

Strike Violence: An Alternative Avenue

Edward Webster

Society, Work and Development Institute (SWOP)
University of the Witwatersrand

Marikana Commission of Enquiry Phase 2:
Underlying Causes

Panel Discussion 3: Violence in Industrial Relations
16 April 2014

Point of Departure

- Industrial Relations involves the strategic use of power, especially in strike situations
- In low trust situations:
 - ▶ Management will attempt to divide the workforce
 - ▶ Union will attempt to establish collective solidarity amongst its members
- QUESTION: How is this solidarity to be constructed?
By coercion and violence or by voluntary, consensual and democratic means?
- ARGUMENT: Outcome does not depend on union democracy alone. It requires employers to be willing to negotiate and a police force trained in public order policing

The Post-Apartheid Promise

1987: Strike militancy and violence under apartheid culminated in 9 million work-days lost

- SATS strike, 4 non-strikers killed
- Afcol, 4 non-strikers killed. Led to trial of State vs. Elias Phasha and others, February 1990.

Out of this conflict, a new vision of industrial relations emerged drawing on some key characteristics of a Coordinated Market Economy

- Right to strike and picket in Labour Relations Act (1995)

PROMISE: An alternative avenue laid out for the non-violent resolution of conflict

Post-Apartheid: Decline and Rise of Violence

- Initially CCMA seemed to be effective in institutionalizing conflict
- Strike action dropped. 1.6 million days lost in 1995, reaching 650 000 in 1997
- Began to increase dramatically:
 - 2007 – 12,9 million days lost
 - 2010 – 14,6 million days lost
 - 2011 – 20 million days lost
- Strikes becoming longer, “trials of strength”, and increasingly violent
- 3 month strike in Private Security Industry (2006) led to 57 deaths

Dramatic Increase in Workplace Violence and Community Unrest, culminating in Marikana

**Work days lost due to strikes,
1994 - 2011**

Year	Number
1994	3 900 000
1995	1 600 000
1996	1 700 000
1997	650 000
1998	2 300 000
1999	3 100 000
2000	500 000
2001	1 250 000
2002	945 000
2003	700 000
2004	1 100 000
2005	2 300 000
2006	2 900 000
2007	12 900 000
2008	990 000
2009	2 900 00
2010	14 600000
2011	20 000 000

Source:
SAIRR (2010/11), pp417, Khuzwayo (2011)
in Southall, R. (2012), pp2

Violence in Strikes

There is no sweet strike; there is no Christian strike... A strike is a strike. You want to get back what belongs to you... You won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that.

(cited in Von Holdt, 210:141)

2012 Platinum Belt Strike Wave: A Chronology of Impala Platinum

- ▶ **20 Jan** : RDOs down tools after presenting a petition to shaft management demanding a retention allowance three days earlier
- ▶ **30 Jan**: Management dismisses all striking workers
- ▶ **16 Feb**: Subcontracted worker stripped naked, assaulted by striking workers and dies en route to hospital
- ▶ **20 Feb**: Police shoot striking workers at Number 6 hostel. 1 worker killed and 7 injured
- ▶ **24 Feb**: Contractor found dead after being assaulted by striking workers who were looking for scabs
- ▶ **End of Feb**: Strike draws to an end as workers are reinstated. 3 people died and 60 injured, some seriously (Jeffery, 2013)

2012 Platinum Belt Strike Wave: Lonmin

10 August: NUM says management will address workers only through NUM, as recognised union. Workers not happy.

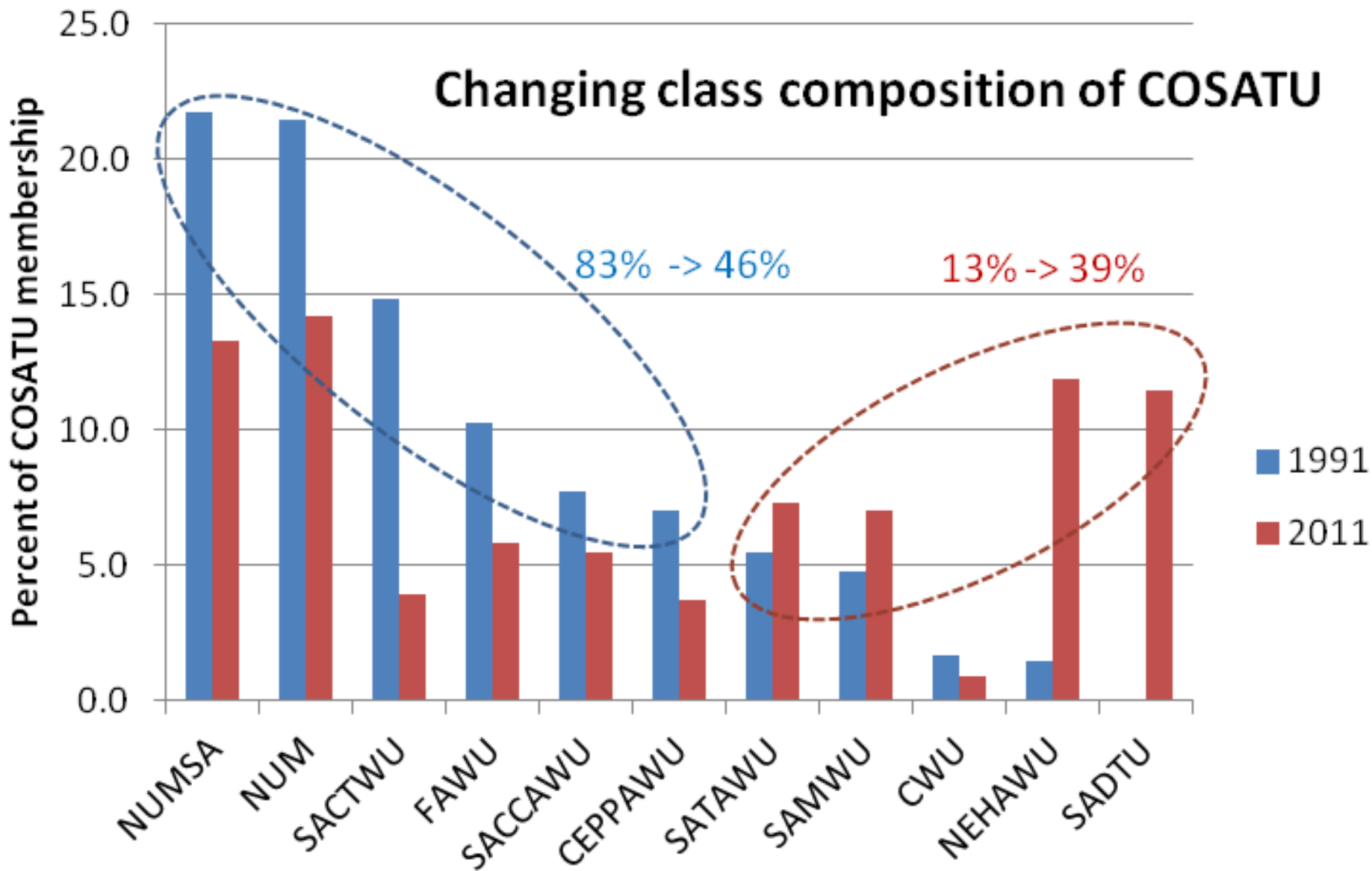
11 August: RDOs march to NUM office and shots are fired from the NUM office.

12 August: Workers move to Kopje. Workers clash with security officers. Two workers killed, one hacked to death by a machete and other burned alive in his truck.

13 August : Workers refused police instructions to hand over weapons and broke the police line. Police responded by shooting at crowd and a fight ensued between the two groups. 2 police officers hacked to death by workers and 2 workers shot dead by police.

16 August : 34 lives lost through bullets from police assault rifles and handguns, 71 injured

Changing class composition of COSATU



Excl. CAWU and SADWU in 1991 (4%); excl. DENOSA, PAWUSA, POPCRU, SADNU, SAFPU, SAMA, SASBO, SASAWU in 2011 (15%)

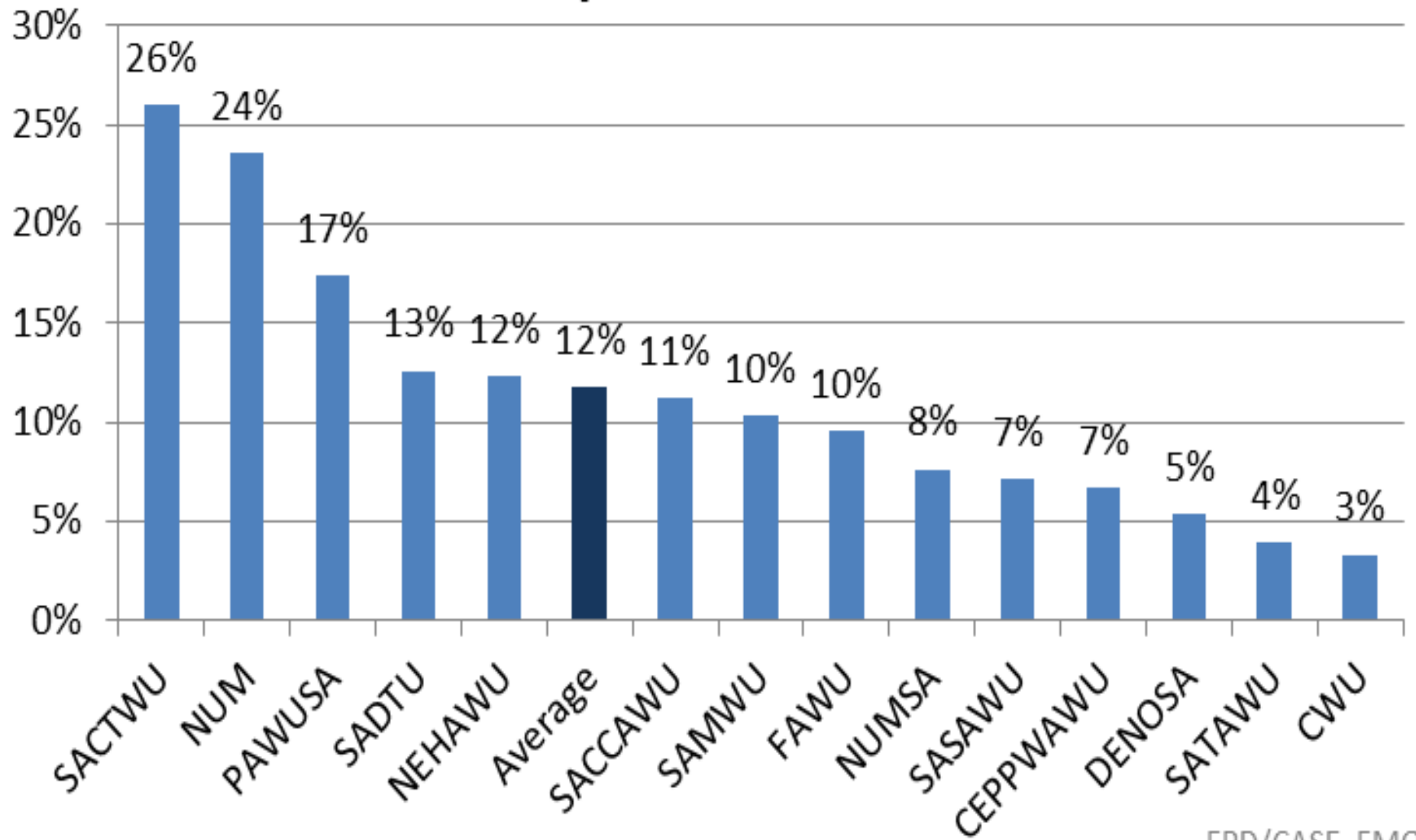
Full-Time Shop Stewards: G4S/SATAWU, 2010

Additional rights granted upon becoming the majority union (50% +1 member)

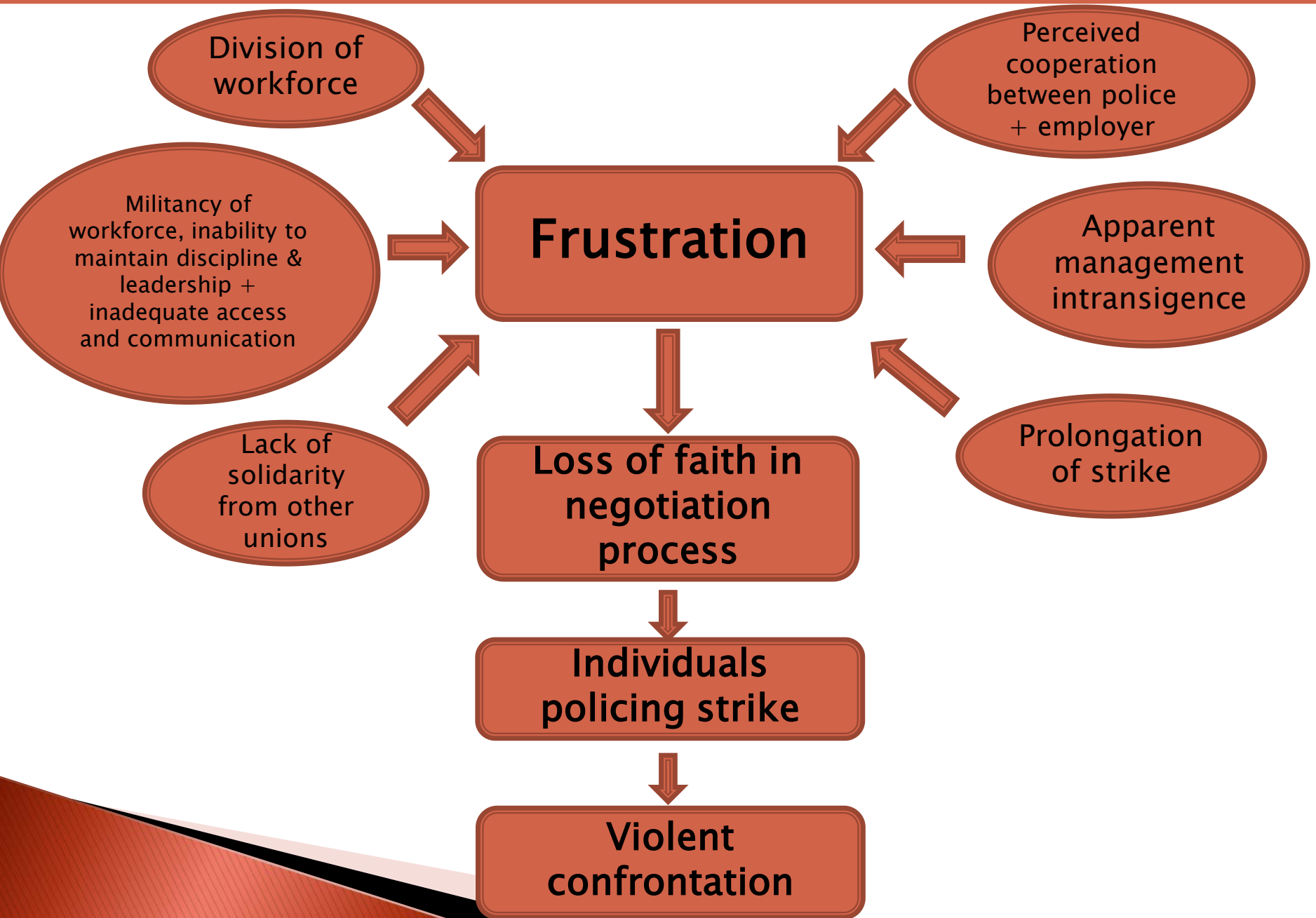
Full-Time Shop Steward:

- Paid normal monthly salary by the company
- Travelling allowance of R550 per month
- Allowance of R1000 per month
- Access to company transport
- Access to a cellular phone
- Access to an office
- Employed at the rank of Grade A after ceasing to be a full-time shop steward

% of full-time shop-stewards in COSATU unions

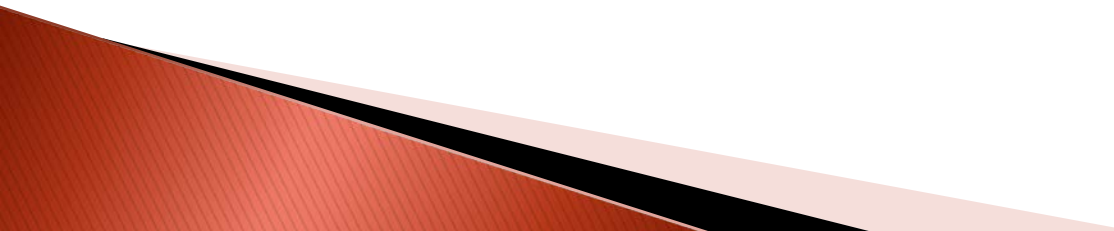


Process Analysis of the Escalation Violence



An Alternative Avenue: A Sense of Control within the Strike

2 requirements:

1. Union Constitution requires a confidential ballot before a strike
 2. Picketing must be negotiated at the local level
- 

Confidential Balloting: SACTWU

- ▶ Incorporated into union constitution
- ▶ Nudges employers to settle before resorting to a strike – an early warning
- ▶ Ensures that union has a democratic mandate for a strike
- ▶ Must be internal to the union (not in LRA)
- ▶ Pre-empts strikes: 50 000 workers balloted in 2013 and 85% supported a strike. Employers agreed to demands

Confidential Balloting: SACTWU

"Strike balloting is not a requirement of the Labour Relations Act. However, the Southern African Clothing and Textile Workers' Union always voluntarily ballots its members before embarking on any wage strike action. It is part of our internal policy of worker control on critical organisational matters".

SA Labour Guide, 7 August 2013

Picketing in Recognition Agreements

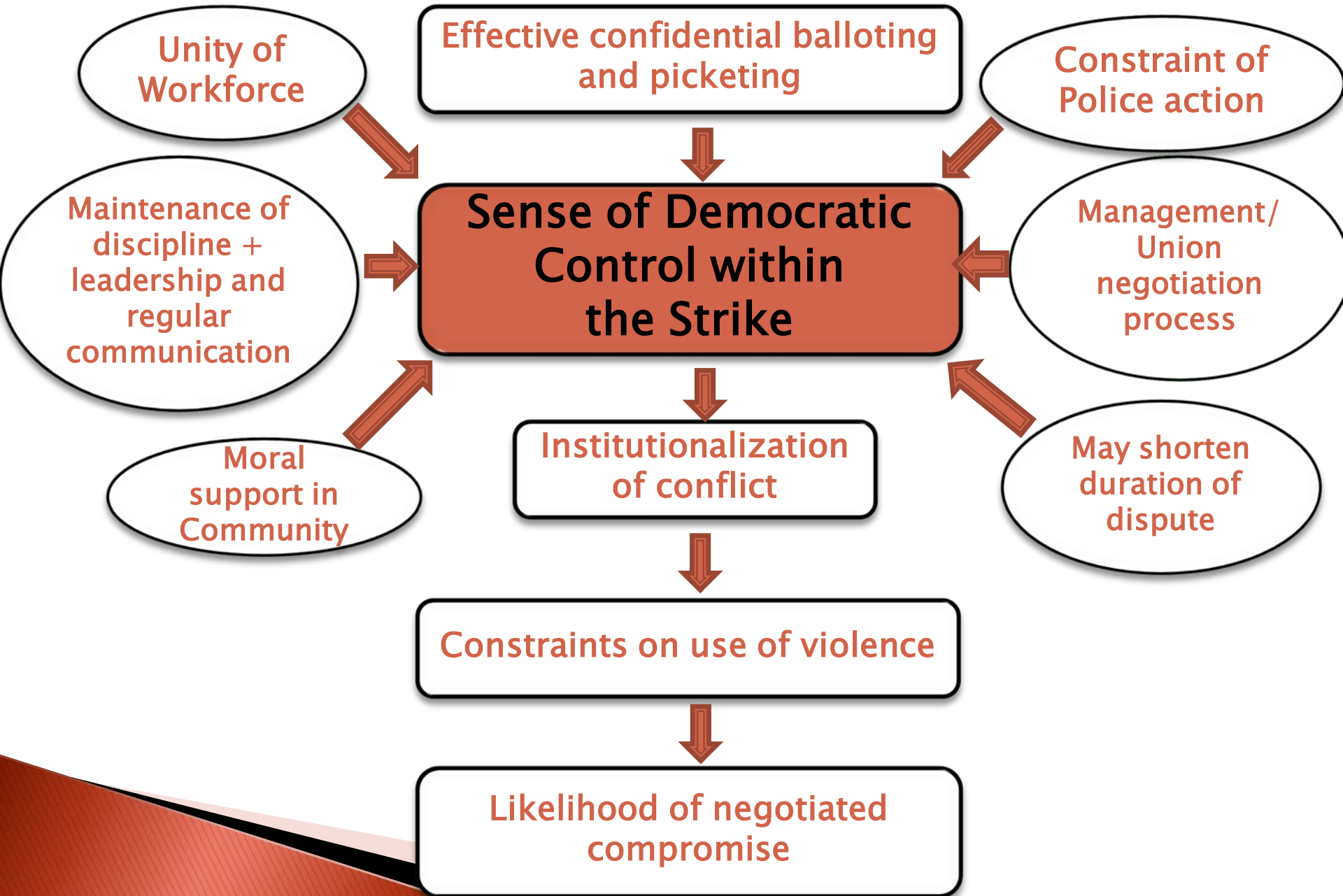
- ▶ Notify Company in writing that union intends to call a picket
- ▶ State where, nature and duration of picket and steps to ensure that it is peaceful
- ▶ May not block any entrance or exit to the company
- ▶ Union will take reasonable steps to ensure no one intimidates, damages property or carries weapons

Picketing

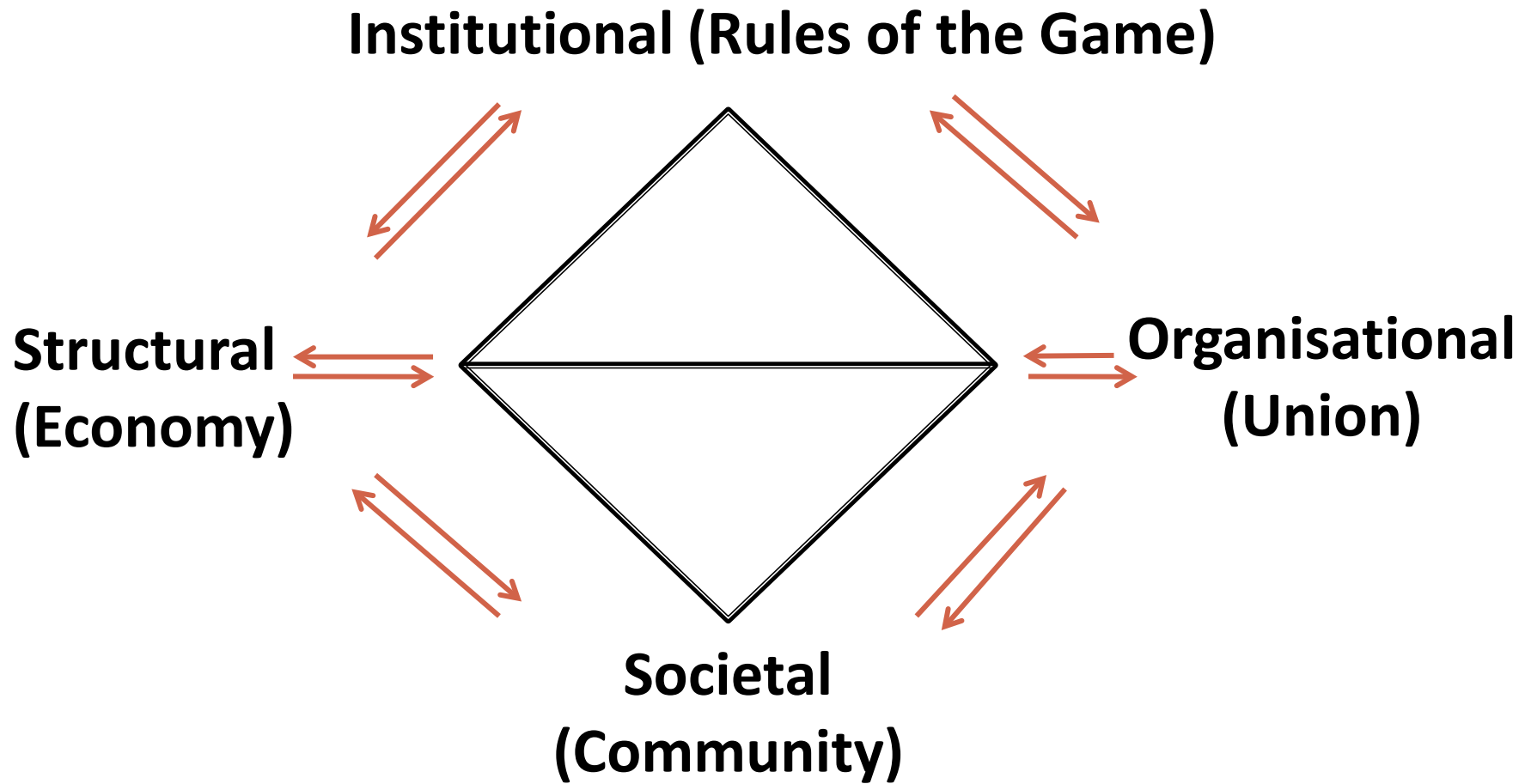
... A key factor in a peaceful picket is the preparation the employer puts into the picket. My experience is that it is best to conclude picketing agreements as close to the site of the protest action as possible. This forces an engagement with the union and the management of the site over where picketing will take place, what is appropriate picketing and how the situation will be managed.

Director, Human Resources in Parastatal, 2014

A NON-VIOLENT STRIKE



Power Diamond



Conclusion

“Marikana strongly suggests that...

Collective Bargaining alone cannot address the expectations of workers in a context of precariousness and fragmentation.

Precarious work and living conditions, and the failure of political citizenship undermine industrial relations institutions which have little capacity to manage industrial conflict”.

(Crispen Chinguno, *Marikana and the Post-Apartheid Workplace Order*, SWOP Institute, 2013)