broader public informed;
- f) Our Legal Unit must also play a part in assessing the legal situation, regarding the strike and the issues in dispute, on an ongoing basis;
- g) We need to establish direct relationships with communities, councillors allied to the movement, the Alliance, COSATU local structures and unions in the sector;
- h) Notwithstanding possible differences, we should seek to include other unions in our sector in planned industrial action and where appropriate, set up joint strike structures;
- i) We should continue to strategically use political intervention in seeking to resolve disputes.

5. ARBITRATION

It was resolved that:

- a) We should start collecting information, centrally co-ordinated, on the following as the first step in building capacity to engage in arbitrations:
 - i) Breakdown of wages
 - ii) Benefits
 - iii) Budgets
 - iv) Previous settlements
 - v) Allowances
 - vi) Relevant economic indicators
 - vii) Other information relevant to arbitrations
- b) We must build the capacity of persons within the Union to handle arbitrations as, amongst others, it will minimise the costs associated with these proceedings;
- c) We can use outside experts, as witnesses, where the circumstances warrants this;
- d) ~~It be noted that the union has not secured minimum service agreements at most local authorities;~~
- e) POBs should drive the process to ensure that these agreements are concluded as soon as possible;
- f) An awareness campaign on the urgency of the issue needs to be embarked upon;
- g) Section _____ should be following in the establishment of committees.
- h) different designations be taken into account.
- i) national guidelines have to be adhered to.

end.