

Trade Union Library & Education Centre

(Formerly the Cape Town Trade Union Library - established 1983)

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FAWU

LRA Trainers Course

20 - 24 January / 3 - 7 February 1997

Cape Town

**Food and Allied Workers Union (FAWU) LRA Trainers Course - Part 1.
20 - 24 January 1997
CAPE TOWN**

PROGRAMME:

Day 1. Monday 20 January - ORGANISATIONAL RIGHTS

1) Introduction: Historical Background to Trade Unionism and Recognition in South Africa.

Input and discussion (9 - 9.45)

2) Old LRA vs new LRA/ New LRA framework and Objectives:

Input and discussion (9.45 - 10.30)

TEA - 10.30 - 10.50

3) Recognition and the new LRA:

Workshop (10.50 - 11.50)

Questions for Groupwork:

3.1. **How, and on what basis** were unions recognised before ? How do the provisions of the new LRA compare with this ?

3.2. What are the standard "traditional" items included in a typical recognition agreement of your union ? (List these)

* 3.3. List those items which are covered, and those not covered in the new LRA.

4) Organisational Rights in the new LRA:

Input and discussion (11.50 - 12.30)

5) Using the LRA provisions on Organisational Rights:

Group exercises on case studies (12.30 - 1pm)

LUNCH (1 - 2pm)

Group exercises on case studies ... continued (2 - 4pm)

TEA BREAK (4 - 4.15pm)

6) **Private Study** (4.15 - 5.15pm)

SUPPER BREAK (5.15 - 7pm)

* 7) **Assignments/tasks:**

Groups A & B:

- 7.1. List all the shortcomings of the LRA in terms of organisational rights which your union will require in order to operate and strengthen organisation within any company.
- 7.2. Formulate suitable clauses in the form of a section of a recognition agreement proposal which will compensate for these shortcomings of the LRA.

* Groups C and D:

- 7.3. Discuss critically the section on disclosure of information. List all the problems with the provisions of the LRA on this section.
- 7.4. Formulate proposals which will overcome these problematic provisions for submission to NEDLAC and/or FAWU organised companies.

Group and Individual work (7 - 8.30pm)

Day 2. Tuesday 21 January - The LRA and the Closed Shop:

1) What is the Closed Shop ? Different forms of the Closed Shop:

Presentation and discussion (9 - 9.30)

2) Debating the Closed Shop:

Participants are divided into two groups. One group in favour of the closed shop the other against. Each group is given 20 minutes to prepare. Debating time 40 minutes.

Facilitator summarises the points of the two sides. (9.30 - 10.30am)

TEA BREAK (10.30 - 10.50)

3) The LRA and the Closed Shop:

What the Bill said:
What Labour demanded:
What the Act says:

Presentations and discussion (10.50 - 11.50)

4) Case studies of the Closed Shop:

FAWU
SAMWU
NUMSA

Presentations by guest speakers from the respective unions (15 minutes each) with questions and open discussion (11.50 - 1pm)

LUNCH (1 - 2pm)

5) The LRA and Centralised Bargaining:

Presentation and open discussion (2 - 2.30pm)

6) Critical Evaluation on LRA provisions for Centralised bargaining:

Group Work: (2.30 - 4pm)

6.1. Highlight the problematic provisions of the LRA regarding Centralised Bargaining. Motivate why.

★ 6.2. Discuss ways and means of overcoming these problems. Noting that FAWU is about to embark on a campaign for Centralised Bargaining.

7) Private Study (4 - 5pm)

SUPPER (6 - 7pm)

* 8) Assignments and Group work (7 - 8.30pm) → Closed Shop

Day 3. Wednesday 22 January

Dispute Resolution, the CCMA and the Labour Court:

1) The LRA and Dispute resolution - What the Law says:

Presentation and discussion (9 - 10am)

2) The CCMA and the Labour Court:

Presentations and Groupwork: (10 - 10.30)

TEA - (10.30 - 10.50)

The CCMA and the Labour Court ... continued (10.50 - 12)

Workplace Forums:

1) Historical Background to Workplace Forums:

Presentation and open discussion (12 - 1pm)

LUNCH (1 - 2pm)

2) The LRA provisions on Workplace Forums:

Presentation and open discussion (2 - 2.40pm)

3) Group Work on Workplace Forums:

Questions:

3.1. Discuss and list the advantages of Workplace Forums.

3.2. Discuss and list the disadvantages of Workplace Forums.

3.3. Evaluate your position on the above and draft a policy for your union/COSATU on Workplace Forums in the form of a union resolution using the guidelines provided.

(2.40 - 5pm)

SUPPER - (6 - 7pm)

Evening free !!!

Day 4. Thursday 23 January - The LRA and Strikes and Lockouts

1) Sources of conflict and power between bosses and workers:

Presentation and discussion (9 - 9.40am)

2) Strikes and the LRA:

Presentation and discussion (9.40 - 10.30)

TEA (10.30 - 10.50)

3) Union organisation, struggles and strikes:

3.1. What is a strike ? - Open discussion (10.50 - 11.05)

3.2. Comparing the 1987 SARHWU and NUM strikes.
Video, Group Work and plenary (11.10 - 1pm)

LUNCH 1 - 2pm

4) Strike Organisation and Planning - What do unions require ?

Presentations and discussion (2 - 2.40pm)

5) [Different kinds of strikes] and common management strategies (2.40 - 3.15)

TEA (3.15 - 3.30) * Meeting of group leaders - prep. for
Evening (Friday Session). * list requirements
A & B
C & D (X7)

6) Projects/ Groupwork:

6.1. Discuss what you consider to be the full right to strike. Summarise your requirements.

6.2. Compare your summary with the provisions of the LRA.

* 6.3. Draft proposals for management which aim to improve the union's right to strike.

6.4. Report-back and Plenary discussion.

(3.30 - 5pm)

SUPPER (6 - 7pm)

7) Typing up summaries of all project work and preparation for presentations the following day. (7 - 8.30pm)

Day 5. Friday 24 January

1) Presentations and plenary discussion on key aspects of the LRA to be taken up in the union. (9 - 10.30am)

TEA - (10.30 - 10.50)

Continue with plenary discussion (10.50 - 11.30)

2) Evaluation of Course and Way Forward (11.30 - 12.30)

LUNCH - (12.30 - 2.30)

3) Departure - 2.30 ...

TRADE UNION RECOGNITION AND THE NEW LRA:

BACKGROUND:

Before 1979 - African workers were excluded from the LRA and denied trade union rights.

But at the same time they suffered from the most brutal exploitation and oppression.

Hence, the struggle for collective organisation and recognition by employers for bargaining/negotiating purposes.

Due to repressive conditions of Apartheid Capitalism, this organisation of workers took the form of advice offices or pension fund groups etc.

1973 - Durban strikes, the emergence of TUACC - "factory floor organisation" and struggling for recognition on a workplace by workplace basis, usually at industrial factories. RECOGNITION AGREEMENTS

The state and employers promoted liason and works councils which were not independent of them as a counter strategy.

1977 - 1979 Wiehahn Commission set up to investigate means of controlling the emerging radical and independent unions. In 1979, reforms in labour law allowing African workers to be included in the system and for their unions to obtain certain rights on the basis of registration.

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Objects (s 2)

1. Section 27 of Constitution
2. Promotion of collective bargaining at sector level
3. Promotion of consultation and joint decision making
4. Effective dispute resolution-conciliation
5. Comply with ILO standards

"and thereby to promote economic development, social justice and labour peace"

Interpretation (s 3)

1. In conformity with Constitution
2. Due regard to primary objects and purpose
3. In conformity with public international law

Scope

All sectors except -

SANDF

Intelligence agencies

"Pillars"

1. Constitution

- Freedom of association (s 17)
 - Right to form and join organizations (s 27(2))
 - Right to organize and bargain collectively (s 27(3))
 - Right to strike (s 27(4))
 - Recourse to lock-out (s 27(5))
 - Right to fair labour practices (s 27(1))
 - Right to equality (s 8)
 - Right to freedom of expression and political activity (s 21)
 - Right to assemble and demonstrate (s 16)
 - Right to engage in economic activity (s 26)
-

2. ILO Conventions

- 87/1948 - Freedom of association
- 98/1948 - Right to organize and bargain
- 111/1951 - Equality

3. RDP

- Equal rights for all workers - single statute
- Right to organize and join unions
- Right to strike and picket on all economic and social matters
- Right to information
- No prohibition on closed shops
- No constitutional right to lock-out
- Living wage
- Different levels of collective bargaining
- Emphasis on industrial bargaining - extension of agreements
- Workplace empowerment
- Affirmative action
- ILO conventions
- Restructuring labour market institutions

FROM DRAFT NEGOTIATING
DOCUMENT (JAN 1995)

8

(2) A representative trade union may conclude a collective agreement with such employer or employers' organization requiring the periodic deduction by the employer from the wages of its employees who are not members of the trade union of an agreed agency fee, which agreement shall be known as an agency shop agreement.

(3) An agency shop agreement shall be binding only if it provides that—

- (a) employees who are not members of the representative trade union are not compelled to become members of such trade union;
- (b) the agreed agency fee shall not be more than the subscriptions payable by the members of such trade union;
- (c) the moneys so deducted shall be paid into a fund established and jointly administered by the parties to the agreement; and
- (d) the fund shall be used only to defray expenses incurred—
 - (i) by the trade union in respect of its collective bargaining activities or for training its trade union representatives employed in such workplace or sector and area;
 - (ii) for the employment of experts by, and the training of members of, a workplace forum which may have been established as contemplated in section 57 in such workplace or in workplaces in such sector and area;
 - (iii) in the resolution of disputes concerning the interpretation or application of any collective agreement between the parties;

LRA - Organisational Rights: GROUPWORK on Case Studies:

Exercise 1.

Vernon Marker is a storeman at Willards Foods. During this year's shopstewards elections campaign he was nominated by his fellow workers in the store to be their shopsteward.

Upon hearing about this management approached Vernon and told him that it would be difficult for him to be a shopsteward as he is the only storeman. Management felt that due to his job requiring him to always be in one place, being a shopsteward will create serious problems. Vernon and his comrades told management it was his right to be a shopsteward irrespective of his work situation.

The matter was left at that until Vernon was elected as shopsteward. Management informed Vernon that whatever he does as a shopsteward he must just bear in mind that he is not allowed to leave his work station during normal work time.

- a) Was management correct to advise Vernon not to stand as shopsteward?
- b) Will it be legally correct in terms of the new LRA for management not to allow Vernon to move away from his work station to perform shopstewards duties during working hours?

Exercise 2.

- a) In the new LRA, the number of shopstewards that each workplace can have in relation to the number of employees there is spelt out. How does this compare with the provisions of your union's constitution ?
- b) Should the number of shopstewards and their constituencies be determined by the LRA or the union's constitution ? Motivate your answer.
- c) What other rights should the union negotiate (in addition to the LRA provisions) in order to make the job of the shopsteward effective and easier ?

Exercise 3.

Rodney Meyer works for Pacific Fishing Stealers (Pty) Ltd. In August he was elected as shopsteward at his company. He was also elected as Branch Vice-Chairperson.

Recently his branch wrote to his company requesting paid time off to allow Rodney to attend an officebearers training course.

The company replied, saying that the request was unreasonable as Rodney was the only one at the company with a specialist knowledge for catching Tuna fish.

- a) In refusing to grant time off for Rodney, was the company acting in line with the new LRA ?

Exercise 4.

According to the LRA a union may negotiate with an employer on the number of days for paid leave for shopstewards .

- a) How should FAWU go about negotiating this ? Must it be dne at plant level or industry level ?
- b) How many days of paid time off must we as a union negotiate for ?

Exercise 5.

At Ginger Bread Bakery there are:

50 hourly paid workers &
30 monthly paid employees

FAWU is recognised by the company. The union's membership is as follows:

43 hourly paid workers
11 monthly paid employees

In line with its recognition and in an attempt to use the provisions of the LRA, the union signs an agreement that spells out:

- * A new grading structure
- * wage differentials between the different grades
- * Hours of work

The period of the agreement is 3 years. The scope of the agreement covers all employees.

One year later numerous developments took place:

- 3 hourly paid workers resigned from the union
- All the monthly-paid members also resigned from the union

The workers who resigned from the union complained about the new grading system and argued that it did not work for them. They demanded that the conditions in the agreement should not apply to them.

Management agrees with them. Management argues that:

- 1) The collective agreements unreasonably affected the contracts of individuals and that this could no longer be imposed on them.
- 2) The union no longer enjoys a majority.
- 3) The company did apply the agreement to everyone in the past because the union had a majority. However this has changed. There is also nothing in the agreement which binds individuals to the agreement.

Is management in line with the provisions of the LRA in its arguments ?

Exercise 6.

At Coca-Cola Beverage Company, FAWU has more than half of all hourly paid employees. For many years the union has been negotiating wages at a plant level.

This year in preparation for wage negotiations the union has demanded information which details:

- wages of hourly paid employees
- salaries of staff
- directors and managements salaries and perks

The company responded by saying that they are not legally bound to provide this information. It also said that this information was irrelevant for wage bargaining for NUMSA. The company also told the organiser that providing the union with information would be useless as many of the workers will not be able to understand it.

- a) Was the response of the company in line with the LRA ?
- b) How does the union deal with the fact that most of the information possessed by the company is technical and very difficult to understand ?

GROUPWORK

John Msibi was a NUMSA shopsteward at Van Kreul Engineering for 10 years. He was a qualified boilermaker at the company. At the end of 1995 his company closed down and all the workers were laid off.

After being out of a job for 3-months, John's cousin who works at Sterk Boilers (an unorganised factories) brought the comrade an application form. The cousin told John that Sterk Boilers was looking for an experienced boilermaker.

Having applied, John heard from the cousin he has been given the job. The cousin told him that the personnel officer came to his department and told him in front of other workers that John's application was successful. The personnel officer told the cousin that he will receive a letter of appointment within a week.

Two weeks after John heard that he was given the job, he received a letter saying that his application was not successful. John's cousin is convinced that the company changed its decision after finding out that John was a strong union shopsteward.

On hearing this John approaches his union organiser and tells her of what happened. The organiser tells John that it is unfair for the company to use his previous activity as the reason not to give him the job. She says that she will challenge the company's decision.

How will this case be dealt with under the provisions of the new LRA?

WORKPLACE FORUMS

POLICY AND RESOLUTION

- * NOTING THAT :
 - THERE WAS LACK OF LEGISLATED PARTICIPATION OF WORKERS ON DECISION-MAKING PLATFORMS AT THE WORKPLACE.

 - THERE IS A RESOURCE NEED TO EFFECT THE DEVELOPMENT OF S/S TO ENSURE EFFECTIVE REPRESENTATION OF WORKERS.

 - THERE IS A NEED TO USE EXPERTISE ON SPECIFIED ISSUES.

 - WE NEED TO MOVE TOWARDS TOTAL CONTROL OF THE MEANS OF PRODUCTION

 - THERE IS A LACK OF INFORMATION ABOUT THE COMPANY

- * THEREFORE RESOLVE THAT :
 - THE UNION SHOULD NOT ENGAGE ITSELF IN DIVISIVE DECISION-MAKING PROCESSES AND AREAS eg. COMPANY- LED PRODUCTIVITY STUDIES AND PARTICIPATION PROGRAMMES WHICH ARE NOT SUBJECT TO THE SHOPSTEWARD COMMITTEE CONTROL.

 - THE UNION SHOULD RATHER ENGAGE IN UNION BASED WORKPLACE FORUMS TO BE LAUNCHED FORMALLY OR INFORMALLY.

8.AGENCY SHOP
NOTING

1. THERE IS A HISTORY OF FREE RIDERS WHICH HAS BEEN USED TO UNDERMINE THE UNION
2. NON-UNION MEMBERS BENEFIT FROM OUR ACHIEVEMENTS.
3. THE UNION IS HAVING PROBLEMS IN CARRYING ITS FINANCAL COMMITMENTS.
4. FREE-RIDERS CREATE VIOLENCE AND SCAB LABOUR DURING STRIKE
5. THERE ARE VARYING NEEDS OF DIFFERENT INTENSITIES WITHIN THE UNION WHICH HAS TO BE SATISFIED WITH THE MEAGRE RESOURCES AVAILABLE TO US.

BELIEVING THAT :

1. THERE IS A NEED FOR UNION GROWTH ORGANIZATIONALLY AND STABILITY WITHIN ITS FINANCIAL ADMINISTRATION..
2. THERE IS A NEED FOR INDUSTRIAL PEACE
3. THERE WILL BE POTENTIAL INCREASE OF MEMBERSHIP FOLLOWING AGENCY SHOP AGREEMENTS
4. UNION WILL BE STRENGTHENED AS MORE FINANCIAL RESOURCES ARE AVAILABLE TO THE UNION.

THEREFORE RESOLVE THAT :

- * WE NEGOTIATE AGENCY SHOPS IN OUR RA'S WHERE WE ARE THE MAJORITY UNION.
WHERE WE ARE NOT WE MOBILISE SYMPATHETIC UNIONS TO ACHIEVE MAJORITARIANISM FROM THERE THEN TO NEGOTIATE AN AGENCY SHOP AGREEMENT.

- * 1% PAID TO THE SEPARATE NATIONAL A/C -TO BE USED FOR NATIONAL EDUCATION PROGRAMME

HOW AND ON WHAT BASIS WERE UNIONS RECOGNIZED BEFORE ?

- a. REGISTRATION
- b. UPON ATTAINING MAJORITY REPRESENTATION.
- c. NEGOTIATION OF RECOGNITION AGREEMENT

HOW DO THE PROVISIONS OF THE NEW LRA COMPARE WITH THIS ?

* continuation registration requirement

* representation is now somewhat qualified-

no longer singular requirement of majority representation but union/s can claim to be " sufficiently representative "-
the threshold to acquiring such status must be negotiated between the different parties.

ITEMS COVERED BY THE ACT

- * **DISCIPLINARY PROCEDURES**
- * **GRIEVANCE PROCEDURES**
- * **RETRENEMENT PROCEDURES**
- * **DISPUTE PROCEDURES**
- * **HEALTH AND SAFETY**
- * **ACCESS FOR ORGANISERS / OFFICIALS**
-]
- * **TIME-OFF FOR S/S's**
- * **WORKPLACE FORUM**
- * **AGENCY SHOP**
- * **CLOSED SHOP**
- * **DISCLOSURE OF INFO.**

LIST THOSE ITEMS WHICH ARE COVERED AND THOSE NOT COVERED IN THE NEW LRA.

*** THOSE WHICH ARE COVERED :**

- A. RECOGNITION AGREEMENT (50+1)**
- B. PEACE OBLIGATION**
- C. ACCESS TO FACILITIES.**
- D. REPRESENTATIVES**
- E. MEETINGS**
- F. TRAINING**
- G. DISPUTE PROCEDURE**
- H. DISCIPLINARY PROCEDURE**
- I. GRIEVANCE PROCEDURE**
- J. RETRENCHMENT PROCEDURE**

*** THOSE AREAS WHICH ARE NOT COVERED**

- A. AGENCY SHOP**
- B. CLOSED SHOP**
- C. WORKPLACE FORUM**
- D. INFORMATION DISCLOSURE**

PROCEDURAL ITEMS NOT COVERED.

* **LACK OF DEFINITIVE , ACCEPTABLE GUIDE ON
NUMBER OF DAYS FOR TIME - OFF FOR
SHOPSTEWARDS AND UNION OFFICE-BEARERS TO
PERFORM UNION RESPONSIBILITIES.**

* **FACILITIES AND RESOUCES FOR S /S
COMMITTEES AND COUNCILS.**

* **LACK OF DEFINITIVE, ACCEPTABLE
GUIDELINE FOR ELECTION OF NUMBER OF S/S TO
WORKFORCE SIZE- PRESENTLY A SUBJECTIVE
FORMULA.**

HIGHLIGHT THE PROBLEMATIC PROVISION OF THE L.R.A REGARDING CENTRALIZED BARGAINING

- 1. SECTION 28 (b) - HOW WILL IT ENFORCED - WILL IT HAVE TEETH**
- 2. SECTION 29 SUBSECTION 4 (any person)STAKEHOLDERS IN A SECTOR OR AREA SHOULD BE PEOPLE WITH NECESSARY WEIGHT AND LEGITIMACY TO CONTEST.**
- 3. SECTION 29 SUBSECTION 7,8,9,10 PROLONGS THE PROCESS- CREATE DOUBLE CHECKING SECTION 29 SUBSECTION 11**
- 4. SECTION 27 SUBSECTION 1 ORGANISATIONS MAY ESTABLISH SECTION 36 SUBSECTION 1 MUST BE ESTABLISH BY THE LAW FAVOURS PUBLIC SECTORS**

6.2 WHAT CAN BE DONE TO OVERCOME THIS PROBLEM?

- 1. BY ENSURING WE SATISFY ALL THE NECESSARY REQUIREMENTS AT ALL TIMES.**
- 2. FAWU MEET WITH COSATU EXCO TO DRAFT PROPOSALS TO NEDLAC.**
- 3. FIGHT FOR THE ALLOWANCE OF ORAL SUBMISSIONS**

**HIGHLIGHTS AND PROBLEMS ABOUT LRA
PROVISION ON BARGAINING COUNCILS**

***ONLY MAJORITY UNIONS AND EMPLOYER BODIES MAY ESTABLISH IT(REFERENCE TO SUFFICIENTLY REPRESENTATIVE STATUS IS MADE FOR BOTH OURSELVES AND THE BOSSES) - THE MINISTER OF LABOUR OR NEDLAC MUST AGREE ON DEMARCATION HOWEVER.**

- * THE BC AND NOT ONLY UNIONS PARTY TO THE AGREEMENT HAVE THE POWER TO INITIATE THE EXTENSION OF THE BC SCOPE**
- * BARGAINING IS NOT COMPULSORY**
- * PROCESS OF REGISTRATION IS TOO LONG**
- * PROPER DEFINITION OF SCOPE AND AREA IS LACKING-NEDLAC HAS THUS FAR ONLY FORWARDED BROADLY DEFINED ECONOMIC SECTORS**
- * EQUAL REPRESENTATION OF PARTIES MIGHT CAUSE PROBLEMS AS IT IS NOT REFLECTIVE OF THE WEIGHT INDIVIDUAL PARTIES BRING TO THE TABLE..**
- * ANY PERSON CAN OBJECT TO THE SETTING UP OF A B.C- ENDLESS BLOCKAGES THROUGH STAGGERED PROTESTS.**

HOW TO OVERCOME LRA PROVISIONS ON C.B

- * BARGAINING SHOULD BE COMPULSORY**

- * REGISTRATION SHOULD BE SIMPLE WITH MINIMAL COSTS**

- * PROPER DEFINITION OF SCOPE AND AREA**

- * REQUIREMENT FOR EXTENTION BE RELAXED**

CENTRALIZED BARGAINING

ROLE OF BRANCH, REGIONAL ORGANISERS AND STAFF WHEN CENTRALISED BARGAINING IS ACHIEVED BY FAWU

- W/SHOPP S/S ON BARGAINING COUNCIL CONSTITUTION
- SET CO-ORDINATION / COMMUNICATION STRUCTURES AT ALL LEVELS.

- BUILD AN ADMINISTRATION BACK-UP FOR SHOPSTEWARD COUNCILS.

- TRAINING AND RETRAINING OF ADMIN. STAFF FOR NEW ERA.
- ORGANISE BOOKLETS FOR ALL MEMBERS OF STAFF
- OFFICIALS TO BE ASSESSED EVERY THREE (3) MONTHS.
- W/SHOP SHOP STEWARD COUNCILS ON THE LRA IN RELATION TO BARGAINING COUNCIL
- ESTABLISH / MONITOR WORK PLACE FORUM REPRESENTATIVES..
- DEAL WITH DAY TO DAY ISSUES LIKE DISPUTES (LOCALLY), STRIKES, RETRENCHMENTS ETC.

- STRENGTHEN UNION CONSTITUTIONAL STRUCTURES AND BE ASSIGNED SERVICING RESPONSIBILITIES TO THESE STRUCTURES.

ORGANISATIONAL RIGHTS - SHORTCOMINGS:

1. REFERENCE TO REPRESENTIVITY.

a. SUFFICIENTLY REPRESENTATIVE- WHAT % OR NUMBER OF THE GENERAL MEMBERSHIP ALLOWS FOR THIS RECOGNITION- HOW WILL THIS FIGURE BE DETERMINED AND BY WHOM.

2. ACCESS

a. MEETINGS WITH THE UNION IS ALLOWED FOR OUTSIDE WORKING HOURS.

b. ALL MEETINGS AND VOTING/ELECTIONS SHOULD BE DURING WORKING HOURS.

3. SUBSCRIPTION

a. ALLOWANCE SHOULD BE MADE FOR COPIES OF THE DEPOSIT SLIP TO BE SENT TO THE LOCAL, REGIONAL AND CENTRAL UNION OFFICES.

4. REPRESENTATION (S/S)

a. RATIO FORMULA OF S/S TO WORKERS IS RESTRICTIVE.

ITS RIGIDITY IS NOT SENSITIVE TO LOCAL FACTORY NEEDS IN TERMS OF EFFICIENT REPRESENTATION

b. REASONABLE TIME-OFF SHOULD BE ALLOWED FOR AND NOT SPECIFIC TIME-OFF LOCATIONS. THE FOLLOWING CAN BE USED AS A GUIDE TO INFORM UNION DEMANDS :

- * LOCAL 20 DAYS +
- * BRANCH 30 DAYS
- * REGION 40 DAYS
- * NATIONAL - OPEN

5. DISCLOSURE OF INFORMATION-THIS SECTION SHOULD BE MORE DETAILED OUTLINING THE REQUIREMENTS/ RESPONSIBILITIES/LIABILITIES ACCOMPANYING DISCLOSURE (DISCLOSURE RULES)

FORMULATE SUITABLE CLAUSES IN THE FORM OF A SECTION OF A RECOGNITION AGREEMENT WHICH WILL COMPENSATE FOR THE SHORT-COMINGS OF THE L.R.A.

- 1. MANAGEMENT AND SHOPSTEWARDS SHOULD AGREE ON TIME/OFF FOR EDUCATION/TRAINING AND MEETING DAYS - MINIMUM AMOUNT OF DAYS TO BE DEDICATED TO THESE DISTINCT AREAS.**
- 2. MANAGEMENT SHOULD PROVIDE OFFICE SPACE AND ADMINSTRATIVE FACILITIES TO SHOPSTEWARDS.**
- 3. MANAGEMENT WILL ASSIST WITH COMPANY TRASPORT AND ACCOMODATION FOR SHOPSTEWARDS.**
- 4. MANAGEMENT WILL PROVIDE TRAINING AND A TRAINING BUDGET FOR S/S.**
- 5. MANAGEMENT WILL PROVIDE ADMINISTRATIVE ASSISTANCE TO THE S/STEWARDS.**
- 6. MANAGEMENT WILL COVER ALL COST INCURRED BY S/S.**
- 7. CHILD-CARE FACILITIES FOR MOTHERS THAT ARE WORKING WILL BE PROVIDED.**
- 8. S/S AND MANAGEMENT WILL ACTIVELY ENGAGE IN THE PROMOTION OF HEALTH AND SAFETY.**
- 9. MANAGEMENT AND S/S SHOULD AGREE TO CREATE A LONG-SERVICE FUND**

DISCLOSURE OF INFORMATION

UNION SHOULD DEMAND :

- **FULL DISCLOSURE ON CONDITIONS THAT INFORMATION IS IMPORTANT TO THE UNION.**
- **INVOLVEMENT OF INDEPENDANT BODY SUCH AS IMMSA OR CCMA (COMPANY-FUNDED) WHERE THERE ARISES A DISPUTE ON THE ISSUE.**
- **THE UNION TO BE RESOURCED WITH A CONSULTANT WHEN NEGOTIATING R.A IN RESPECT OF INFO DISCLOSURE.**

FULL RIGHT TO STRIKE

- * NO SCABS
- * RIGHT TO PICKET AND DEMONSTRATE
 - * NO LOCKOUT
- * NO SERVICE TERMINATION OF ANY SORT
 - * NO INTERDICTS
- * COMPANIES SHOULD AGREE TO THE ESTABLISHMENT OF STRIKE FUNDS
- * TO BALLOT SHOULD BE UNION PREROGATIVE EVEN IF IT APPEARS IN THE UNION CONSTITUTION
- * GUARANTEED ACCOMODATION AND RELATED ISSUES

**COMPARED WITH PROVISIONS OF THE ACT
(SEE ONES MARKED WITH A STAR ABOVE)**

6.1 FULL RIGHT TO STRIKE

- A. PICKETING**
- B. NO SCABS**
- C. NO DISMISSALS**
- D. NO COURT INTERDICTS**
- E. RIGHT TO CALL CONSUMER BOYCOTTS**
- F. RIGHT TO ENGAGE IN AND CALL SYMPATHY STRIKES**
- G. RIGHT TO HOLD STRIKE BALLOTS AT THE COMPANY WITHOUT MANAGEMENT INTERFERENCE.**
- H. NO EVICTION OF WORKERS DURING THE STRIKE ACTION.**
- I. RIGHT TO ESTABLISH STRIKE FUNDS USING COMPANY RESOURCES.**
- J. THE COMPANY WILL NOT HAVE THE RIGHT TO LOCK-OUT WORKERS.**

6.2 BOTH PARTIES ARE BOUND TO FOLLOW THE COLLECTIVE AGREEMENT PROCEDURES RELATED TO DISPUTE RESOLUTION WITH THE EMPHASIS ON THE ROLE OF THE CCMA.

DRAFT PROPOSALS FOR MANAGEMENT ON STRIKE ACTION

- 1. NOT TO EMPLOY SCAB LABOUR AS PART OF THE PEACE OBLIGATION**
- 2. WORKERS SHOULD NOT BE DISMISSED FOR PARTICIPATING IN A STRIKE**
- 3. WORKER SHOULD NOT BE SUBJECTED TO COURT INTERDICTS**
- 4. WORKERS SHOULD NOT BE EVICTED DURING INDUSTRIAL ACTION.**
- 5. WORKERS SHOULD ENJOY THE RIGHT TO HOLD STRIKE BALLOTS WITHOUT MANAGEMENT INTERFERENCE**
- 6. WOKERS SHOULD HAVE THE RIGHT TO ENGAGE IN PLACARD DEMONSTRATIONS AND OTHER FORMS OF PICKETING WITHOUT HAVING TO OBTAIN PERMISSION UNDER ANY LAW.**
- 7. WORKERS SHOULD HAVE THE RIGHT TO THE ESTABLISHMENT OF COMPANY-SUPPORTED STRIKE FUNDS.**

COMPARE YOUR SUMMARY WITH THE PROVISIONS OF THE L.R.A.

1. SCAB LABOUR SHOULD NOT BE PROTECTED IN PROVISIONS OF THE L.R.A. WHILST SIMILARLY WORKERS SHOULD NOT BE LOCKED OUT NOR SHOULD INTERDICTS BE SERVED ON THEM.

2. CIVIL RIGHTS ARE NOT PROTECTED IN PROVISIONS OF THE L.R.A. - POLICE CAN TEARGAS AND SJAMBOK MARCHERS - THE SAFETY OF STRIKING WORKERS IS GENERALLY NOT PROVIDED FOR AS OPPOSED TO THE SECURITY OF PREMISE/PROPERTY ENJOYED BY THE BOSSES.

3. THE RIGHT TO ENGAGE IN SOLIDARITY STRIKE ACTION SHOULD BE UNCONDITIONALLY GARUANTEED

4. THE RIGHT TO ENGAGE IN SECONDARY STRIKES UNCONDITIONALLY

5. THE RIGHT TO CALL FOR CIVIL SOCIETY BOYCOTTS DURING INDUSTRIAL ACTION

* Also , believing that this forum is to try to involve workers in some decision-making to a certain extent.

We therefore resolve that , the union draw guidelines before beginning this project.

- * The union embark on an awareness campaign for s/stewards on this issue
- * Fawu to trigger union-based workplace forums
- * Fawu should ensure that needs & aspirations of our members are met.
- * Fawu embark on a pilot project where a workplace forum shall be triggered.