

SALHA 2: NACTU

# Workers Tribune

A National Council of Trade Unions Publication

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## Workers' solidarity & May Day

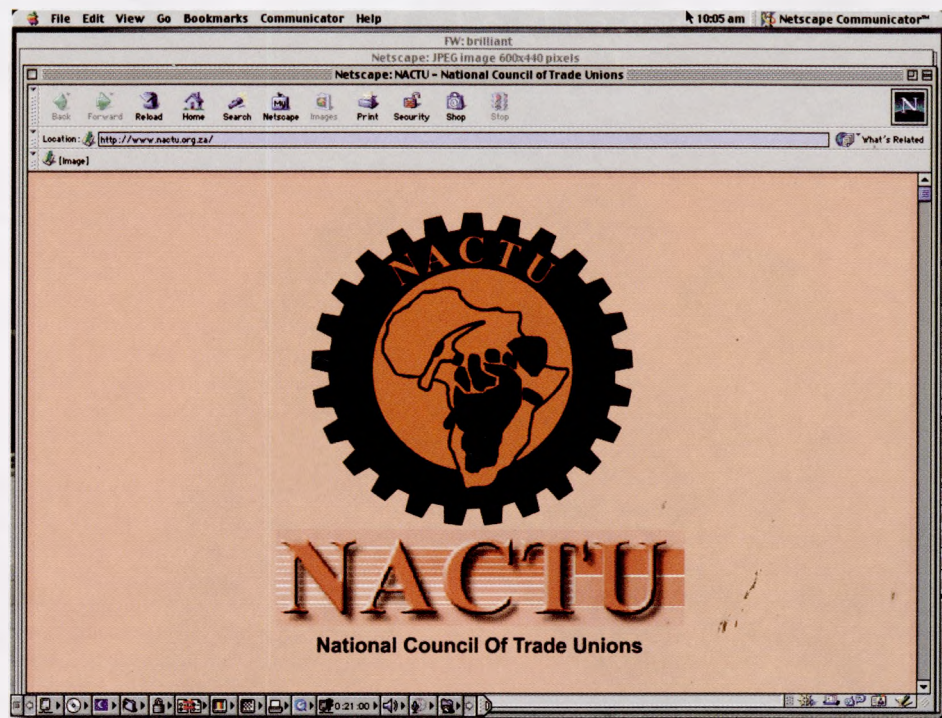
What **globalisation**  
means to workers

**Bosses** steal  
workers **pension**

Gender and the  
**workplace**



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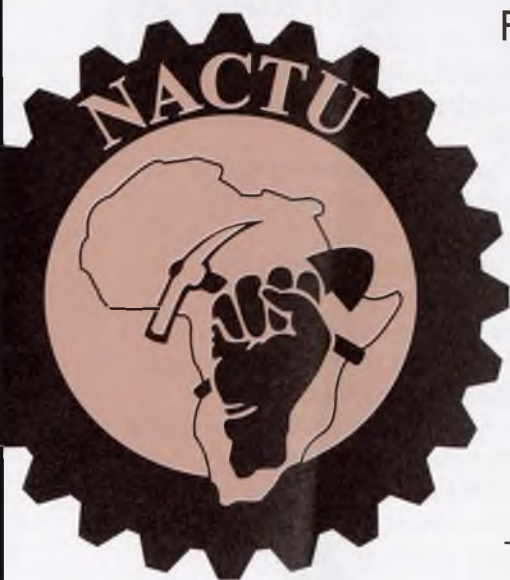


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# contents

contents



From the editor's desk	02
Economic Justice Demystifying the process of globalisation	03
Social Justice The legacy of May 1 lives on	07
Gender How to create a gender sensitive society	11
NACTU Meet the NACTU members	12
AIDS The fight against HIV-AIDS requires all our efforts	14
Pensions Something fishy about workers pension fund	16





# from the editor's desk

**N**actu, the second largest trade union federation with a membership of more than 500 000 workers from across various sectors, publishes this month its new baby, Workers Tribune, a monthly magazine that will communicate the federation's message to its members and other interested parties.

It was not by accident that the birth of this important publication should coincide with May Day. For Nactu, May Day is the embodiment of workers' and peoples' struggles that has culminated in the freedom that South Africa enjoys today.

We also know that these struggles occurred in an unfriendly, and often hostile environment, with many of the liberation heroes and heroines laying down their lives for the love of freedom and justice.

We now enjoy democracy and freedom, and we must work hard at preserving it. We must always be mindful that it is easy to abuse freedom, and so we must strenuously be on the lookout for tendencies that seek to undermine freedom.

We may have a new political order in our country, but there can be no question that the working class is still facing new challenges against capital, even black bosses. We still live in an environment that creates tensions between the working class and the bosses. We still have thousands of our comrades who have been retrenched because of the desire by bosses to realise big profits.

And so, the struggle for workers' complete emancipation from tyranny is far from over. All bosses, including some we shared pain and abuse in the apartheid trenches, are capable of reverting to old ways. We must not forget that, like the erstwhile bosses of the apartheid era, they operate within an environment that is

determined from outside, and so they have to play the game according to pre-determined rules.

The emergence of turncoats is on the increase. And for reasons I have alluded to, that should not surprise us. The trade union movement should increasingly prepare itself for other battles. But we should also empower ourselves with knowledge, so that when we dialogue with the bosses we raise compelling arguments. Slogans alone do not work. We need to develop intellect as well.

And so in this issue, Comrade Cunningham Ngcukana begins the process of teaching, and mental empowerment. He helps his readers to have a better understanding of what globalisation is all about, explaining that it is more profitable for unions to have profound appreciation of the workings of this system if they have to use it to their advantage.

Ngcukana also writes about May Day. He tells us about the origins of this day. It is history we need because it is both informative and inspiring. A fine and commendable work by the general secretary of Nactu.

There is also an article on gender equality in the workplace. Brenda Modise wrote it for us, and do read and enjoy it.

To break the heaviness of the magazine, we also run a variety of pictures that seek to introduce to readers some of Nactu's leaders. We believe that it is important that you know your leaders in the trade union movement.

Most importantly, however, we want to create a dialogue between ourselves and readers. Do, therefore, send us letters, commenting on various issues raised in this number.

We hope to be of service to you. Do have a nice read.

*J Mahlela*





# Economic Justice

Demystifying the process  
of globalization

The National Council of Trade Union, Nactu, is taking a more pragmatic view about globalisation. It believes that a strong and independent trade union movement will ensure that the poor will derive benefits from the process. In this article, general secretary of Nactu, CUNNINGHAM NGCUKANA explains how.



**G**lobalisation evokes passionate debate amongst unionists, activists, economists and politicians. For some it is easy to call for its outright rejection as if we had a luxury of a choice to do so. For me the critical question is: how can we make globalisation work for the poor, and what role should the trade union movement play to achieve this?

As the economic inter-dependence between economies and countries increases, so is the heat on the debate about globalisation. Its impact on the lives of ordinary people has taken the debate beyond the boardrooms of banking institutions, companies, to the factory floor, and the streets.

What bothers workers is how they are expected to produce in the workplace more with fewer workers, and about long working hours. They are also concerned about rightsizing, downsizing, and outsourcing. Not least, the workers are worried about the attitude of management that threaten to move production into areas where labour is cheaper, and where there is no respect of union rights and about cheaper imports that kill their jobs.

These developments have put a severe strain on the labour movement in developing appropriate responses. In addition, there have been different responses by the labour movement to this phenomenon. However, before one sets out a response, it is important to outline the origins of this development.



### Origins of globalisation

Globalisation is closely linked to the processes of international trade and investment. To demystify the phenomenon it is important to understand why there is international trade in the first place.

International trade exists because of the following reasons:

- The natural resources are not evenly distributed. While South Africa can satisfy its own requirements such as sugar and coal, it is entirely dependent upon the rest of the world for other products such as oil and rubber. Similarly, Saudi Arabia and Iran are sitting on top of huge oil reserves, but may lack other natural resources.
- Skills and levels of education of a country's labour force play an important role in trade. If a country's labour force has more skills in the production of cars, for example, and the other in producing aircraft, these countries will trade with a country endowed with producing cars, while selling their products to a country with the ability to produce aircrafts.
- International trade is therefore essential for economic development of nations because:
- A country may lack vital resources it can get by trading with others.
- Each country, climate, the level of skills of its labour force, and other endowments make it a relatively efficient producer of some goods than others.

### What regulates the international trade?

International trade is regulated by both economic and political factors. They are:

- Political factors: imposition of tariffs (import taxes) and quotas on imported goods; the provision of subsidies for certain industries tax breaks;



the involvement of governments in certain industries and sanctions.

- International foreign exchange involves at least two currencies. Rate of exchange between countries can and do change.
- The ease with which capital and labour move between countries: capital has increased mobility over labour between and among countries. There is however a high labour movement of skilled labour among countries with a free labour movement agreement such as in the European Union and high skills. Where such agreements exist, skilled workers such as information technologists, medical doctors, and engineers, have free mobility.
- Regional trading blocks that regulate trade among themselves, and other countries. The most notable is the European Union, SADC, NAFTA, AFSAN and MERCOSUR.
- The World Trade Organisation is the multi-lateral trade institution that seeks to regulate international trade globally.
- Other institutions: These institutions are the OECD, the G7, the IPO.
- International financial institutions such as the IMF and the World Bank.

#### What then is Globalisation?

Globalisation means an expansion in the volume of cross-boarder transactions in goods and services, and an increase in international capital flows and also the widespread transfer of technology. Globalisation is facilitated by the following developments:

- Liberalisation of trade through regional and multi-national trade agreements.
  - Rapid expansion of foreign direct investments by multi-national companies chasing cheaper production.
  - Low barriers to international transfers resulting in massive unproductive speculative equity funds as a result of liberalization of exchange control.
  - Information Technology and other forms of communication facilitating the speed of such transfers.
- These developments have increased competition among companies within countries and among countries. The responses of multi-nationals and companies have been to cut costs and to introduce a new technology to be more competitive. Also, labour costs are seen to be a key indicator of competitiveness.

#### The response of companies to globalisation

- To out-source what is not regarded as core business to contractors who are known to have very little regard for labour standards.
- To increase the use of casual labour and contract labour to reduce the costs of social benefits such as pensions and medical insurance.
- To put pressure on governments to deregulate the labour market and break up the centralised bargaining facility, and removing the minimum wage regulations.
- Investments towards capital and intensive and technological advanced methods.
- Acceleration of mergers (both vertical and horizontal) and acquisitions.

#### The impact of mergers and acquisitions.

These developments have also increased competition among countries for investments in the local economy. In an effort to attract investments, the government has taken the following positions under pressure from multinationals.

- Deregulate labour market by weakening employment standards and undermining social dialogue.
- Introduce export processing zones in developing countries where labour legislation is not allowed.
- Tax incentives to attract investments.
- Liberalisation of trade through lower tariffs.
- Liberalisation of exchange controls to make exports more competitive.
- Privatisation or restructuring of state enterprises.

#### What have these developments meant for workers?

- New work force such as casualisation and contract labour without benefits.
- Increased retrenchments, unemployment, and poverty.
- Increase in job insecurity.
- Increase in worker injuries.
- Informalisation of employment.

#### Other implications of globalisation

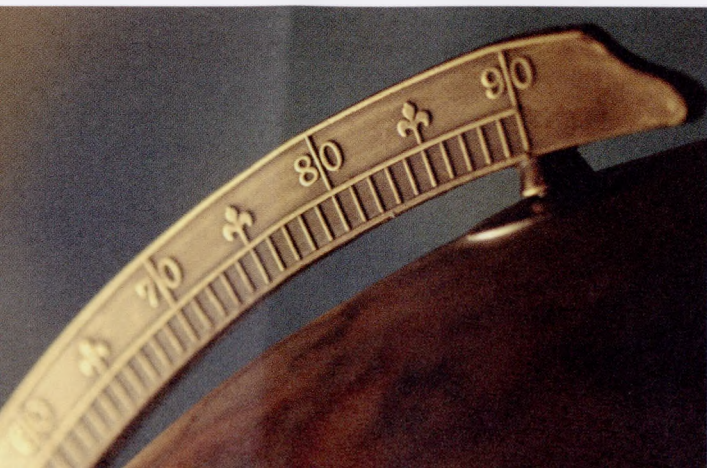
- Increase in social costs of health and safety as they transfer to the public sector as a result of reduction of health benefits and lower health and safety standards.
- Increase in unemployment and crime.
- Increase in social instability.

#### How should the trade union movement respond to globalisation?

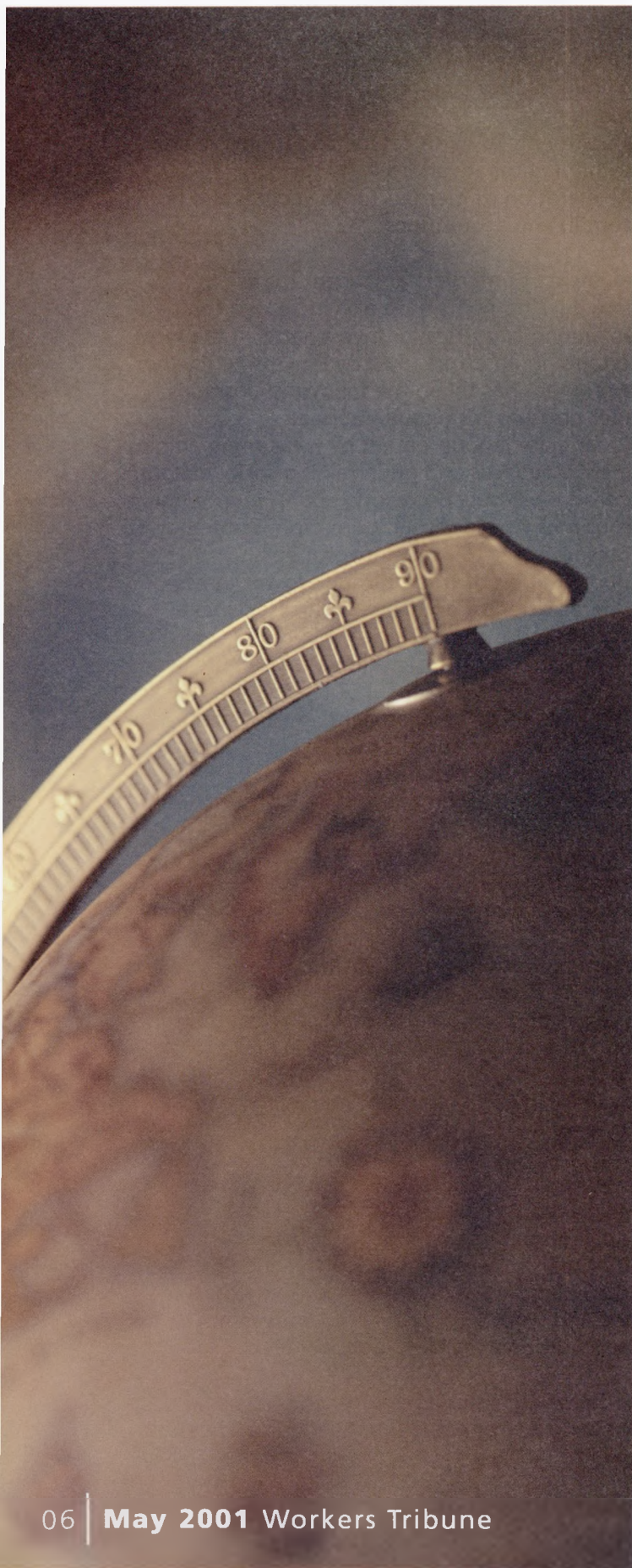
Globalisation must be made to work for the poor rather than for multinationals. The critical question should be how to make globalisation work for the poor, and what role trade union movement should play at national and international level.

#### The following should be its response

- Building a strong and independent trade union







movement. It is important for unions to continue to organise as the membership is the only organ to take up the fight against globalisation.

- In this respect, Nactu has already launched an organising project from June 2000 to June 2001 and hopefully more campaigns in the provinces around this will be launched.
- The ICFTU and ITS should endeavour to assist weaker affiliates.
- The second response is to design educational programmes for members and the leadership relevant to the new circumstances.
- The third response is for the trade union movement to develop strategies at national and international level.
- It is important for Trade Unions to develop not only short term plans but long term plans at national and international level.

This is so because without constantly scanning and assessing the environment within which we operate we will lose relevance to our members.

The fourth response is to ensure that a new worker created by the new economy is represented by ensuring that at:

- At national level we close the loophole by fighting for social benefits for workers including contract and casual workers.
- At international level we fight for a social clause in trade agreements by working with our government and the international trade union movement. We should ensure that the clause is not used in a protectionist manner as an international minimum wage.

The fifth response is to campaign both at national and international levels for the new financial architecture.

- At both national and international levels we must seek for a mechanism such as the Tobin tax on speculative investments. Chile and Taiwan have already implemented these measures.
- In South Africa the capital gains tax will ensure the abuse of stock markets comes to an end.
- At international level, this should be regulated to ensure wider application.

The structural adjustment programmes of IMF and World Bank should be fought to ensure that there is a social dimension to these programmes.

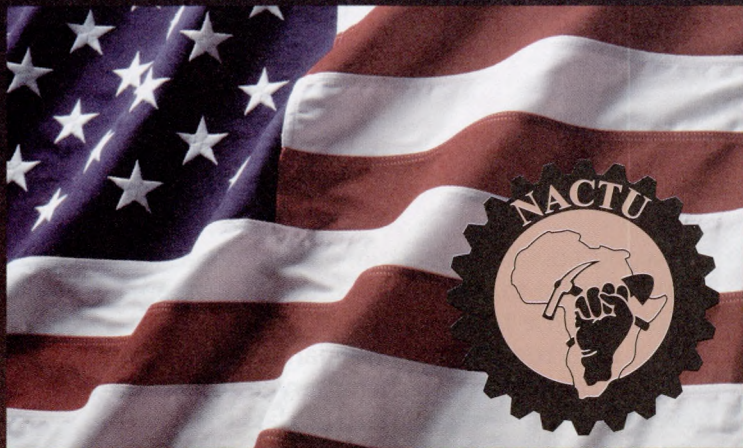
The sixth response is that we should campaign for a round of negotiation at the World Trade Organisation at Qatar to have a special arrangement for the developing countries as follows:

- A special dispensation in the WTO for developing countries that would include discussion around TRIPS.
- Market access for agricultural products from developing countries.

Lastly, the campaign on the debt burdern of developing countries should be accelerated.

If we work around these issues then globalisation can work for poor people.





May Day is the day of the workers, their struggles for industrial justice and equality in the workplace. But it took a lot of pain, sweat, sacrifice, and many years of struggle before workers won themselves respect and recognition in the factory floors. In his message, the general secretary of Nactu, CUNNINGHAM NGCUKANA, describes how these workers' struggle were won.

# Social Justice

The legacy of May Day lives on



**M**ay 2001 will be exactly 115 years since the events that gave rise to the celebration of May Day took place in Chicago in the United States. Many people all over the world have won the right to hold these world-wide demonstrations through bitter and heroic persistent struggles. As important as it is, this day marks the first clashes between capital and labour.

May Day was first celebrated in South Africa in 1985 when CUSA, FOSATU, AZACTU, and UDF took a decision to hold May celebration after years of repression. The last celebrations to mark May Day were held by SACTU in the 50s.

During the apartheid era, May Day celebrations were held under heavy police vigilance in many parts of South Africa, for it is on this day the unions made various demands to the oppressive state, including the unbanning of organisations such as the ANC and the PAC and the SACP.

The period marked a serious worker mass action by workers together with political and community organisations for the final push against apartheid. And this was to precipitate a state of emergency declared by the apartheid-inspired Nationalist Party on June 12 1985.

On this day, many activists and workers were put behind bars.

On May Day 1986, the 100th anniversary of the Haymarket celebrations, CUSA, AZACTU, and COSATU in collaboration with other organisations organised a massive stay-away, appealing to workers to attend a mass demonstration. Dozens of workers were killed and hundreds injured when police attacked the demonstrators.

Since then NACTU and COSATU have organised events around May Day despite repression. This they did until the regime succumbed to workers demands

## BORN OF THE STRUGGLE

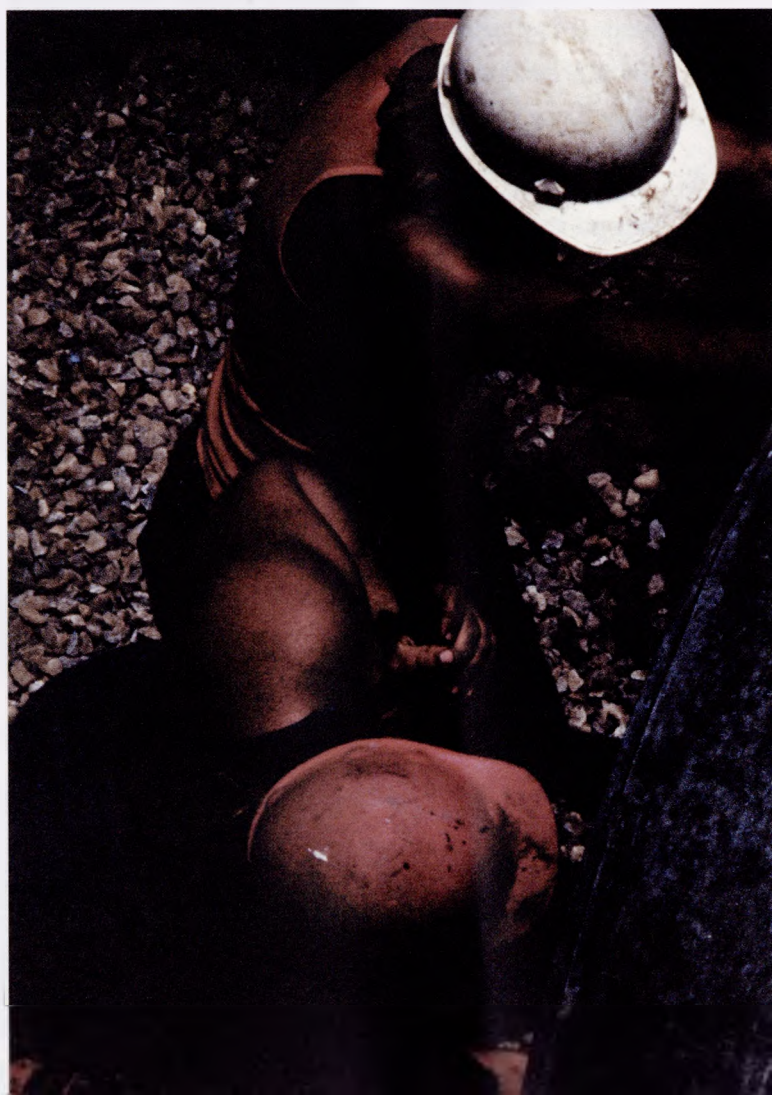
More than 100 years have passed since the first May Day demonstration and the tragic events of 1886, when workers' blood was shed when police in Chicago violently attacked them on May 3 and 4. In celebrating each May Day, the working class never forget that this day represents the day of solidarity, and that their own struggles came about as a result of the harsh battles against capitalism.

By the middle of the 1880's the USA was a country of sharp social contrast. Suffice it to say that the working people then toiled up to 16 hours a day. This was a scandalous anachronism for the USA, which by that time had already become

the world's leading industrial nation. It was in no small measure that the trade union movement which gave rise to May Day was formed. The existence, up to the 1880s, of free lands in the West, with the chance to own them, served to retard the development of the proletariat's class consciousness. The great majority of skilled workers in the USA at the time were the descendants of the first Anglo-Saxon settlers and enjoyed a privileged status in society, and became more secure as the industrial monopolies grew.

Nevertheless, in 1881 the workers' union, The Federation of Organised Trades and Labour Unions of the United State and Canada was founded. It adopted the historic resolution by introducing an eight-hour working day at its Congress in October 1886. The trade unions were to put into effect, beginning with May 1, 1886 laws corresponding to this resolution.

The procedure for putting this demand into practice was elaborated at the Federations' Congress in 1885. Negotiations were planned between the trade unions and management hop-







ing that they would result in agreements signed by both sides. In the event of negotiations failing, the trade unions were to strike on May 1, 1886. Preparations for the strike began in 1884.

These preparations for the national May Day strike and demonstrations were most energetic in Chicago, a well-known industrial centre throughout the US.

The revolutionary anarcho-syndicalists had initially refused to participate in the campaign for an eight-hour working day. They were highly influential in the city's workers organisations and stated that this demand was equal to accepting the owners' full rights to the workers during these eight hours, and acknowledging that the system of hired labour was just. However, by the beginning of 1886, they no longer wished to remain in isolation from the proletarian milieu and openly joined the movement, making every effort to make the struggle more radical.

The capitalists, too, were active in their preparations for May Day, especially in Chicago, where they had a stronghold. The national guard cavalry, police and sheriff's men were all armed and awaiting orders.

The bourgeois press unleashed a hate campaign against the leaders of the workers' movement in Chicago. Thus, on May 1 1886 the editorial of the Chicago Mail reported that two dangerous murderers, two cowards, hiding behind the backs of others and stirring up trouble, were at large in the city. Their names were Albert R. Parsons and August Spies. If any trouble began, all decent citizens were to get them, as an example to others. The Chicago newspapers threatened they would mercilessly suppress the demonstrators. They also said mass dismissals would follow.

Although the streets of Chicago were filled with armed soldiers and policemen on May 1, the long-awaited and well-planned demonstration in which

tens of thousands of working people would take place part, proved a success. For the first time in history, the working people were able to fully appreciate the overpowering force of a united demonstration of the working class against whom, in the end, the authorities did not dare to use force. There was no major city in the USA that day that did not strike or demonstrate support for the eight-hour working day. In all, more than 500 000 working people struck on May Day, 1886.

However, two days later, on May 3, the Chicago industrialists launched a counter-offensive. The owners of several factories announced that all those who had taken part in the demonstrations and strikes would be fired. The McCormick Factory, to which 300 strike-breakers were brought under heavy police guard, became the centre of the ensuing events. To counteract this, the workers supported by their striking comrades from the nearby lumber yards, organised a protest demonstration. The police opened fire on unarmed workers and killed four men.

This brutal action by police was meant to provoke a backlash by workers and strikers which then could be used to attack the working-class movement. Some anarchist groups succumbed to this provocation. Gripped by just indignation, they printed and distributed leaflets which called for bloody vengeance and an armed struggle.

At a meeting held the following day at Haymarket Square, Parsons and his comrades Spies and Fielden, warned the workers not to begin any spontaneous protest actions, saying that the organisation of the strike movement is essential for success if their goals are to be attained. The mayor of Chicago, Mayor Harrison, who was present at the meeting, later testified that neither the speeches, nor the meeting itself, infringed the law.

Five-and-a-half years after the shameful killings in Chicago on June 25 1893, a monument to the Haymarket martyrs and the leaders of the Chicago



proletariat, was unveiled. The following day Governor Altgeld of Illinois declared the courts' decision to convict the workers to be invalid. He freed the remaining prisoners, sharply criticised the judges and members of the jury, declaring that the prisoners were innocent victims of judicial tyranny.

Thus, May 1 1886 went down in the annals of the international working-class movement history as the first major victory for the working class. The leaders of the trade unions appealed to all American working people to fight for the establishment of an eight-hour working day. It was this concrete struggle that was to determine for many years to come the focus of the May Day demonstration of the working people in many countries of the world, including South Africa.

May Day of 1886 is important because then the multi-national American working class demonstrated the growing strength of proletarian solidarity. May 1 was later proclaimed international working class solidarity day.

### THE SIGNIFICANCE OF MAY DAY 2001

May Day is traditionally a day of international solidarity by workers all over the world. It is a day to reflect on the past struggles, and focus on new challenges.

It is also a day to pay tribute to the workers who died in the trenches of the struggle.

Many people take it for granted what our movement has achieved. The labour movement has achieved the following:

- Paid sick leave
- Maternity leave
- Leave
- Saturday and Sunday as rest period or a premium rate if required to work.
- Social security
- Fair treatment and justice at the workplace.

These achievements have not been through magnanimity of governments but through bitter struggles accompanied by injuries, loss of jobs, resulting in suffering and loss of life.

May Day is therefore, not just a holiday as other days. It is a day that should signify our unity, purpose and direction.

### DEMOCRACY AND SOCIAL JUSTICE, A CALL TO NACTU WORKERS AND ALL SOUTH AFRICAN WORKERS

We are celebrating May Day after seven years of the 1994 political breakthrough of which South African

workers played a central role in its achievements.

We are also celebrating achievements in the field of workers' right and corrective labour legislation. However, vigilance should be our sworn word as capital and its apologists seek to reverse these gains.

Where are the loud mouths who condemn our movement as being reactionary and retard growth using economic terrorism? We should ask them where were they when workers and their children made apartheid South Africa ungovernable.

We should ask them where were they when workers were killed, maimed, lost their jobs and jailed. We should ask them why should democracy benefit a small elite.

The gains we have made in the LRA and BCEA should never be allowed to be reversed. The impact of globalisation on the lives of South African work-

ers through contracting out, out-sourcing and privatisation (restructuring of state assets) has created the following:

- Unemployment
- Job insecurity
- Loss of social security

We see companies relocating to areas where human and

trade union rights are not respected.

In the social front, those who have made sacrifice, freedom see no change but a small black elite.

Public hospitals have poor services due to poor management and sheer corruption. We need to call upon the government to ensure that access is not the preserve of the rich and a small elite.

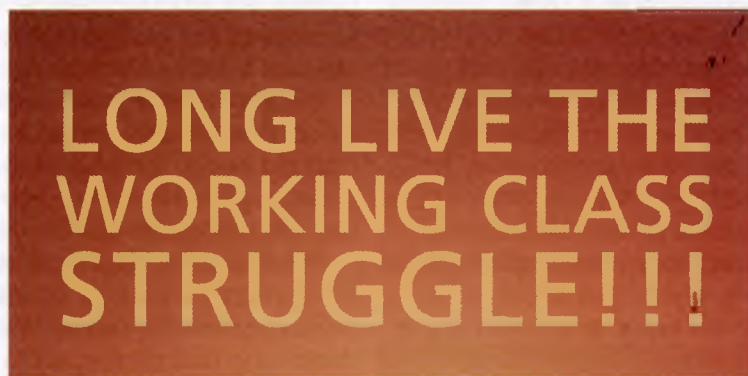
We also see anarchy in the educational institutions as a result of certain elements of unruly student and teacher elements. We also see a better and quality education as a preserve of the few.

As workers and parents we must call upon the government to overhaul the education system. We must work with the government to get rid of anarchists in our educational systems.

We have a backlog of housing with both the government and bosses failing the working people with proper housing. We need to fight for proper housing.

Lastly, we have another problem that confronts us. We need to call upon the government and the bosses for better access to treatment for workers (both employed and unemployed).

We must fight for prevention of the spread of HIV/ AIDS in the work place. We need to give support to people living with HIV/AIDS. ■







## What can we do to create a gender sensitive society?

Society has been structured in such a way that women receive a raw deal in various sectors, including government, work-place, and even in the religious arena. Nactu's gender co-ordinator, **BRENDA MODISE**, gives some answers of how we can deal with these issues.

**T**he social construction of differentiated gender roles has profound implications for women and men at Nactu. Both men and women have roles to play in the production of goods or services in public life. But the task associated with reproduction has to be met by women. The result is that the women work longer working days than men.

Still talking about reproduction, we have to say something about the way work is valued. For all its importance, reproductive work is under valued. Its lack of value is expressed by the failure to recognise it as "real work", so that the productive work of women is often seen as an extension of their reproductive work, and likewise, undervalued. Women, effectively pay themselves through self-provisioning, but their work is not considered work in the true sense of the word.

In the public sphere, at all levels, males hold positions of status, with decision-making responsibilities, while women are engaged in supporting or organising roles. Even here, while men are highly rewarded, women's work is under-valued.

Access to resources, and the control over them is allocated according to gender. Women may not own land, and their access to it for growing food depends on a male relative or her husband.

On the road to social equity, gender may be the last barrier to go because it involves the transformation of attitudes and practice in society. But Nactu recognises that our constitution provides for gender equality, and that it denounces discrimination on the basis of sex and gender. And so Nactu aligns itself with the legal frame work that promotes gender equality, and they include:

- Gender inclusive constitution
- Domestic Violence Act

- Termination of Pregnancy
- Basic Condition of Employment
- Employment Equity Act
- Acts relating to Marriage, Divorce, Maintenance
- Human Tissue Act (Paternity)
- Amendment of Customary Law Succession Act

### And what are barriers to gender equality?

Nactu recognises that there are a number of barriers disadvantaging women from participation in decision-making positions. Stereotypes and other constraints, contribute in this process. Understanding why so few women hold positions of decision-making in Nactu, requires understanding how social structures make it more difficult to secure positions of authority.

- Cultural- Gender biases at the institutional level are deeply embedded in organisational cultures and practices, management systems and bureaucratic structures. The advancement of women may be perceived as a threat to men's personal and professional status.
- Religious - Traditional religious belief systems and institutions play an important role in perpetuating images of women that deny them leadership positions. In addition, a number of religious institutions exclude women from top leadership roles.
- Social - Socialisation into appropriate "feminine" behaviour make women less likely than men to pursue traditionally defined leadership activities.
- Economic - Women's protest in regard to economic conditions are perhaps the most durable and pervasive example of their being in leadership. The struggle to provide for themselves and their families limits women's time and energy for leadership positions.



# The NACTU Members







### The NACTU Members:

- 1 Cresentia Mofokeng and Brenda Modise of NACTU attending an FCFTU Women's Conference in Brazil recently.
- 2 NACTU's General Secretary Cunningham Ngcukana addressing a meeting.
- 3 NACTU's Gender Co-ordinator Brenda Modise at a union meeting.
- 4 Cunningham Ngcukana in a pensive mood.
- 5 Deputy President of NACTU finds time to smile after a hectic meeting.
- 6 Deputy General Secretary of NACTU, Mahlomola Skhosana, addressing workers
- 7 Brenda Modise takes a break from her work.
- 8 Cunningham Ngcukana in deep thought.





# AIDS

## The fight against HIV-AIDS requires all our efforts

As workers we can all contribute towards ensuring we curb the spread the pandemic. Nactus=  
TUMEDISO MODISE explains how this can be done.

**T**In the early years of the pandemic, the most ignorant part of the South African population regarded HIV and AIDS exclusively as a medical condition despite the fact that the history of the virus was well documented in the developed and developing countries, of which South Africa is part.

The pandemic has manifested itself in the world of work - in the workplace. It is also disrupting the performance of the informal sector, small and medium enterprises. Today we are witnessing other

manifestations such as low productivity, depleted human capital, challenged social security systems and threatened occupational health and safety, especially among certain groups at risk such as agricultural workers/farm workers, who largely reside in neglected rural South Africa; migrant workers residing in single men's hostels and mine compounds, and workers in the medical, education, and transport sectors.

### SOCIAL AND ECONOMIC IMPLICATIONS OF HIV/AIDS

There are various ways by which the pandemic affects the economy of the country. Able workers are rendered weak, and incapable of working. As experienced workers are replaced by younger and less experienced persons, productivity become affected.

A shortage of skilled workers leads to higher production costs and a loss of both internal (national) and international competitiveness. Lower government revenues and reduced private savings due to greater health care costs, and a loss of income for workers, leads to slower employment creation in the formal sector, which is capital intensive. The result is that some workers get

pushed into lower paying jobs in the informal sector if they are lucky to get employed.

As can be seen, HIV/AIDS has a significant effect on what is referred to as "vulnerable economic sectors". Most evident is the impact on the health system. In countries with a high AIDS prevalence such as South Africa, the number of people seeking care and treatment increases dramatically. In South Africa, the treatment of HIV-related illnesses is extremely expensive and the number of full-blown AIDS patients put a strain on the health-care system.

A number of economic sectors are particularly vulnerable to the impact of HIV/AIDS. These sectors are characterised by the requirement for workers staying away from their homes for long periods, and include the transport, mining and fishing sectors. Sectors which rely on seasonal and short-term workers, such as agriculture, construction and tourism, are also particularly vulnerable to the impact. Moreover, sectors which rely on highly trained personnel are adversely affected by HIV/AIDS because the loss of even a small number of specialists places the entire system at risk. The education sector is affected in three ways:

- The reduced supply of teachers;
- Children are kept out of school because they are needed at home to care for their sick parents.
- Children drop out of school because their families cannot afford school fees due to reduced household income.

### HUMAN RIGHTS IMPLICATIONS

History shows that human rights issues become more critical in crisis situations. A lack of respect for human rights complicate the pandemic in at least three ways:



- Discrimination increases the impact of the disease of people living with HIV/AIDS and those presumed to be infected, as well as their families and associates;
- People are more vulnerable to infection when their economic, social, or cultural rights are not respected and
- Where civil and political rights are not respected, it becomes difficult for civil society to respond effectively to the epidemic.

From the National Council of Trade Unions (NACTU) perspective, discrimination in the world of work, is one of the most significant human rights abuses in the area of HIV/AIDS. The rights of workers as people living with HIV/AIDS, such as the right to non-discrimination, equal protection and equality before the law, privacy, liberty of movement, work, equal access to education, housing, health care, social security, assistance and welfare, are often violated on the basis of their known or presumed HIV/AIDS status.

Moreover, individuals who suffer discrimination and lack of respect are more vulnerable to becoming infected and less able to cope with the burdens of HIV/AIDS. People exposed to HIV will not seek testing, counselling, treatment or support if this means facing isolation, lack of confidentiality, loss of employment or other negative consequences. Several years of experience in addressing the HIV/AIDS epidemic have confirmed that the promotion and protection of human rights constitute an essential component in preventing the transmission of HIV.

Therefore, without a rights-based response, the impact of HIV/AIDS and vulnerability to the disease will inevitably increase if the protection of the uninfected majority is not inextricably bound up with upholding the rights of people living with HIV/AIDS.

#### **NACTU'S ROLE IN ENSURING A RIGHTS-BASED RESPONSE**

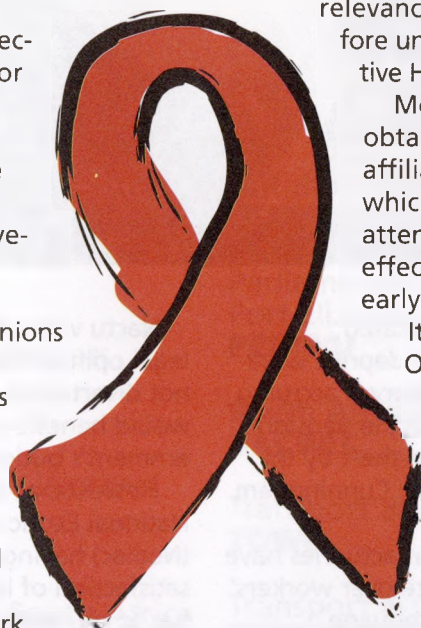
Social norms and political considerations often make it difficult to design and implement effective HIV/AIDS policies. The denial that HIV/AIDS poses serious problems, so is the reluctance to assist people who practice risky behaviour.

Denial is typically seen at the earliest stages of the pandemic. It is based on the unwillingness to

acknowledge that extra-marital sex and illicit drug use exist in society. Trade union leadership often lack information to evaluate the relevance of the HIV/AIDS threat and is therefore unwilling to initiate and integrate effective HIV/AIDS programmes.

Moreover, the myopic view which still obtains within the majority of NACTU affiliates that HIV/AIDS is a problem which requires exclusively medical attention often serves to exclude effective preventive interventions at an early stage.

It is in this context that, the NACTU's Occupational Health, Safety, Environment and HIV/AIDS Unit once more reiterates its call to the national leadership to begin to demonstrate a commitment to fighting this pandemic. The culture of denial which prevents effective action can only be overcome by strong leadership.



#### **NEED FOR A NACTU WELL CO-ORDINATED AND SUSTAINED POLITICAL PROGRAMME**

Given the status of the pandemic and the causal relationship with poverty and inequality, mobilising a new partnership against HIV/AIDS requires both political commitment and a supportive policy environment. It also requires that partnerships be forged with other HIV/AIDS activists.

Trade unions have traditionally been staunch defenders of human rights. NACTU and its affiliates cannot be expected to behave differently in this case. In South Africa, trade unions are strongly opposed to discrimination against HIV-positive workers, which alienates such workers and drives them away from the information, care and support they need.

**The National Council of Trade Unions (NACTU) consists of 22 affiliated unions with a combined membership of about 550 000. The NACTU Occupational Health, Safety, Environment and HIV/AIDS Unit is responsible for promoting the involvement of the Federations in AIDS control and prevention through its existing structures for negotiating better conditions for the health of the workforce. Yet the complex nature of the AIDS pandemic should not be a cause for fatalism, confusion or inaction.**



# Pensions

## Something fishy about workers pension fund

The battle between business and labour continues. The National Council of Trade Unions, or Nactu, believes workers have been short-changed by the bosses when they transfer from pension to provident funds. JOE MDHLELA explains.

**B**ig business is using complicated mathematical concepts to deprive workers of their investment reserves accruing from their contribution to the pension fund, a move described as theft by the general secretary of Nactu, Cunningham Ngcukana.

Ngcukana said it was ridiculous that actuaries have been given great powers to adjudicate over workers' contributions. Even the high-flown language understood only by them, creates more problems than it solves for the workers.

Adding to the workers' frustrations, is the fact that thousands of workers who have over the years contributed to the fund, will lose a huge slice of benefits. These benefits are due to be repatriated to companies, despite the fact that unions have negotiated the transfer of their members benefits to the fund.

**Companies were not entitled to any surplus, and that whatever accrue to the fund belongs to the workers**

Nactu is also unhappy that the calculation of transfer of funds, are unlikely to address anomalies, including the question of disparities of the past.

Expressing unhappiness about this situation, Ngcukana said: "The actuaries value the workers' contribution to the fund in their own strange ways. To suggest, as they do, that employers are entitled to a surplus is something that amounts to theft of workers funds."

He said the companies were not entitled to any surplus, and that whatever accrue to the fund belongs to the workers.

Nactu views this matter seriously, and may seek legal opinion to ensure that members' benefits are not diverted so as to create R80 billion surplus that would benefit companies, and partly service the government's budget deficit.

However, as things stand it is quite clear that with National Economic Development and Labour Council (Nedlac) having failed to resolve the matter to the satisfaction of both labour and business, the matter has to be resolved by legislation. And that is precisely the reason why the Pension Fund Second Amendment Bill had been published, to the annoyance of Ngcukana who maintains that the concept of surplus is an illegality, and that it was wrong, even by legislation, to regularise an illegal practice.

Even the terminology used by the Bill appears to justify and legitimise past practices which both labour and government have stated as being inequitable, Ngcukana said.

Also, among many flaws, the Bill seek to impose minimum standards, which in the case of some pension funds, may have the effect of retrospective application. This, said Ngcukana, was illegal.

His view is that the surpluses that had been used to finance various directors' benefits including medical aid costs and other costs could be lost to the fund that rightly belongs to workers.

Responding to some of the charges level at the weaknesses envisaged by the trade union movement, the Financial Services Board said the Registrar was not aware of any manipulation of trust funds by the trustees. The board also said it was not even aware that the collusion with the actuary to enhance the residual surplus in the fund for the benefit of the employer when members transfer out of the fund was something that was happening.

But there can be no question that the battle lines between labour and business have been drawn, with Nactu prepared to prove its case that manipulation to disadvantage workers does in fact exist.



# The NACTU Affiliates

Banking, Insurance & Finance Workers  
Union

**BIFAWU**

Building, Construction & Allied Workers  
Union

**BCAWU**

Hospitality Industry & Allied Workers  
Union

**HIAWU**

Hotel, Liquor, Catering & Allied Workers  
Union

**HOTELICCA**

Media Workers association of South Africa

**MWASA**

Municipality, Education, State Health &  
Allied Workers Union

Metal & Electrical Workers Union of  
South Africa

**MEWUSA**

National Clothing & Textile  
Workers Union of S.A.

**NACTWUSA**

National Services & Allied  
Workers Union

**NASAWU**

National Union of Farm  
workers

**NUF**

National Union of Furniture  
& Allied Workers

**NUFAW**

National Union of Food, Wine,  
Beverages, Spirit & Allied Workers

**NUFWBSAW**

National Municipality and Public Service  
Workers Union

National Union of Public Service Workers  
**NUPSW**

Parliamentary Staff Union

Port Elizabeth Municipality Workers Union  
**PEMWU**

South African Chemical Workers Union  
**SACWU**

Transport & Allied Workers Union  
**TOWU**

Transport & Omnibus Workers Union  
**TOWU**





## **NACTU Principles**



**Non-Racialism...  
Workers Control...  
Financial Accountability...  
Non-Affiliate to Political Parties...  
Autonomy of Affiliates...**

