



# **SATAWU**

## **2<sup>nd</sup> NATIONAL COLLECTIVE BARGAINING & POLICY CONFERENCE**

**30 July – 1 August 2008**

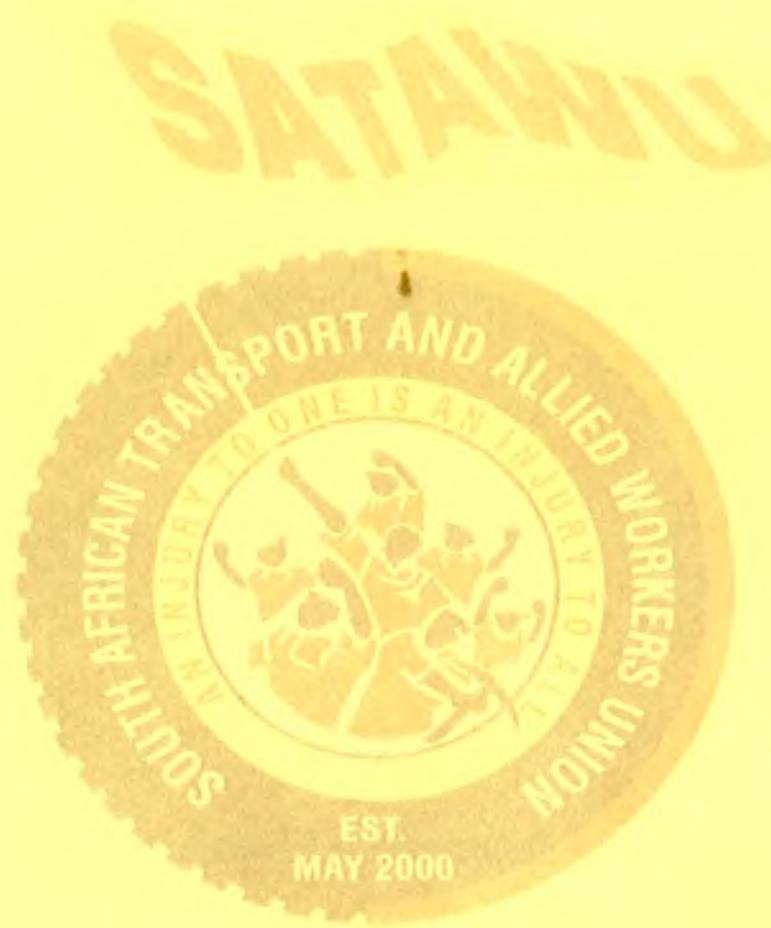
**The Lakes Hotel  
Benoni**

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## Anthem & House Rules



## ***The Internationale***

Arise ye prisoners of starvation  
Arise ye toilers of the earth  
For reason thunders new creation  
'Tis a better world in birth

Never more traditions' chains shall bind us  
Arise ye toilers no more in thrall

The earth shall rise on new foundations  
We are but naught we shall be all

### **Chorus**

Then comrades, come rally  
And the last fight let us face  
The Internationale  
Unites the human race

## ***i-Intemefionale***

Vuka n'zigqla zezwe lonke Vukan'ejokwen'lobugqlli  
Sizokwakh'umhlaba kabusha Sqed'indlala nobumpofu.

Iamasik' okusibopha  
Asilwise yonk'Incidezelo Manj'umhlabtunesakhwi'esisha  
Asisodwa Kulomkhankaso

### **Chorus**

Maqaban'wozan'slhlanganenl Sibhekene nempl  
yarnanqamu  
i-Internationale

Iumbu uluntu lonke

## ***Nkosi Sikelel iAfrika***

Nkosi Sikelel' iAfrika  
iMaluphakanyisw'uphondo Iwayo Ylzwu imlthandazo  
yethu  
Nkosi sikelela  
Thina iusapho Iwayo

Morena boloka Sechaba sa heso O fedise dintwa le  
matshwenyeho Morena boloka Sechaba sa heso O  
fedise dintwa le matshwenyeho O se boloko, O se boloke  
Setjhaba sa heso  
Setjhaba sa Afrika

## ***Solidarity Forever***

Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong.

When the union's inspiration through  
the workers blood shall run  
There can be no power greater  
anywhere beneath the sun  
Yet what force on earth is weaker  
than the feeble strength of one/  
But the union makes us strong

Is there aught we hold in common with the  
greedy parasite  
Who would lash us into serfdom and  
would crush us with his might/  
Is there anything left to us but  
to organize and fight?  
For the union makes us strong (Chorus)

It is we who ploughed the prairies  
built the cities where they trade  
Dug the mines and built the workshops  
endless miles of railroad laid  
Now we stand outcast and starving  
'midst the wonders we have made  
But the union makes us strong (Chorus)

All the world that's owned by idle drones  
is ours and ours alone. We have laid  
the wide foundations, built it skyward  
stone by stone  
It is ours, not to slave in, but to  
master and own  
While the union makes us strong (Chorus)

They have taken untold millions that  
they never toiled to earn  
But without our brain and muscles  
not single wheel can turn  
We can break their haughty power  
gain our freedom when we learn  
That the union makes us strong (Chorus)

In our hands is placed a power greater  
than their hoarded gold  
Greater than the might of armies  
magnified a thousand-fold  
We can bring to birth a new world  
from ashes of the old  
For the union makes us strong (Chorus)

# *The Red Flag*

The people's flag is deepest red,  
It shrouded oft our martyred dead,  
AND ere their limbs grew stiff and cold,  
Their hearts blood dyed its every fold.

## *Chorus*

Then raise the scarlet standard high.  
Within its shade we'll live and die,  
Though cowards flinch and traitors sneer,  
We'll keep the red flag flying here.

Look around, the Frenchman loves its blaze,  
The sturdy German chants its praise,  
In Moscow's vaults its hymns are sung  
Chicago swells the surging throng.

It waved above our infant might,  
When all ahead seemed dark as night;  
It witnessed many a deed and vow,  
We must not change its colour now.

It well recalls the triumphs past,  
It gives the hope of peace at last;  
The banner bright, the symbol plain,  
Of human right and human gain.

It suits today the weak and base,  
Whose minds are fixed on pelf and place  
To cringe before the rich man's frown,  
And haul the sacred emblem down.

With heads uncovered swear we all  
To bear it onward till we fall;  
Come dungeons dark or gallows grim,  
This song shall be our parting hymn

## SATAWU 2<sup>ND</sup> NATIONAL COLLECTIVE BARGAINING & POLICY CONFERENCE

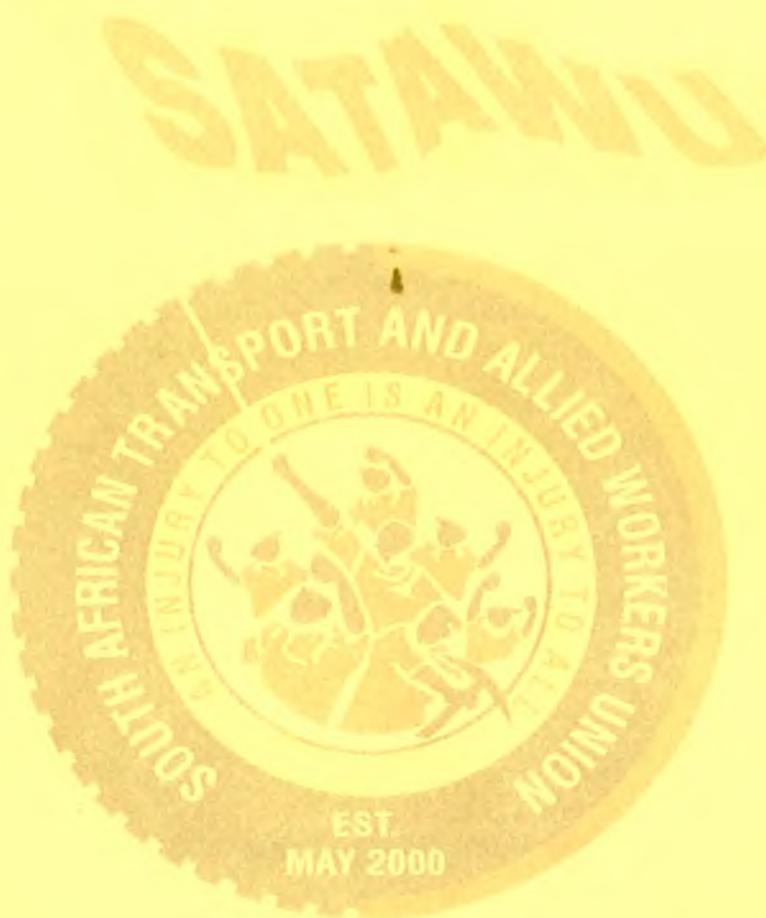
30 July – 1 August 2008

### HOUSE RULES

- All delegates shall be punctual and disciplined
- Meeting will start exactly at 10H00 on the first day and at 09H00 on the other two days.
- Cellphones should be switched off during the plenary sessions and commissions.
- Queries regarding logistical arrangements or other related issues to be done during breaks. (*liaise with Dolly in this regard*)
- No disruption during the meeting will be tolerated. All delegates are expected to attend the full duration of the meeting save for written apologies accepted.
- Delegates shall only leave the meeting with the express permission of the Chairperson
- ▶ No firearms, traditional weapons shall be allowed into the meeting.
- ▶ No smoking of illegal substances during the meeting.
- ▶ Mutual respect shall be applied by all delegates during debates.

**Draft Programme: 30 July - 1 August 2008**

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**SATAWU 2<sup>ND</sup> NATIONAL COLLECTIVE BARGAINING & POLICY CONFERENCE**  
**30 July – 1 August 2008**  
**The Lakes Hotel, Benoni**

**DAY 1: 30 JULY 2008**

**SESSION 1: Chair: 1<sup>st</sup> Deputy President, June Dube**

1.	<b>OPENING OF CONFERENCE</b>		<b>10H00</b>
1.1	<i>National Anthem - Nkosi Sikeleli I Afrika Internationale Red Flag</i>		10H05-10H10
1.2	<i>Welcome and Opening Remarks</i>		10H10-10H20
2.	<b>CONFIRMATION OF ATTENDANCE</b>		<b>10H20-10H30</b>
3.	<b>ADOPTION OF CONFERENCE PROGRAMME</b>		<b>10H30-10H40</b>
4.	<b>ADOPTION OF 1<sup>ST</sup> NCB MINUTES: 14-16 July 2005</b>		<b>10H40-10H50</b>
5.	<b>ADDRESS BY SPEAKERS</b>		
5.1	<i>SATAWU President:</i>	<i>Ezrom Mabyana</i>	10H50-11H10
5.2	<i>COSATU President:</i>	<i>Sidumo Dlamini</i>	11H10-11H30
5.3	<i>SACP National Organiser</i>	<i>Solly Mapaila</i>	11H30-11H50
5.4	<i>ANC Speaker: National Executive Committee Member</i>		11H50-12H10
6.	<b>STATE OF ORGANISATION</b>	Presented by General	<b>12H10-13H00</b>

		Secretary, Randall Howard	
	<i>Lunch Break</i>		<i>13H00 – 14H30</i>
<b>SESSION 2:</b>			<b>14H30 – 15H30</b>
6.1	<b>STATE OF COLLECTIVE BARGAINING IN ALL SATAWU SECTORS</b>	Presented by Head of Collective Bargaining & Negotiation – Johnson Gamede	
6.2	<i>Plenary discussion on the report</i>		
7.	<b>PRESENTATION BY LABOUR RESEARCH SERVICES</b>	Trenton Elsley	<b>15H30-17H00</b>
7.1	<i>Has Satawu advanced the interests of its members through collective bargaining strategies?</i>		
7.2	<i>Has Satawu wage agreements kept pace with the ever escalating costs of living i.e. increase in interest rates, petrol, high food prices in the economy?</i>		
8.	<b>BRIEFING ON COMMISSIONS</b>	Presented by Deputy General Secretary, Nelson Lamityi	<b>17H00-18H00</b>

## DAY 2: 31 JULY 2008

### SESSION 3: Chair: President, Ezrom Mabyana

9.	<b>CONVENING OF SECTOR COMMISSIONS</b>		<b>09H00-12H00</b>
9.1	Report backs and Adoption of Commission Reports		<b>12H00 – 13H00</b>
	<i>Lunch Break</i>		<i>11H00 – 11H30</i>
10.	<b>POLITICAL SESSION</b>		<b>14H30 – 16H30</b>
10.1	<i>Panelist from COSATU, SACP &amp; ANC</i>		
	<i>Post Polokwane assessment, balance of forces for a more radical transformation, underlying causes of xenophobia and preparation for the 2009 General Elections towards a decisive ANC victory</i>		

10.2	<i>Plenary Debate and Conclusion</i>		
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**Chair: 2<sup>nd</sup> Deputy President, Robert Mashego**

11.	<b>POLICY ISSUES:</b>		<b>16H30 – 17H30</b>
11.1	<i>International Relations (Plenary Input)</i>	<i>ITF – Africa Regional Secretary Joseph Katende</i>	
11.2	<b>CONVENING OF COMMISSIONS</b>		<b>17H30-20H00</b>

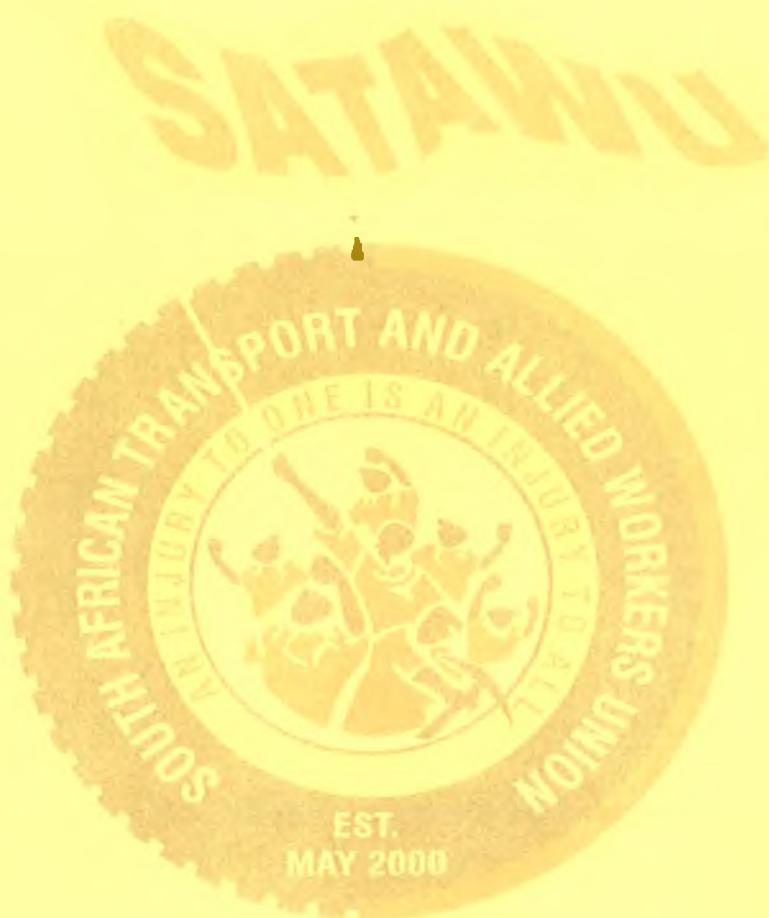
**DAY 3: 1 AUGUST 2008**

**SESSION 4: Chair: National Treasurer, Nadeema Syms**

12.	<b>REPORT BACKS FROM COMMISSION &amp; ADOPTION</b>		<b>09H00-13H00</b>
13.	<b>POLICY CONFERENCE DECLARATION</b>	General Secretary	
14.	<b>CLOSURE:</b>	President, E Mabyana	<b>13H00</b>

***Previous Minutes CBC: 14-16 July 2005***

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**SATAWU  
1<sup>st</sup> NATIONAL BARGAINING  
CONFERENCE  
DRAFT MINUTES**

**14-16 JULY 2005: RUSTENBURG  
NORTH WEST**

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## **Opening and Welcome**

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The conference was opened by the 1<sup>st</sup> Deputy President, Cde June Dube through a National Anthem.

### **Apologies**

- These were rendered for late starting and the absence of the National Office Bearers who were due to arrive soon. In addition an apology for transporting of Head Office delegates from Johannesburg was made for technical failure of the breaking system of the bus. Some members of the delegation of the Eastern Cape were still to come.
- Comrades Nadeema, National Treasurer, Robert Mashego 2<sup>nd</sup> Vice President and Johnson Gamede Deputy General Secretary apologised for late arrival and non-attendance respectively.
- He went on to thank delegates for presenting themselves for the conference. Gauteng delegation was especially welcomed because it was the first conference since their successful Congress sometime in May. The Office Bearers were introduced to the Conference.
- He also welcomed the guest Speakers, Cde Les Kettledas-DOL and Cde Louisa Thipe from COSATU national Gender Committee. He further indicated that Cde Joe Nkosi, the 1<sup>st</sup> Deputy President of COSATU was also to join the Conference shortly.
- All comrades were finally welcomed to the conference and especially, the North-West Province, as the host Region.
- A message of solidarity was sent to those involved in the train crash in Soweto the previous day.
- He indicated that the Conference happened amidst the Tollgate workers' Strike, which was going into its 6<sup>th</sup> week at the time.
- All house/ground rules were announced.

## **Conference Programme Introduction and Outline**

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- Thulani Dlamini (Collective Bargaining Officer) introduced the contents of the delegates file
- He also introduced the conference programme and briefly outlined the objectives of the Conference

## **Credentials**

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- All regions were present and all sectors were present and the Conference had the necessary quorum.
- Adoption: KZN and Western Cape moved and seconded.

### **Key Note Address: cde President Esrom Mabyana**

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- A written speech, as appended to the minutes, was presented.
- The Conference was then officially opened after the address of the President.

### **Address by Department of Labour: Cde Les Kattledas (Deputy DG)**

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- The speech was written and is appended to the minutes of the Conference.

### ***Questions from the Floor***

1. Defining the Living Wage from the DOL's point of view
2. Lack of equity enforcement and how the 5 year plan would assist
3. How is ECC (Employment Conditions Commission) would be transparent to Bargaining Councils
4. What is DOL's approach to the exploitative relations between the Labour Brokers and workers
5. What programmes were in place for the protection of vulnerable workers
6. Regulation or deregulation
7. The issue around the Cleaning Sector Provident Fund 1% investment by Employer and workers

### ***Responses***

- Difficulties of defining living wage are that it is two pronged: Bargaining Councils agreed between Employers and Unions the Department is not involved. The second is the Ministerial/Sectoral Determination after the process stipulated in the BCEA. The weakness is that public hearings to receive representation are not well attended. Composition of the ECC is such that Labour and Business are represented. Labour is advised to prepare the inputs into public hearing.
- The Department in finalising contributions of stakeholders must assess a number of criteria and advise on the recommendation
- Regulation of Labour Brokers: a research has been conducted— the one focused the prevalence atypical work; 2/ Labour Broking, economic determinants of casualisation. The impact of casualisation. A presentation was before Nedlac for discussions. In addition, Labour Broking were regulated by Collective Bargaining in Mining and Metal and the protections of the LRA s. 198.

- He gave an update of other Sectors where investigations and processes were about to be concluded on promulgation of Sectoral Determinations.
- There needed to be a balance between flexibility and security (deregulation against over-regulation): regulated flexibility.
- Provident Fund issues would be followed up.
- The strategic objectives were in the vision of the DOL that was being developed and would be made available.
- Monitoring Employment Equity— Unions needed to make decisive interventions including taking collective actions to ensure enforcement.

### **COSATU Address: Joe Nkosi— 1<sup>st</sup> Deputy President**

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- The speech was written and is appended to the report.

### **COSATU NGC Address: Louisa Thipe**

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- She thanked the Office Bearers and the Union for the invitation.
- She cleared the confusion around the concepts of gender and women.
- What then was gender mainstream? It was described as a strategy to achieve gender equity. It supplemented the existing tools. Integration of gender in terms of components, policy positions, including the Constitution and all organisational activities i.e. improvement, developmental and evaluation of decision making processes...initiating a form of change.
- Commissions had to discuss issues that must be mainstreamed.
- Health and safety agreements, parental rights, sexual harassment policy, employment of women (both in the workplace and in the union) safe transport, HIV-aids policy taking into account the fact that women are care givers, sex workers
- Collective Bargaining machinery: participation of women— Employment Equity and support required of employed women
- Focus should also be on the Organisational barriers in male dominated workplaces.
- Issues affecting women were being reduced to secondary issues subordinated to other issues. For example issues related to women specific diseases.
- Women demands should not be reduced to complaints but Agreements.
- The Commission had to look at the relationship between gender mainstreaming and policies meant to address women issues.

### ***Plenary Political Discussions: Questions and Answer Session***

- ✗ The concern was raised around the personalisation of politics surrounding the issue of cde Zuma and the exclusiveness of the issues related to how the debate had been handled in the ranks of the Federation.
- ✗ The issue of the prioritising socialist struggles and subordinating issues relating to gender issues did not clarify the way forward.
- ✗ Comrade June Dube briefed the Conference about discussions of COSATU urgently convened CEC.
- ✗ A concern was raised about the limited way in which JZ seems to be supported dependent on the court judgement and the danger of an unfavourable judgement to pro JZ mobilization
- ✗ The political orientation of the Youth League was commendable. However a contrary view was put that personal and political interests motivated the support.
- ✗ The issues related to the financial support for JZ for his legal battle should be deferred and concluded in the CEC.
- ✗ A concern was raised that individualising the fate of the working class was contradiction to collective leadership.
- ✗ The anticorruption stance of Cosatu had been questioned as being selective.
- ✗ The seeming quiteness of JZ was alluded to in terms of problematic Policy positions taken in the ANC in his presence and participation. The view therefore was that he could not be seen as a working class leader.
- ✗ The need to affirm the Alliance as a political centre needed reinstating.
- ✗ The contradiction on JZ had to be located in a global political context with forces from the advanced Capitalist Countries wanting to impose their own political leadership and undermining sovereignty of Countries and Nations.
- ✗ In summary a point was made that in spite of the interesting and different views, there needed to be common purpose of the defence of the CEC and the Conference discussion out in Regions and Locals.

## **Input by Trenton Esley: Wage Trends in Transport, Cleaning Security**

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- He presented information on slides that is appended to the report.
- He indicated that still to come was a comprehensive study of women and Collective Bargaining.
- He however read out a tentative study that looked at women and Collective Bargaining processes and participation.
- He developed a link between Collective Bargaining skills development and Employment Equity: there was an extent to which a living wage could not be attained if workers were not skilled.

### **Collective Bargaining Organisational Challenges: Randall Howard**

- He started by thanking all involved for the road behind from the formation of the Union in 2000.
- Living wage as expressed in the theme was expressed against the backdrop of all the celebration.
- The challenge was that the living standards of members had fallen against the emergence of atypical work and economic ills.
- The campaign for living wage was not only about money, it was about transformation but expanding what workers get from their Employer. It was fundamentally about a quality of work life.
- The Commissions had to take into account the different issues that the President had alluded to and all the contextual challenges.
- The Commissions needed to reflect on the struggles and strikes that had been on from the Union and what lessons were there for struggles ahead.
- We needed to integrate the inflation targeting framework into the discussions which made it almost impossible to wage a sustained strike action,
- The relationship with other Unions within the Sector and competing tendencies during strikes e.g. the UASA strike that was intended to settle the scores and competition. There were issues relating representation grades that our Union had been excluded that were the reason why some of the strikes from our rival Unions succeeded and ours failed.
- The approach to Collective Bargaining should be about building our Organisation and become a platform for transformation for Society.
- The question on scab labour during strikes was an important discussion to have linking to the discussions of the CEC.
- Coordination during the strike was a weakness.
- Bargaining Councils establishment e.g. in civil aviation, maritime etc had to be discussed for a strategy moving forward.
- The role of the Federation in Collective Bargaining struggles was an important focal point to discuss.

- The impact of organised shop stewards structures in Collective Bargaining should be discussed.
- Importance of education was also emphasised to building a strong and vibrant SATAWU.
- He remarked on the nature of Officials required for the Union that required building.
- The importance of research into Collective Bargaining to inform strategy
- Transformation of workplace and equity should find expression in Collective Bargaining Agreements.

### **Cosatu Input on Retirement Fund: Jan Mahlangu**

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- His input was written and was integrated into Commissions and is appended to the report.
- He took the Conference through a Discussion Paper developed and distributed from the National Treasury. There was another Discussion Paper that was about to be engaged and Nedlac would be clarifying the relation between the two.
- Workshops had been convened in Regions and Unions were expected to attend.

### **Investment**

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- GDS resolved that all Funds that had investable income to invest 5% to Job creating Projects
- Financial Sector Summit produced a Charter R 175 billion should be invested in infrastructure development.
- BEE transaction mooted to take a substantial amounts against the view that it should take minimum amounts
- Some of the Funds had invested in social responsible investment. Research to investigate the amounts that were invested and therefore the Job-creating Project.
- An African wide Pension Fund investment to address NEPAD related Projects.
- Building and expanding the SATAWU and Organisers taking key responsibilities. for ensuring the interventions of the Union. Commission was to address this challenge.

## Integrated Commissions

### ***Commission 1: Minimum, Living Wage and its Impact on Wage Policy***

The discussion started with the evaluation of the Union's Bargaining performance. We had won the following:

- Regulation of the unregulated Sectors such as Taxi, Security and Cleaning and winning social wage demands
- Reduction and normalisation of hours of work in the Security and Cleaning industries through the Sectoral Determinations.
- Established and participated in Centralised Bargaining Forums/ Bargaining Councils in many Industries in the Sectors the Union Organisation.
- The debates ensued on whether the Transnet one million offer on bridging the wage gape was a real achievement or complying with the Legislative requirements
- However the following stood out as weaknesses in the Bargaining performance:
  - In spite of the existence of Gender Structures there were no interventionist Gender Committees.
  - The unequal access to Parental and Gender related rights for workers in different Companies.
  - Geographically differentiated areas into categories A, B and C and differentiation with categories that compromised workers who work either Peri-Urban or Rural workplaces in terms of Security, Cleaning and Road-freight.
  - Decentralisation of negotiations on substantive issues resulting in the setting of different standards in Business Units therefore undermining worker solidarity.
  - Our approach to bargaining stressed 'cash in pocket' approach and neglected a holistic social wage/living wage approach.
  - Absence of worker solidarity among members of the Union especially during the periods of strikes.
  - Non-compliance with Legislative requirements and the Union's failure to monitor compliance with Agreements and Legislation.
  - Inability to engage pay discrimination.

#### **To be Actioned:**

#### ***Gender mainstreaming***

- Elimination of pay discrimination
- Ensuring participation of women in the Bargaining Conference and Structures

- Ensure Organisational support and attitudinal change to issues affecting women.
- Transformation of family Gender relations that prevent women from assuming roles of responsibility due to domestic pressures

To be actioned

- Establishing Bargaining Councils where they did not exist and substitution Sectoral Determinations with Collective Agreements that came out of the negotiations with Employers.
- Commission a comprehensive study that led to some discussions at the forthcoming CEC to evaluate wage and non-wage settlement patterns. In addition to bring all the Agreements under review.
- The approach to Bargaining should take social wage and social/State Security connection into consideration.
- Through Collective Bargaining harmonisation of categorically and geographically differentiated workers in Cleaning, Security and Road-freight.
- Strengthen Centralised Bargaining to ensure that all substantive issues were negotiated and concluded.

## ***Commission 2: Establishing Bargaining Councils***

- The Commission noted the importance of establishing Bargaining Councils (BC) to improve the living and working conditions of our members.
- In its view the analysis and the programme of establishing BCs should be coupled with a proper evaluation of existing BC.
- Majority of the sectors do not have Bargaining Councils, except Passenger, Motor Ferry and Road Freight and Transnet (that only housed State Owned Enterprises).

### ***Our Union Weaknesses***

- The Commission further noted absence of Union coherent strategy to establish BCs
- Low level of representation of the Union where BCs do not exist and sometime absence of Union Organisation
- Lack of education support from the Union and commitment from shop stewards to correct lack of Organisation and under-representation
- The failure of the Union to respond appropriately to the current employment trends e.g. organising casual and contract workers
- The failure of the Union to mobilise workers on the platform of Living Wage Campaign.
- Lack of information and sometimes no information flow from National to Local and visa-versa.
- Weak research capacity that supported Collective Bargaining

### ***Proposed National Campaigns Framework***

- The need for the Union to develop a coherent strategy that took Industry/Sector specific dynamics into account
- The need for Collective Bargaining that is accompanied by recruitment drive to remedy under-representation and assert the political influence of the Union
- To set up strategic platforms and maintain our influence on the other Unions.
- Road Accident Fund be allowed establish BC taking into consideration the processes towards Mega Bargaining Council (MBC).
- Strengthen our research capacity on Collective Bargaining to support our Collective Bargaining activities.
- To develop Education Programs that would focus on skills that supported Negotiators during rounds of negotiations.
- To analyse and develop proper responses and approaches to the employment trends within the sectors under SATAWU's jurisdiction.
- Sensitise ourselves to and observe Protocols with regard to the decisions and signing of Wage and other Agreements.

- There was a need for deeper evaluation and taking stock of our failures but also recognising our achievements.
- There was a need to reflect on the Living Wage Campaign in the context of Union's approaches to Bargaining on annual basis.
- Strengthening our research capacity in view of the challenges facing the Union. The CEC of November to concretise the framing of a research process
- Improvement on communication and our Media/Information flow strategies.
- Consolidation and shift the focus from a pure wage to include social wage that included benefits.
- The need to support women to participate meaningfully in all the Collective Bargaining processes.
- Gender Structures from all fronts should monitor the involvement of women in Union structures.
- Accepted the Model Agreements as living documents that would be subject to interrogation from time to time taking into account the rectification by the CEC.
- FTSS: Amended 4.5 of page 4: Suggested the salary not to be linked to the Managers as indicated, but to be the highest level within the Bargaining Unit from the position of which the person was at.
- Organisers who happened not to be affected by the strikes to involve themselves as the matter of solidarity and giving political direction at all strike actions organised by the Union.
- To develop and revive Solidarity position as determined and resolved by the CEC.
- Measures to ensure gender mainstreaming should include:
  - a. A radical shift from a wage focus approach to Bargaining to a balanced one that located non-wage issues e.g. parental rights at the core.
  - b. An approach that facilitated and supported the direct representation of women workers and leaders in the Bargaining processes

### ***Commission 3: Development of Wage Policy and Strategy***

- The Commission examined the discussion on what Wage strategy should SATAWU follow in terms of multi-year wage approach and an annual Bargaining approach;
- The commission expressed two contrasting views reflecting pros and cons on an annualised and multi-year approaches:

<b>Annualised Bargaining Approach</b>	<b>Multi-Year Bargaining Approach</b>
<ul style="list-style-type: none"><li>✖ Ensures that the Union is on its toes and does work consistently.</li><li>✖ It allows flexibility in the Bargaining process as the Union will not be trapped in a longer term Wage Agreement.</li></ul>	<ul style="list-style-type: none"><li>✖ It enables the Union to make proper preparation as it can systematically engage complex Company information and Industry dynamics and include non-wage issues such housing etc.</li><li>✖ It might enable the Union to address wage inequities in the Sector as there is longer term planning</li></ul>
<b>Disadvantages of Annualised Bargaining Approach</b> <ul style="list-style-type: none"><li>✖ It is labour intensive and consumed resources and energies of the Union that makes it difficult to strategically coordinate other aspect of Union Organisational work</li></ul>	<b>Disadvantages of Multi-Year Bargaining Approach</b> <ul style="list-style-type: none"><li>✖ It benefits Employers in a long term in that is brings artificial stability in the Industry</li></ul>

- The Commission felt that there was no sufficient information the Conference can work with to make a sufficiently informed decision. It called for further work: this should be part of the issues that should go into a research pot. The research conducted in this respect should take the following into consideration: reflect on the experiences of other Unions, the resolutions of the Federation and Unions. The debate should be taken into the forthcoming Central Executive Committee in preparation of Congress.

- The commission further confirmed the need to steer away from CPIX as a measuring rod for Bargaining as there were differences within and between Sectors that made the approach difficult.
- There was also a need for the Union to explore other measuring tools to enable the Union to properly understand the wage differences among members themselves across Sectors: the Security, Cleaning and Tollgates being worst affected.
- There was a need to have a baseline of income (in the context of a defined Living Wage Campaign) for all workers in the Sectors organised by the Union. The Commission argued for R 3000. 00 basic wage excluding deductions and benefits.
- The Union, according to the Commission, should explore Solidaristic Wage Policy as part of its Bargaining strategy to engage the wage differentials among its members.
- The wage strategy has to comprehensively integrate Employment Equity, Skills Development and Gender Transformation of the Production process.
- This strategy would require that the Union built its capacity in Sectors and workplaces.
- The issues related to the Full Time Trade Union Representatives (FFTURs) should be settled in terms of existing Cosatu resolutions. There was a need to implement these resolutions as the Union had been part of the debates in this regard.

#### ***Commission 4: Collective Bargaining Policy and Gender Mainstreaming***

- Gender was the most important element of our struggle
- Some issues were identified as being problematic; i.e. undermined by male colleagues, no support given as the result male domination.
- Most negotiations were dominated by male and result to women being belittled.
- There were Gender Policies in the Union that were endorsed by the CEC.
- Satawu also subscribed to and was guided by also the Code of Good Practice
- Women should be allowed to attend meetings as observers so as to improve their performance/skills.
- Lack of women leaders in terms of Mandate- seeking processes.
- Saccawu was identified as the Union that had led by example on capacitating women activities in their Union.
- Capacitating of women should be given a high priority in almost all meetings.
- Union must employ Regional Gender Co-Ordinators as to advance this cause.
- The Union needed to employ more women Organisers.
- To provide childcare facilities for women leadership in their workplace and beyond.
- Union needed to develop a Code of Conduct to deal with undisciplined male Comrades.
- To start Campaigns that were directly affecting women activities, being more of those that affect their status as women.
- Achievements focussed on number of Sectors being the following:
- Achievements: Road Freight: Have Truck Stop Clinics, Security; Sectoral determination, Transnet female drivers and Management, in Security women are enjoying better benefits than before
- Congress Resolution on quota (25%) should be maintained as advancement on women leadership in the Union.
- Employment Equity should not be confined only to male employees so as to avoid gender imbalances.

### **Commission 5: Pension Funds, Trustee Training & Worker Control**

- Lack of co-operation from all Union structures and Trustees of the Companies who have their own Funds.
- Personal interest advanced by shop stewards and Trustees for their material gains.
- Realisation of our failure to implement 2003 Congress Resolution.
- Consolidation of the National Funds
- Provisions be made for the S/S and Trustees.
- Recommendations should be made on National Savings fund.
- The Act recommends the Preservation Fund as opposed to the lump sum.
- Regional Forums be established and tasked to deal with the claims
- Satawu should develop a Training Program for the Trustees.
- Trustees should be familiar with the changes in the Industry.
- Establishment of Trustees forum.
- Produce booklets, media, Union Structures and other
- Review of the traditional method of submitting demands.
- Demand more payment by the Employers on Risk Benefits.
- The National Pension Fund in the Cleaning and Security linked with Union position should be implemented.
- Research presented by LRS should be used as the basis and the tool of our analysis.
- NOB's, Research and Gender Co-Ordinators be practically involved in the process of furthering the LRS research documentation.
- Implementation of Sexual Harassment Policy that will result to undisciplined comrades being dealt with.
- Create an environment for women to participate freely.
- The Commission proposed a 30 – 50% increase on women participation in all Union structures.
- Exposure of all comrades who sexually harass women members with the view of dealing with those appropriately.
- Utilisation of Seta Funds and any other Funds we have on capacitating the women members in the Union.
- Urgent need to consolidate Cleaning and Security Pension Funds and Representatives be proportionate to the membership of the said Sectors
- Strengthening our representation in the Transnet Pension Fund.
- 1<sup>st</sup> July 2005 all Road Freight Companies would be forced to transfer to Satawu Provident Fund.

## **Sector Commissions**

The Conference went into Sector specific Commissions with common questions that are appended to the Report. The Commissions were:

- A. Rail Sector
- B. Road Freight, Toll and Motor Ferry
- C. Support Services
- D. Taxis and Busses
- E. Aviation
- F. Security
- G. Cleaning and Laundry

### **A. *Rail Sector***

**Collective Bargaining Conference: 14-16 July 2005— Rustenburg,  
Northwest Province.**

- All Regional Structures launched but the regular meetings do not take place.
- Gender Representation is such that women are under-represented because of the history or of the Sector.
- National co-ordination is a problem with the permanency of the Co-Ordinator
- Information problems start with the National Co-Ordinator not receiving information from Regions and Locals
- Rate of Unionisation: we do not keep links with members in higher positions
- New member syndrome
- Deploy Organiser at Esselen Park to recruit new workers as members.
- There needs to be visibility in our Sectors and visibility
- Propaganda about strikes
- Employment Equity is an issue in the Sector. It is a challenge and relevant Structures should be set up to tackle the challenges
- Modest on our victories and do not claim victories.
- Promotion of workers in senior positions must be worked out in such a way that it is deployment and keeping links with them.
- Set up Funeral Schemes
- Framework for Wage Policy:
- Establishing Bargaining Council for Rail Sector
- Wage Demands framework: Staggered Demands and expressed in rands and cents
- Challenge of non-Unionisation and out-competing rival Unions.
- Excessive overtime - members not having time for Structures
- Casualisation and Contract workers should made permanent employees of Contractors.
- Revise Women in Rural Project and the Gender Committee to assert their roles.
- Esselen Park needs a Recruitment (cost effective) Office
- Transnet Bargaining Council should be terminated to allow for or converted into a Mega-Bargaining Council catering for the bargaining needs of all Sectors Private and Public.
- The approach around Casual and Contract worker should include tying Management to the process of employing them on fulltime/permanent basis.

## **B. Road-Freight, Toll and Motor-Ferry Sector(s)**

- Structures exist but do not function as they are supposed to due to number of factors including lack of financial resources and commitment of leaders in the Sector.
- There is poor communication across and between Structures (vertically and horizontally).
- Shop-stewards do not make time available for Trade Union activities as many of them are on the road working overtime.

### ***Recommendation***

- Education and resources to build Organisation
- Living Wage Campaign to alleviate the wage pressures that escalate the use of overtime as means to earn decent wage
- Recruitment of youth and women into the Union and identifying issues that would attract them to the Union. Part of this should be Organisational renewal process to deal with and/or eliminate factors that repel this section of workers.
- Shop Stewards education for existing Shop-Stewards to ensure appropriate service to members
- Develop a Monitoring System for Organisers and Shop-Stewards (perhaps revive the idea of a log books)
- Foster unity of members in the Sector especially after the strike so that they are behind the Union during Wage Negotiations.
- Ensure that Collective Bargaining Demands are backed up by strong and well co-ordinated Campaigns.
- There is a need to include Contract, Casual and other workers who work in non-standard conditions in the Bargaining Demands and processes
- There is a need to explore co-operation between Regions to tackle challenges related to long distance drivers.
- The Union needs a way of engaging youth formations as part of getting to understanding and enriching Recruitment Strategy of young people.

## **C. Support Services Sector**

- National, Regional and Local Sector Structures exist.
- The Office Bearers Structures are also in place.
- There are no women leaders in the Sector Structures.
- There are however women within Regional Structures but without leadership responsibilities
- All Sector Regional Structures are represented in all Constitutional Structures of the Union.
- Road Accident Fund's (RAF) direct representation in Union Structures is suggested i.e. the Branch and Regional RAF Structures must be represented in corresponding Structures of the Union.
- Locals active however due to costs and geographical vastness of some Locals they cannot meet as required.
- National Negotiations taken up by National Committees and with proper representation of workers from all Regional Structures. There is no women representation in National Bargaining Forums. They are varied in the Sector: RAF bargains through the National Bargaining Forum; whereas the other parts that fall under the Chamber at the Transnet Bargaining Council.
- There is a general membership growth in the Sector in the past six months due to them crossing over to the Union from others. However there is no dedicated Recruitment Drive or Campaign.
- Service is jacked up proven by membership stability and increase referred to above. However some Regions do not support the work of the Sector.
- Benefits and other services to attract members should be considered.
- Coherent Recruitment Strategy to be developed.
- There are no multi-year Agreements in the Sector

### ***Recommendations***

- There is need to accelerate and locate the role of research in the Collective Bargaining engagements. Its focus among others, should be: wages /salary increase/decrease; social benefits and general improvement of working conditions.
- Negotiations should start July/August than later i.e. September
- Strategise in such a way that Negotiations happen and are paced, more or less simultaneously, so that strikes are effective.
- ***Wage Demands:*** Collective Bargaining Policy: real wage increase and not just inflation related (for further information delegates were referred to the SATAWU reference material pages 3, 4.5 and 6).
- There is need to relocate RAF to either Road-Freight or Road Passenger away from the Support Services
- There is need to have broader strategy of Collective Bargaining that includes Health and Safety issues, HIV-AIDS at work and issues raised at the Conference

- Through Collective Bargaining find useful and creative ways of eliminating Casual, Contract and other non-standard labour practices;
- Develop our Bargaining Strategy to link up with Skills Development engagements in SETAs and ensure that there is a developmental and Job-creating Agenda targeting the Unemployed, Youth.
- There is need for systematic follow through of decisions made at this Conference and Bargaining Forums for implementation purposes.

## **D. Taxi and Buses**

- No Structures at Local level. Only at National level
- No Gender equity in any of the Structures
- The Taxi Industry does not have Bargaining Structures however there is in the Sub-Sector of Busses.
- There are generally no women in the Industry however there is a commitment to employ women.
- Need to capacitate members
- Need for more media intervention inside the Sector
- Reports coming from the Commission not discussed
- Need to establish a Bargaining Council in the Taxi Sector
- Utilise Service Seta's Programmes to advance the Recruitment Drive.
- Skills Training already taking place through TETA
- Need to engage Government and Public around popularising Public Transport
- Since there is no Recognition Agreement between Satawu and the Association there is hardship.

## **E. Aviation Sector**

- The Workplace, Local and Regional Structures of Union are operational.
- Members defecting to NEHAWU at ACSA
- At SAA Shop Stewards active at work place but not in SATAWU Structures
- SA Express we are recognised but the process is not complete
- Lanseria Airport Structure is operational but no support.
- EC, Regional and Local in this Sector have collapsed, but the work place Structure is operational
- KZN Structure is operational but just one Company operating there. Two have just joined.
- ACSA intends to return to SATAWU.
- WC there is no functional structure but ACSA in Cape Town are with SATAWU.
- Recognition Agreement has been revived.
- LIMPOPO Local Structures are not functional but work place and Regional Structures are.
- Limpopo Provincial Government has set up a Company to run and develop the Airport in Limpopo thus potential for membership is there.
- Express Air services staff have just joined SATAWU
- Concerned by Airport Handling Services. They have been transferred to the Cleaning Sector from the Transport Sector.
- EC Regional Structures have sought rights from Airport Handling Services yet in Gauteng they have signed Recognition Agreement.
- Shop Stewards should be capacitated to recruit efficiently.
- Local, Regional and National Sector Office Bearers should roll out massive Recruitment Campaign.
- Review or amend Recognition Agreements to allow for ...
- Shop Stewards should be trained to service membership
- Launch Newsletter to disseminate News.
- Members are not serviced timeously

## **F. Security Sector**

### **(i) State of the Organisation**

- Structures are functioning however in many cases the Regional leadership of the Union is not visible and does not provide the much needed strategic direction.
- The work of the Sector and its Structures is not properly evaluated and followed through due to the problem expressed above.
- Reporting to Union Structures on the activities of the Sector is poor due to weaknesses of Regions and the problem already highlighted.
- There are Full-Time Shop Stewards, but they are not adequately and properly used in the Union.
- There is continuing problem of direct women representation in the Sector due to among others the above.

### **(ii) Collective Bargaining Structures and Processes**

- There is Bargaining Forum in the Sector that is a basis of the establishment of Bargaining Council for the Sector
- NOBs should elaborate a Strategy of establishing the Bargaining Council in view of the Sector specific challenges
- They should also provide leadership on unlocking the resources trapped in PSIRA for purposes of establishing orderly Bargaining Structures and Mechanism
- Bargaining in the Sector requires that the Union builds all rounded capacities of the Shop Stewards in the Sector.
- There is a need to close the Wage Gap within and between Sectors
- Wage Demands refer to Proposal above!
- There is need for the Union to monitor the implementation of the Sectoral Determination in order to tackle challenges of non-standard Work Conditions of many workers in the Sector.

### **(iii) Actions required**

- There is need for the leadership to be visible through among others Road Shows, regular Workplace visits and Rallies.
- There is also a need for the Union to popularise its presence and make its achievements known to facilitate recruitment.

## **G. Cleaning and Laundry Sector**

### **(i) State of the Organisation**

- There are National Operational Structures however Regional Structures do not exist except in Mpumalanga and Free State Regions. The Structures Locally exist and operate but not in all cases (65% Local Structures operational).
- The Sector is generally women dominated and there are young workers coming into the Industry;
- Service to workers is below average (very poor)

### **(ii) Collective Bargaining Structures Issues and Processes**

- Unionisation is between 18%-25%, however this needs verifying.
- The Industry employs approximately 80.000 workers and there is a big scope for organising especially by targeting bigger Companies operating in the Sector
- There are generally low wages and a Living Wage Campaign is necessary and can trigger membership growth.
- There is discrimination of workers living with HIV and AIDS in the Industry
- Health and Safety of workers is compromised as workers are not given protective clothing and contract illness related to chemicals being used in the performance of their duties.

### **(iii) Action Required**

- The Living Wage Campaign that highlights the following demands: R 3000. 00 minimum wage; 13<sup>th</sup> Cheque Bonus pay; Provident Fund across the Industry, Health and Safety across the Industry, proactive measures to deal with infection and discrimination of workers living with HIV-AIDS.
- Increase levels of Unionisation by intensifying Recruitment in order to establish a National Bargaining Council.
- There is a need for Campaign to target the entire Sector against non-standard work conditions of Casual, Contract and other such workers.

Prior to Closure, the General Secretary indicated that work had been done by both the General and Sector Commissions, amid, both the time constraints, as well as lack of fully researched material on the other hand and was extremely satisfied with the work done. He further indicated that due to time constraints, there was no opportunity, at the Conference, to still develop a proper Conference Declaration. As a result, the Conference Declaration will be prepared by the National Office Berears and will be circulated to all the Regions on being ready;

The 1<sup>st</sup> Deputy President thanked all the Delegates for their very able participation and expressed hope that the outcomes of the Conference, as will be circulated to all the Regions on being compiled and ready, will be used effectively to service the membership at large and could also be an effective Recruitment tool, if properly implemented;

He, on behalf of the National Office Berears, wished all the Delegates A very safe journey back to their respective Regions and homes and expressed hope that the Constituencies will be briefed as soon as possible in order to be in line with the decisions.



## *Report: Collective Bargaining*

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## STATE OF COLLECTIVE BARGAINING REPORT

During November 2005 – SATAWU convened a Collective Bargaining conference in Rustenburg to look at all areas related to collective bargaining and ask itself whether it was on top of issues and positively changing and improving the lives of its members.

The General Secretary, cde Randall Howard made an input on challenges facing workers and members of SATAWU, in particular. He identified living standards of members which had fallen against the emergence of atypical work and economic ills. The campaign for living wage was not only about money, it also involved the transformation and expanding what workers get from their employers.

The General Secretary identified, as most troubling, the question of scab labour during strikes. The failure by the union to implement a resolution on the establishment of bargaining council/s was making it difficult for the union/workers to bargain centrally. Transformation of the workplace and equity should find expression in collective bargaining agreements, the GS insisted.

The Labour Research Services (LRS), presentation by Trenton Esley focused on the wage trends in the transport, cleaning and security. He also indicated that a comprehensive study of women and collective bargaining was being worked on. For workers to work towards the attainment of living wage – a link had to be developed between collective bargaining, skills development and Employment Equity.

As the result of these inputs comrades had to focus on how SATAWU could face these challenges. The commissions looked at what we had currently and that we still had to confront but, clearly, our union had covered much of the ground but lacked on implementation, on some issues.

The following commissions dealt with these issues which the conference had identified as being very important:

- Defining minimum living and social wage and its impact on wage policy.
- The struggle for the establishment of Bargaining Council/s defines effective collective bargaining process model agreements – recognition, agency shop and full-time shop stewards.
- Development of Wage Policy and Strategy.
- Developing a national framework which could lay the foundation for a policy and strategy covering the following: hours of work, closing the wage gap, grading, performance management, incentive schemes and permanent quality jobs which includes pension Fund and Medical Aid, HIV/Aids and parental rights.
- Achieving Gender Mainstreaming in Collective Bargaining Policy and processes.

- Policies and strategies to achieve a coherent approach to Pension Funds, SATAWU National Provident Fund, trustee training to enhance control over investment and risk decisions.

The “Minimum living wage and its impact on Wage Policy” commission identified issues for actioning as follows:

- Elimination of pay discrimination.
- Ensuring participation of women in the collective bargaining and in the union structures.
- Ensure organizational support and attitudinal change to issues affecting women.
- Establishing Bargaining Councils where they did not exist and substitution of Sectoral Determination with Collective Agreements that came out of negotiation with employers.
- A comprehensive study that could lead to some discussion on the evaluation of wage and non-wage settlement patterns.
- Strengthen centralized bargaining to ensure that all substantive issues were negotiated and concluded.
- The union had to deal with the growing unacceptable current employment trends by recruiting/organizing the casual and contract workers.

The work done by this National Collective Bargaining conference was further delved into by the 2006 SATAWU National Congress which passed a resolution on “Collective Bargaining Engagement” which brought together all issues raised at that conference.

#### **Provincial report on 2005 CB Resolutions implementation**

**North-West report will be used as a yard stick to measure implementation and may find common ground with other provinces.**

#### **Commission one implementation analysis.**

- Discrimination has been sorted out, particularly discrimination that is based on colour, gender or religion etc.
- Gender issues were partially achieved, a lot still has to be done by the organization.
- Since then no bargaining councils were established in cleaning and security.
- The CEC and no other organ of SATAWU did carry out a study on wage agreements and their effects thereof.
- Central bargaining was **maintained** but not improved, because of none establishment of bargaining councils where needed.

## **COMMISSION 2 IMPLEMENTATION ANALYSES (Establishing B. Council)**

- The idea of a Mega bargaining council was not achieved by the organization.
- Research before putting wage demands still remains weak and unsupportive to negotiating processes.
- Educational programmes intended to skill negotiators not done.
- Communication and media has been very sporadic given the absence of a media officer.

The social wage intended was not defined at all. Hence demands or items on the demand list have remained the same.

\* Protocol on mandates and in particular signing of agreements are being **observed**.

## **COMMISSION THREE – (Wage policy and strategy)**

Analysis in terms of this commission's views or work nothing critical was raised other than to re-invent all that we know.

It has to be noted that the advantages raised by the commission on multi year agreements are artificial and misleading to say the least.

It is a big fallacy that proper planning and closing of wage gaps is made possible by multi agreements.

Security and cleaning are the least paid sectors and they run on multi-agreements. The situation is made worse by high inflation we are experiencing today in this country.

Broadly R3000.00 basic wage has not been achieved and Satawu is no where near poverty line.

## **COMMISSION 4 BARGAINING POLICY AND GENDER.**

- Gender now is part of structures and their issues taken into consideration when negotiating.
- Gender structures are operational and allocation of funds is done

Education has not been at its best in all departments, by the standards of delivery, gender has been empowered.

- Employing gender co-coordinators at provinces was not done, infact this recommendation by the commission was indeed an over zealous one.
- We did not employ any women organizers because none applied for the position.

## **COMMISSION 5 – Trustee Training & Worker Control**

It is our logical deduction that none of the recommendations of the commission were implemented.

It should be noted that recommendations most of them are rather too general. They were supposed to be reduced to enabling document for implementation.

More and accurate work needs to be done.

### **SECTORS – Commission**

#### **(a) Road Freight**

Very little was done:

- Dealing with contract casual workers.
- Recruiting young worker

#### **(b) Support Services Sector**

The province does not have the sector.

#### **(c) Taxi and buses**

Still no consistent structures in taxis and organizing have been done. Payment is indeed a problem; it is inconsistent and sporadic so is the structures.

Buses structures are indeed strong and operational.

Promotion of public transport has been at minimal, it has to be noted that NW Province is too rural and heavily dependent on public transport that is also unreliable.

#### **d) Aviation**

Since ACSA members joined Nehawu aviation is none existent.

#### **(e) Security Sector**

Structures are in place. Leadership need to recruit more members so as to realize the dream of a bargaining council by meeting the threshold.

Multi year agreement is greatly disadvantages the sector as second and third years there is basically no increase. Monetary increase is all eroded by inflation and no real wage increase. Wages are bellowing a living wage.

Increase in membership was noted since the last bargaining conference.

#### **(f) Cleaning and Laundry**

Laundry negotiations are at plant level and the structure is now within the scope of Satawu. No structure

Structures of cleaning sector are weak and there is functional illiteracy.

Figures / members are dwindling a lot, and NUM is the culprit in poaching.

Wages still below the living wage or poverty line.

#### **NSC reports:**

##### **a) Membership:**

Based on the responses, it is evident that we have not made many inroads into organizing/recruitment. In fact, sectors were unable to get membership and balance that against the potential membership in the sector.

This information is relevant if we are to be the kind of force on any issue/s and collective bargaining, in particular. A number of meetings have insisted that we need to improve on our recruitment campaign – the national staff meeting also concurred with this.

#### **Cleaning:**

Membership stands at plus/minus 18000 and the potential is 80000.

#### **Roadfreight:**

NBCRFI verified membership 18216. Motorferry stands at 1220 whilst the Capital Software claims the sector has 29599. With a potential of 60000.

##### **b) Rival union/s:**

This is a serious threat in all sectors. There are 29 other unions involved, across all the sectors. Twenty-two (22) are in the security sector and 4 in the maritime. This number has to reduced, drastically. This figure has grown with the Cleaning sector indicating that there are 10 rival unions all in Gauteng. Roadfreight also reflects an additional 03 more unions.

The problem with so many puppet unions in any sector – was clearly seen during the security strike around the deadlock on the wage negotiations. The vigilance, determination and numbers of SATAWU members under the leadership of its Sector Coordinator/Sector Office Bearers and NOBS who were not only faced with achieving what is best for the members but had work with unions that colluding with the employers.

##### **c) Bargaining Council/s:**

#### **Freight Rail:**

Negotiations here are conducted at a company level council called Transnet Bargaining Council.

#### **Security:**

Negotiations are at the National Bargaining Forum level. This therefore means agreements have to be forwarded to the Minister for promulgation.

#### **Support Services/Passenger Rail/Transport Infra-structure:**

In the Support Services negotiations are conducted Transnet Bargaining Council – chamber level.

Passenger Rail moved out of the Transnet Bargaining Council and is in the process of finalizing its own Collective Bargaining Forum constitution.

Transport Infra-structure's bargaining process are centralized at RAF, a political decision is necessary on the feasibility to integrate toll-gates with RAF in trying to formulate a bargaining council.

#### **Maritime:**

MATIBCO was launched but the snag here is the refusal by TNPA and TPT which are still recognized within the Transnet Bargaining Council scope.

#### **Roadfreight:**

The bargaining council does exist; it's called "National Bargaining Council for the Roadfreight and Logistics". However, this council is faced with threshold problems. All these years the Minister has had to reluctantly promulgate and in the process extend the agreement to non-parties who are now challenging this. There is a need of 3000 new members for the council to be fully on its own.

Although Motorferry is this small – there are moves to include it in the NBCFRI.

#### **Cleaning:**

Bargaining is done at National Bargaining Forum. A bargaining council cannot be achieved because we have not been able to organize/recruit effectively.

**The department with the joint intervention of the National Office Bearers and sectors has to seriously resuscitate the MEGA BARGAINING COUNCIL concept.**

**Company-based Bargaining Forums should be engaged to think along the lines of joining and/or opening up the involvement of other companies in their business.**

**The Cleaning sector currently exist along the coastal cities, a demand to bring these together should be explored with an intention to extend it nationally.**

**d) Women in Collective Bargaining:**

**Freight Rail:**

There are four (04) comrades involved in collective bargaining negotiations.

**Security:**

Of the six (06) negotiations representatives three (03) are women and in addition to this the National Gender Chairperson participates in the negotiations and provident fund.

**Transport Infra-structure/Passenger Rail/Support Services:**

Although there are women shop stewards in all three however, do not feature in any negotiations. There is a great potential in giving opportunities for the participation of women but the political challenges facing the sectors, are generally a barrier.

**Maritime:**

There is only one (01) in the TBC level 04. There are no participating women comrades at company level.

**Cleaning:**

The sector has begun to introduce women cadres to collective bargaining workshops but warns that we need to be consistent in developing women and avoid chopping and changing.

**Roadfreight:**

The sector is struggling to move out of this problem. Women cadres are not participating anywhere from grassroot to the top.

Only one (01) comrade is involved in Roadfreight collective bargaining.

**e) Issues affecting women cadres:**

**Freight Rail:**

These are tackled at divisional and Transnet level.

**Transport Infra-structure/Passenger Rail/Support Services'**

There is dire need to put more effort on issues like: 06 months paid maternity leave, family responsibility leave and other related items. Comrades have failed to utilize the legislation to their favour by creating space and opportunities for women to hold strategic positions in companies and/or institutions where we are organized. The sector wants to embark on investing on women as ordinary employees and without

them being elected as shop stewards in their workplaces by giving them training in Skills Development Act and Employment Equity Act and give them more exposure.

**Maritime:**

Issues like maternity benefits are negotiated during wage negotiations.

**Cleaning:**

Nothing very positive is being done on this matter.

**f) Substantive agreements:**

**Freight Rail:**

Wage and Divisional agreements on specific issues.

**Security:**

Wages and Terms & Conditions of Employment.

**Passenger Rail/Transport Infra-structure/Support Services:**

Arivia.kom covered issues like standby payment, shift payment, meal allowances transfer rental subsidy and daily subsistence allowance.

RAF dealt with performance management system, broad banding. The likely controversial matter might arise on the issue of housing as the fundamental question is on whether it could be provided as part of TEC.

On Passenger Rail: an agreement was reached on Housing subsidy, a formula has been agreed upon with management on the Medical Aid. A deal on the principles of Salary Parity has also been agreed upon but this process is far from being over.

**Maritime:**

Recognition agreement and wages that captures some social needs of the workers i.e. bursaries for their children HIV/Aids etc.

**Cleaning:**

Provident Fund and a three week 13<sup>th</sup> cheque.

**Roadfreight:**

Agency Shop, Labour Broker limitations and Hours of work.

**g) Casualisation/Contract/Labour Broking:**

**Freight Rail:**

Not a problem here.

**Security:**

The sector has pushed through an amendment of the Sectoral Determination to give effect to long term contracts of employment and clearly defining of employees and employers.

**Maritime:**

Casualisation seems to be the major problem here. The sector is re-convening the National Dock Labour Scheme (NDLS) talks.

**Cleaning:**

Amendments have been submitted at NEDLAC.

**Roadfreight:**

There is an agreement that limits the percentage that is allowed in the sector. The sector intends continuing to negotiate the further reduction of the current percentage. The current figure is 30%.

**h) Sectoral Determination:**

Those sectors that have had their agreements promulgated would prefer this system in the absence of a properly constituted bargaining council.

**i) Pay Discrimination/Wage Gap:**

**Freight Rail:**

It exists in between the divisions and between Transnet and private sector.

**Security:**

Apartheid wage still in existence.

**Transport Infra-structure/Support Services/Passenger Rail:**

The lack of a union strategy hampers any progress and/or approach.

**Maritime:**

Yes it does exist in the private companies but the sector is embarking on moves to pursue SACD to start closing the wage gap.

**Cleaning:**

Does exist.

**Roadfreight:**

There is an agreement that seeks to close all the gaps that used to exist. When this arrangement is finalized there will be enforcement.

**j) Compliance with Agreements:**

Maritime and Transport Infra-structure/Passenger Rail/Support Services seem to be doing fine in terms of monitoring the implementation of agreements. The Security sector argues that they currently do not have an effective monitoring system.

In the Cleaning sector, comrades monitor the compliance but the problem is with DoL which has the prosecuting authority but that does not do its work.

In the Roadfreight – agreements are indeed monitored.

**k) Mandate seeking and reporting back:**

These sectors are reporting that members are on top of these through their structures.

**l) FTUR:**

**Freight Rail:**

There are 14 in total: TRE – 05, TNPA – 01, TFR – 05 and TPT – 03. Transnet (national) has 03.

**Security:**

There are 14 fulltime shop stewards.

**Passenger Rail/Transport Infra-structure/Support Services:**

There are 06 positions for FTURs nationally in Support Services.

There are 02 positions in RAF.

There are 03 positions in SARCC.

**Maritime:**

There are 04 inclusive of the National Treasurer.

**Cleaning:**

The sector has only one (01) in KwaZulu-Natal.

**Roadfreight:**

The sector will begin embarking on such negotiations to secure FTUR status.

**m) Multi-year agreements:**

**Negatives:** In relation to non-wage issues (Freight Rail), continuous increase on the inflation rate and the fact that it makes workers forget about their struggle (Security).

**Positives:** It gives the sector space to look at other matters concerning the sector and also ensures that workers get their increase consistently (Security).

**n) Capacitating the Negotiators:**

The Freight Rail believes it needs to be improved.

The Security and Cleaning sectors also believes that an effective training is needed, urgently.

Both the Maritime and Passenger Rail/Support Services/Transport Infra-structure also support effective training.

**The department has embarked on concerted effort of delivering collective bargaining to the sectors. Already it has sent cadres to the Labour Research Services and Ditsela workshops in 2007 and 2008. There has also been a balance in terms of delegates representing SATAWU at these workshops with 50/50 representation. A Gender Mainstreaming workshop had to be shelved for a while but will be brought back in due course.**

**The department would also like to increase the number of participants in the workshops.**

**A very strong relationship is being built with LRS/Ditsela and NALEDI.**

**o) Transforming the Sector:**

**Freight Rail:**

There are active Employment Equity engagements.

**Security:**

The sector is engaged with stakeholders at the level of NEDLAC.

**Passenger Rail/Support Services/Transport Infra-structure:**

The approach by the sector is very different in that it believes the union should avoid being sectoral and that the question of transformation agenda should be tackled in the

context of broader NDR. A political agenda should therefore be on top of the union agenda, currently we seem to be passive.

#### **Roadfreight:**

Outsourcing is the biggest challenge facing the sector. The transformation problem is also another big problem, the sector is white male dominated.

#### **Minimum Living Wage:**

The union had set itself to campaign for a minimum living wage of R3000-00 across all sectors. However this demand has not been strategically particular in our lower paid sectors.

#### **COLLECTIVE BARGAINING:**

This should be treated as an overview of what Trenton Ensley will be presenting later and the intention is to pick two/three indication.

#### **Inflation:**

Stats indicate that during January 2007 and January 2008 – poor households experienced an inflation rate that was 50% higher than the rate of inflation for wealthy households. CPI is currently higher than CPIX which is edging towards 11%, with no hope in sight for slowing down the unions have begun to talk double digit during this round of negotiations.

LRS' research states that the longer the time period the more difficult it is to forecast inflation trends. Therefore, it (LRS) advises that there is a need to be cautious of multi-year agreements.

The workers lost out in the multi-year agreements, recently. Whilst the inflation sky rocketed – on average the workers settled for far less.

#### **Conditions of Employment (non-wage demands):**

Very few non-wage items were tabled/negotiated by unions recently. Visiting wage agreements entered into for the current year – only Medical Aid, Housing, Maternity and hours of work were negotiated and agreed upon.

These demands are important and for those that are regulated through the Basic Condition of Employment Act (BCEA) should still be contained in agreements.

#### **Strikes:**

The major strike action/s was triggered by wages. One survey indicates that 63,1% of working days were lost as a result.

With the current difficulties of high cost of fuel, food etc. faced by workers the possibility is that we are faced with more strikes.

## **CONCLUSION:**

The department has commenced a vigorous approach on collecting all agreements (company and/or bargaining council/forums agreements on wages, conditions of employment, employment equity etc.) be they national or provincial to one point. This will also be extended to any other collective bargaining document.

The suggestion by the General Secretary that relationships must be built with all organizations dealing with research on collective bargaining related matters must be pursued – has been implemented, already.

The department should be involved at the level of compilation of demands for that current period to ascertain that demands and issues covered takes into cognizance all that we have set ourselves (resolutions of bargaining conferences/congresses) to fight in an attempt to improve the lives of our members.

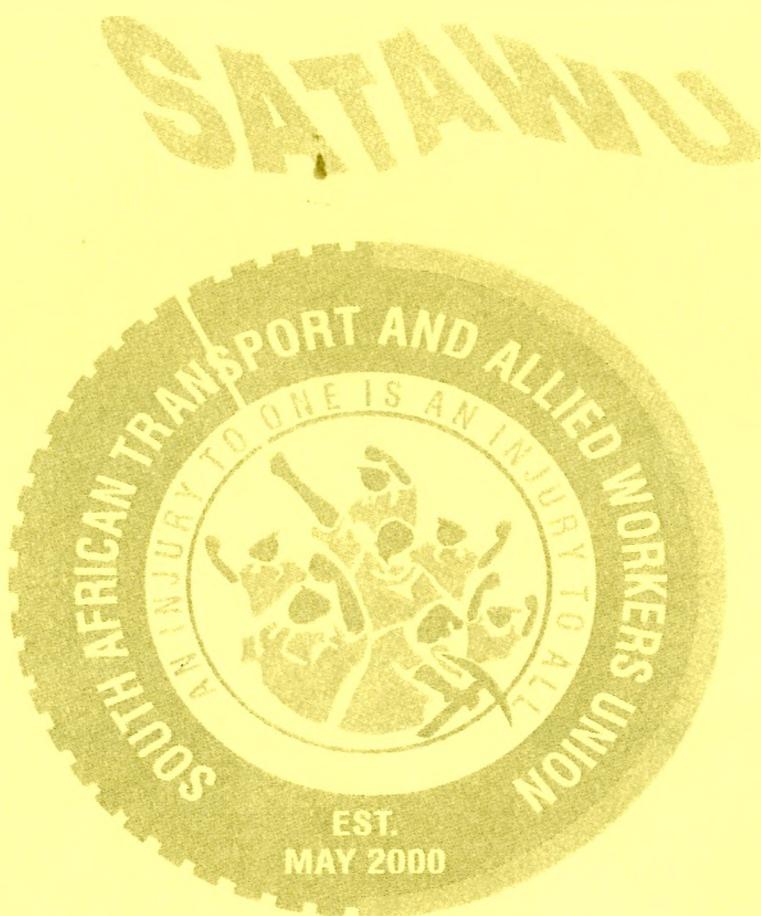
The link with COSATU affiliates and Collective Bargaining Secretaries has been sealed. There are moves to invite a SATAWU delegation to all future collective bargaining meeting/s of the COSATU affiliates.

The biggest fight is to have an effective collective bargaining department which will react, positively, as and when approached for intervention or assistance of whatever sort/s. However, for this to happen – co-operation is key. Requests for reports on any issue should be treated with utmost importance.

**The major challenge appears** to be one of strategically implementing our resolutions in an integrated manner through Collective Bargaining.

## ***Sector Commissions***

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**SATAWU 2<sup>ND</sup> NATIONAL COLLECTIVE BARGAINING &  
POLICY CONFERENCE:  
31 July – 1 August 2008**

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**COMMISSIONS RULES**

1. Each commission will be allocated a designated facilitator
2. Each commission must elect a chairperson and rapporteur
3. The chairperson will outline the time and management of the commission
4. All delegates to introduce themselves
5. The chairperson must chair efficiently, but allow for maximum participation, so that the commission completes its work
6. Each rapporteur must ensure that the recommendations are presented in electronic form
7. The plenary report back resulting in amendments will be captured on screen

## **SATAWU POLICY CONFERENCE SECTOR COMMISSIONS**

### **STANDARD TERMS OF REFERENCE FOR ALL SECTOR COMMISSIONS**

1. List the resolutions successfully implemented by the sector as adopted by the 1<sup>st</sup> Satawu Policy Conference in Rustenburg 2005.
2. Identify the major weaknesses that resulted in resolutions not being implemented
3. Which resolutions still remain relevant for implementation
4. Refer to Labour Research Service presentation in answering the question the following “Has Satawu improved the wages of members in real terms”
5. Decide on the appropriate living wage for your sector
6. Decide on strategies to revive the living wage campaign
7. Decide on your key demands for 2009 / 10 / 11 bargaining rounds
8. Decide whether long term wage agreements should become a policy? Provide arguments for and against.
9. Identify the threats that face the bargaining council or bargaining forum? Recommend strategies to respond to it
10. Propose specific strategies to enhance women's participation in the collective bargaining process
11. How should we represent and bargain on behalf of members in the management strata who are not party to the bargain unit?
12. Discuss the effectiveness of the dispute resolution systems and how it can be improved
13. Propose the criterion to be used to support members during protracted strikes

## ***ITF Presentation:***

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**SATAWU 2<sup>nd</sup> Collective Bargaining Policy Conference**  
**30<sup>th</sup> July-1<sup>st</sup> Aug 2008 - Lake Benoni.**

## **International Angles To Effective Collective Bargaining Policies Development**

*By Joseph Kevin Katende  
for ITF*

The South Africa Transport And Allied Workers Union (SATAWU), is a highly regarded member of the ITF family in Africa and globally. The Union has again illustrated exemplary leadership by showing the rest the way collective bargain, in this era of globalisation should be approached, improved and strengthen using strong collective bargaining policies. The union's bold step to convene this second SATAWU Collective Bargaining Conference is further testimony that, there is a felt need within the union to evaluate, streamline and consolidate collective bargaining policies and practices in order to maximise union gains for members.

In general terms, this presentation is an ITF attempt to make SATAWU's work at the conference easier, by adding an international angle to the analysis the delegates will be making in order to arrive at the desired outcomes of the conference that is; a coherent, user-friendly set of guidelines that are easy to follow in strengthening SATAWU's collective bargaining processes to deliver satisfactory agreements in each sector, as well as achieving a well-supervised process of collective agreements implementation.

This piece briefly highlights the need to create synergies at the policy level, between the key roles and functions of SATAWU as a fighting and winning trade union organisation.

This presentation also highlights the need to link local union action to international networks and solidarity campaigns, by building the union's local capacity to initiate and build well maintained strategic international partnerships. Strategic partnerships and alliances are a critical success factor in any union effort that seeks to effectively

manage the impact of globalisation on collective bargaining processes and outcomes.

The advice given in the presentation is mainly based on the presenters understanding of ITF's experiences and the ongoing work in implementing the Organising Globally strategy that was adopted at the last Congress in Durban. The OG strategy represents a deliberate effort and resolve by ITF affiliates all over the World to understand and manage the numerous changes and challenges that the globalised economy has rudely imposed on workers. Some of the changes make the actual employers that unions, such as SATAWU, seek to negotiate with almost invisible and elusive.

However, the OG strategy also recognises the fact that some of the changes globalisation imposed can be exploited to the workers advantage if workers organise in a strategic way to have a global impact. Therefore, an attempt is made to clarify the ITF's vision underlying the Organising Globally strategy, as well as the existing ITF global networks and other ITF facilities that SATAWU should strategise to take advantage of, and develop a viable user friendly policy that can actually work well, with the help of local and international support.

### **A Need For Synergy between all Trade Union Functions:**

Trade unions exist to protect and promote the interests of members. Trade unions perform the following three key functions to serve that *raison d'etre*:

-The Democratic function

(This requires a union to give workers a democratic voice on all matters in their interest through orderly participation and representation)

-The Economic function

(This requires a union to give workers an opportunity to influence and control production and, then influence a fair distribution of proceeds)

-The Social function

(This requires a union to prepare and empower workers with skills to participate wherever decisions affecting them are being taken, to avoid social exclusion)

A trade union is the workers fighting machine for human and trade union rights including collective bargaining. A collective bargaining policy that is likely to be successful must of necessity provide guidelines on how to create the requisite trade union power to be used in supporting the negotiating processes. Often, unions find it cost effective to develop the requisite power and display it, for all those concerned to see and oblige, in order for the union not to have to use it all the time for industrial action, but for pressure to bear an employer to negotiate responsibly.

The policy should also provide guidelines on how to achieve synergy and a fair balance in the distribution of resources between the above three functions, which are all important and actually consume considerable resources and energy to be performed well.

Collective bargaining, which is an activity under the economic function cannot stand alone and needs to be supported by the successes achieved at the democratic and at the social function fronts. Linkages and channels of communication to lobby decision makers on issues such as sector minimum wages need to be clarified. SATAWU may need to clarify in its policies, how it should achieve and maintain a positive and supportive public opinion towards its collective bargaining activities so that, in the event of industrial action, as a last resort, the public is won over and remains committed to the workers struggle, which also benefits the broader community.

In performing the social function SATAWU needs a guideline on how to engage other institutions that can influence processes and opinions in favour of SATAWU's bargaining processes. The guidelines need to take into account the shift in the required skills to be able to build and maintain networks as well as leadership skills in the union and in the broader community, where decision making may exclude workers, if they do not seek to participate and influence decision-making processes at all levels. If workers do not participate at that level, the gains of collective bargaining can be easily eroded

by other negative factors that are difficult to control unless interventions are made at the source. Local governments' extortionate taxation policies or the extremely high costs of essential services in the community can undermine collective bargaining policies. There is certainly a limit to what a trade union can do and achieve at a time but guidelines on a holistic approach might help to mitigate some of those negative impacts on collective bargaining processes and gains.

As we move on to the international angle, a quick glance at SATAWU's instruments within which the policy has to develop, as well as the achievements of the first Collective Bargaining Conference is worthwhile, since it will form the basis for the arguments and the pieces of advice this piece can provide to the discussants.

### **Current SATAWU Policy Evaluation:**

SATAWU's Constitution is explicit about the collective bargaining function in two articles: Art. 12.1 - .2, and Art. 38.1-1.3, where the authority to conclude agreements and the right to represent the union are allocated. A collective bargaining process is only considered complete when the signed agreements are being implemented and supervised by authorised union officials at the receiving end and the union gets a feed back in good time. SATAWU may consider strengthening those provisions at an appropriate time to ensure that the holistic collective bargaining policies that develop, take into account the need to assign roles all the way down. Usually this also helps to lessen complaints within unions about who has done or not done what, to promote effective collective bargaining processes. In the same light Art. 38.1-1.3 may need to be strengthened so that the collective bargaining policies get greater leverage from the constitution. It is just food for thought as we turn to the achievements of the first Collective Bargaining Conference of 2005.

The first Collective Bargaining policy levers were a major breakthrough when guidelines emerged on:

- Assigning full time shop stewards,
- Guidelines on agency shops
- Definition of negotiation procedure frameworks

- CB process coordination guidelines
- Mobilisation strategy guidelines
- Strike action guidelines
- Wage policy guidelines focusing on equality, skills development, agreement implementation and integrated implementation.
- Back to basics of organising, worker involvement
- Use of inflation; statistics and researched company information
- 3000 Rand minimum across sectors

The above policy levers enabled SATAWU to redefine and illuminate its image through coordinated mobilisation of power for action, to support collective bargaining and its processes. SATAWU's achievements as a result of the above policies speak for themselves. The recent show of workers resolve and power to chase the all powerful Chinese ship carrying lethal arms intended for Zimbabwe, went on for days all over southern African waters, but without anywhere for the ship to hide or time to dock, is eloquent testimony of some of the achievements of the above policy, that emphasised mobilisation and coordination.

### **Positive Public Opinion:**

The moment the South African Council of Churches learnt of SATAWU's action to boycott the ship, and the Council immediately swung into action to support SATAWU by way of an application for a court order to arrest the ship. That is further testimony that SATAWU by way of the above policies developed a positive public opinion and other credible institutions would like to associate themselves with its struggles. However, what is not clear in the current policy might be the guidelines on how to preserve, maintain and exploit that positive image to strengthen collective bargaining processes. Sometimes situations such as opinion may change without notice if no clear controls are in place at the policy level. Numerous other institutions including NGO's wished to associate with SATAWU and many media houses created website stations to cover SATAWU's action. About ten days after the start of the chase, a Google search on SATAWU and the Chinese ship would give a result of close to a thousand electronic stories on websites.

COSCO the owner of the Chinese ship has all the characteristics of a multinational corporation and the moment it left South African waters, the chase could only be continued with the coordination and support of ITF and its affiliates as well as the ITF inspectors. International networks are needed.

### **Building Strategic International Networks and Partnerships:**

The work of SATAWU including collective bargaining requires strong and productive international connections and strategic partnerships. The ITF President while closing the Durban Congress in 2006 said, “*SATAWU (the South Africa Transport and Allied Workers Union) recognises that our international work has strategic importance for our movement. There is recognition that the most effective way to challenge global capital is through global organising and trade union work.*”

(Randall Howard, 2006, Transport International, issue 25, pp10-12)

The challenges SATAWU is facing in the collective bargaining field have an international angle to them, and this is true for all sectors. Companies such as Spoornet, Transnet, South Africa Airlines (SAA) and others require collective bargaining policies that give SATAWU influence on the behaviour of sister unions beyond borders, in order to ensure comparable demands and pressure on a given employer. The ongoing restructuring in SAA is a living example where the divide and rule tactics of employers have been developed further and perfected to work at international level. SATAWU should be guided by good international collective bargaining policies to be able to lead the coordinated international trade union response to SAA, the World Cup carrier. Trade unions that organise in SAA in other countries were a few months ago grouped in small geographically diverse clusters and were flown to Johannesburg at SAA expense. They were briefed about the restructuring process, but without giving them any opportunity to adequately consult among themselves in good time and develop strategies on how to push the trade union agenda in a restructuring exercise. Divide and rule is working very well in a globalised environment. Even the regional office was taken by surprise that such a tactic was being implemented against transport affiliates.

An ITF mission to Swaziland in 2007 confirmed that, trucking companies plying the Maputo Luanda Southern Africa corridor cannot be properly called to order on collective bargaining matters in one country, until unions such as SATAWU team up with sister unions in neighbouring countries such as Swaziland, Botswana, Namibia and others for a common well coordinated bargaining approach to be developed. Clear policies with strategies that make it possible for the organs and the leadership of SATAWU to strive and build those strategic cross-border alliances need to be considered for inclusion. To be able to track down errant and evasive multinational employers on issues of collective bargaining requires new policy guidelines to be developed for adoption. Framework agreements such as the one with Spoornet are very important but according to ITF's experiences in the maritime sector, those can only work and deliver the required results if they are internationally supervised and supported by effective mobilisation for them to perform well. That is why the ITF has a powerful team of ship inspectors and well organised hosting unions.

### **Strategic Partnerships GUFs: ITF & UNI; ITF & ICEM, ITF& PSI**

The SATAWU collective bargaining policy needs to be strengthened to highlight the realities of the changed transport sector work and its importance in the modern production processes in South Africa and the entire Southern Africa sub-region. The emergence of Integrators and giant logistics companies such as DHL, TNT, FEDEX, UPS has created challenges as well as opportunities but, which opportunities are difficult to exploit without following clear policies and strategies on the building of networks with other global union federations. ITF is developing and consolidating partnerships with strategically important GUFs for transport worker. This is being done with UNI (Union network International), PSI (Public Services International) and ICEM, The boundaries between industries are beginning blurred in today's global world. DHL, for example, a major and well known transport employer is 100% owned by the German Post Office. It employs pilots, drivers and workers in distribution centres and both transport and postal unions are involved in organising them. So a global organising campaign can only work if the ITF and UNI work closely together. If not, DHL workers become weak targets for divide and rule

exploitation. The ITF as a member Council of Global Trade Unions has made efforts to establish working relationships with key Global union federations, with which to tackle international work and coordination of collective bargaining efforts. Since the tracking down of such mobile giant corporations is always a nightmare the ITF Congress in Durban 2006 adopted the popular African method of laying traps to catch eagles on the ground. Although eagles fly high and far, whenever they land on the ground to prey on what they regard to be weak targets they fall in the traps. The African saying goes that, "**Eagles do not feed on clouds**". The best way is to waylay MNCS in hubs and in the corridors.

## **ITF's OG Strategy influence on SATAWU's Policies**

The ITF's Organising Globally strategy is a response that takes into account, the fact that, the development of the modern production systems based on Just-In-Time (JIT) delivery of components and raw materials and the picking of finished goods, makes transport workers more important now than ever before. The strategy also recognises the fact that those difficult multinational transport companies such as Maersk, PMO UPS etc have hubs of intense activity, where goods and services are delivered and picked. Those places are the very choke points, where the trade unions must lay the traps for the eagles and catch them to be under pressure to negotiate with unions in a responsible way. Those hubs must be very well organised in order for the traps to be able to catch them. This means that the unions must have elite, combat-ready activists on the ground, that can quickly exchange information, mobilise and flex muscles but with the right coordination of information at the local and international levels for the right international solidarity support to be generated by the networks to which the unions belong. The Chinese Ship chase was a very good experience for SATAWU and the ITF in Africa, on how complicated it can become if no international networks exist and share a common code of effective communication.

Communication within and between African Transport affiliates has already been identified by the Africa Regional Committee (ARC) as a major bottleneck to international trade union work. Steps are already being taken to address that weakness by way of a communication

improvement project, to which SATAWU will contribute and benefit when it comes into being.

### **Existing ITF networks, activities and facilities:**

The ITF has sought to give practical effect to the OG strategy in this respect and it has identified affiliates that organise under the same strategically important but difficult employer such as, Maersk which is a multinational cargo transportation company. ITF has brought affiliates that organise workers of Maersk together to discuss the practical arrangements of building their Maersk international network, and lay strategies on how the network will practically work in engaging Maersk.

An effort has also been made by the ITF secretariat to collect and integrate strategically important information on companies such as Maersk and has made it accessible to the unions that need it in their collective bargaining processes.

The ITF Secretariat has taken practical steps to engage Maersk management at the global level to create rapport that can be exploited by affiliates that have acute difficulties in engaging the company at individual country level. The same process needs to occur with the other global network terminal operators in the ports industry: DPW (Dubai owned) PSA (Singapore owned) and Hutchinson (Hong Kong owned)

The ITF secretariat is also in the process of creating an interactive website facility in which members of different networks can pick or drop utilisable information quickly.

Like all networks are, it is important to maintain them and service them in order to retain the interest of member unions.

If members do not get a quick solidarity response when they send a distress signal, such networks can fail to perform and be abandoned all together.

The ITF has also used its vast experience in international trade union work in the maritime sector to interest concerned affiliates on the possibility of framework agreements. SATAWU may need to consider developing an appropriate policy to guide its enrolment and

participation in those various networks and effectively participate and exploit them in order to strengthen its collective bargaining processes and outcomes.

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