

**A SOCIOLOGICAL ANALYSIS OF THE IMPACT
AND MANAGEMENT OF STRIKE ACTION IN
SOUTH AFRICAN MINING INDUSTRY: WITH
SPECIFIC REFERENCE TO SPITZKOP COAL MINE
IN BREYTEN (MPUMALANGA PROVINCE)**

by

MANDLA ALFRED TWALA

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**Thesis presented in fulfilment of the requirements
for the degree of
Doctor of Philosophy
at the
University of Zululand**

Date submitted: May 2002

DECLARATION

I, Mandla Alfred Twala, hereby declare that "Sociological Analysis of the Impact and Management of Strike Action in South African Mining Industry", is my own work, and all sources used or quoted have been indicated and acknowledged.

M. Twala
M.A. TWALA

Date: 09/07/2002

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This research thesis is not confidential. It may be used by the University of Zululand.

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ABSTRACT

The main focus of the study will be based on strike action. Strikes cannot exist without conflict. This reflects that "strike action" and "conflict" are two related concepts.

Labour disruptions have been the single most important contributing factor to the record low production figures in the mining industry in the last five years. Prior to the 1994 elections, most strikes were politically inspired and therefore little attention was paid to the needs of the workers. However, management have since realised the importance of seeing to the needs of the workers. A worker who is satisfied with the job and working conditions is less likely to strike than one who is not satisfied.

The importance of labour and specifically labour relations has been realised. Labour relations cannot be regarded in isolation. There are a number of external factors which influence labour relations and have to be brought into consideration when reviewing the labour relations climate.

The study device certain general guidelines for management to follow when handling strike situations. Amongst the more important findings was the fact that there must be a greater awareness of worker needs, values and objectives. The best way to handle strikes is to prevent them from occurring in the first place. To do this management need to proactively investigate and manage the grievances of the workers.

The diversity of cultures in the mining industry contributes to labour unrest in various ways. Workers become frustrated by what some groups consider as the norm.

Furthermore, in chapter five research methodology. The questionnaires was distributed to respondents in Spitzkop coal mining industry. Stratified sampling technique was also applied in this research to minimize loss of data from respondents and economize in terms of spending money. This method only uses the readily available respondents (stratum form). In data analysis frequency and chi-square statistics was used to demonstrate management and worker responses and attitudes to the strike.

Management need to have a formalised strike plan, which would contribute towards more efficient handling of strikes. Management should be proactive in their approach to strikes, rather than reactive.

Part of this proactive process by management is the constant monitoring of working conditions to see what further types of improvements can be introduces to minimize adverse effects of strike. There should be good communication between management and workers at all times. Open communication is strengthened by worker involvement in decision-making.

GLOSSARY OF ABBREVIATIONS

Trade Unions Affiliated with COSATU in 1999

CAWU	-	Construction and Allied Workers' Union
✓CEPPWAWU	-	Chemical, Energy, Paper, Printing, Wood and Allied Union
CWA	-	Communication Workers' Union
FAWU	-	Food and Allied Workers' Union
NEHAWU	-	National Education Health and Allied Workers' Union
NUM	-	National Union of Mineworkers
NUMSA	-	National Union of Metalworkers of South Africa
POPCRU	-	Police and Prisons Civil Rights Union
SAAPAWU	-	South African Agricultural Plantation and Allied Workers' Union
SACCAWU	-	South African Commercial, Catering and Allied Workers' Union
SACTWU	-	South African Clothing and Textile Workers' Union
SADTU	-	South African Domestic Teachers Union
SAMWU	-	South African Municipal Workers' Union
SAPSA	-	South African Public Servants Association
SASBO	-	South African Society of Bank Officials
SATWU	-	South African Transport and Allied Workers' Union

Trade Unions Affiliated with NACTU in 1999

BIFAWU	-	Banking, Insurance, Finance and Assurance Workers' Union
BCAWU	-	Building Construction and Allied Workers' Union
HOTELICCA	-	Hotel, Liquor, Commercial, Catering and Allied Workers' Union
MEWUSA	-	Metal and Electrical Workers' Union of South Africa
MESHAWU	-	Municipal, Education, State, Health and Allied Workers' Union
NACTWUSA	-	National Clothing and Textile Workers' Union
NASAWU	-	National Service and Allied Workers' Union
NATALICCA	-	Natal Liquor, Catering Trade Employees' Union
NUF	-	National Union of Farm Workers
NUFAW	-	National Union of Furniture and Allied Workers' Union of South Africa
NUFBSAW	-	National Union of Food, Beverage, Wine, Spirit and Allied Workers' Union
NWU	-	National Workers' Union
SACWU	-	South African Chemical Workers' Union
SEAWUSA	-	Steel, Engineering and Allied Workers' Union
TAWU	-	Transport and Allied Workers' Union
TOWA	-	Transport and Omnibus Workers' Union
UAMAWU	-	United African Motor and Allied Workers' Union

Trade Unions Affiliated with FEDUSA 1999

ALPASA	-	Air Line Pilot Association of South Africa
F & GWU	-	Food & General Workers' Union
FFRWSA	-	Food, Farm & Rural Workers' Support Association
HACTU	-	Hairdressing & Cosmetologists Trade Union
HOSPERSA	-	Hospital Personnel Trade Union of South Africa
IBSA	-	Insurance and Banking Staff Association
IMATU	-	Independent Municipal and Allied Trade Union
NULW	-	National Union of Leather and Allied Workers'
NUPSA	-	National Union of Prosecutors of South Africa
PAWUSA	-	Public and Allied Workers' Union of South Africa
PSA	-	Public Servant Association of South Africa
P & T	-	Post and Telkom Association of South Africa
SAAFEA	-	South African Airways Flight Engineers Association
SAFSA	-	South African Footplate Staff Association
SALSTAFF	-	Salstaff
SAMRI	-	Staff Association for the Motor and Related Industries
SAOU	-	Suid-Afrikaanse Onderwys Unie
SAPTU	-	South African Parastal and Tertiary Institution Union
SACU	-	South African Communications Union
SATU	-	South African Typographical Union
SAWU	-	South African Workers' Union
SAI & AWU	-	South African Independent and Allied Workers' Union
SWU	-	Sweet Workers' Union
TWU	-	Technical Workers' Union
UASA	-	United Associations of South Africa
UNIPSA	-	United National Public Servants Association of South Africa

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CHAPTER ONE

BACKGROUND OF THE STUDY

1.1 INTRODUCTION

The issue of low wages is a long outstanding problem in South African coal mining industries. There is much difference between management and workers, management believes in power to rule the subordinate irrespective of security and other benefits. In most cases management overrules the employees.

South Africa as a country has historically experienced widespread strikes and other forms of industrial action in the 1903, 1921s, 1930s, 1970s, 1980s, 1990s, and this is inclusive of the pre- and post-1994 elections. The relationship between management and workers in different sectors of the economy has been a source of investigation over many years. Much research has been conducted on the relationship of management and workers. This research in question has been devoted to the nature of conflict between these two groups, i.e. management and the worker. Conflict is one of the most destructive forms of interaction in the industry; it is a daily reality for everyone, whether at home or at work. So this motivates everyone who is a role player in the working place to try and look for strategies that can be used to ease the conflict within the workplace. Conflict can be relatively minor, easy to handle, or capable of being overlooked and others of great magnitude. Conflict requires a strategy for successful resolution and make sure that it does not cause or create constant tension or lasting enmity in business.

Impacts refers to the effects. The main focus of the study will be based on strike action, and strikes cannot exist without conflict. It is like a woman, a woman cannot give birth to children without being pregnant. Although the focus is on strike action but we cannot divorce the term "conflict" because conflict lead to strike action. Strike action

is also divided into two types, that is, protected and unprotected. The protected strike action when notice the employer and relevant stakeholders in advance before engaging in industrial action. Legal or protected usually enjoy trade union support, while it is a general characteristic of the illegal or unprotected strike that it does not necessarily enjoy trade union support. Unprotected strike is when employees are involved in strike action without giving an early notice to the employer prior to the strike. In fact, in many instances the trade union disclaims responsibility for the employees' actions. At common law a strike constitutes of breach of contract entitling the employer to terminate summarily. It may also constitute a delict, for which the employer may recover damages against the responsible parties. The right to strike is now generally seen as a necessary adjunct to collective bargaining as it corrects the inequality inherent in the employment relationship, and it is constitutionally entrenched. However, it is also generally accepted that, like all rights, the right to strike may be reasonably limited in the interests of other values and goals. The Labour Relations Act of 1995 at once gives statutory protection to the constitutional right to strike and limits its exercise.

The researcher will focus on Spitzkop coal mining industry. This mine is based in the Mpumalanga Province and surrounded by three small towns of Breyten, Ermelo and Hendrina. Also there are other mines like Ermelo mine and Hendrina coal mine. The researcher mainly focuses on Spitzkop coal mine because of long strike action that took place in 1994. Spitzkop management faces a challenging task of improving remuneration and other benefits for the workers. The goal of Spitzkop management can be described as creating value for target consumers and generating adequate profits for the industry.

Miners experience extensive remote problems such as lack of income and large number of responsibilities in their families. The existence of trade unions in the mining sector serves an informative role as the miners get to know their rights such as, working conditions, increase of wage and other benefits. Therefore, miners voice out immediate problems to the employer as the cause of poverty to their families because of low-income. By so doing workers participate in the strike action and it is not the question

of low-income only, but of the remote factor. So, a researcher keeps on asking himself as to whether an increase in salaries, would solve workers problems?

According to the Labour Relations Act of 1995, a strike is defined as follows:

"Strike means the partial or complete concerted refusal to work or the retardation or obstruction of work, by person who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee and every reference to work in this definition included overtime work, whether it is voluntary or compulsory."

The aim of this research is to examine the impact of strikes, employee discontent may be expressed through a variety of forms of organized collective action such as:

- ☐ **Withdrawal of co-operation:** Employees withdraw support for any co-operative measures, such as quality circles or productivity gain sharing plans;
- ☐ **Work to rule:** Employee insists on a strict interpretation of duties or recognition agreement, and require specific detailed instructions on how to complete work. This slows down work and impacts negatively on production;
- ☐ **Go slow:** Employees work without enthusiasm and at a lower output than normal;
- ☐ **Overtime ban:** There is a collective refusal to work outside normal hours of work, thereby affecting potential for production;

- ☐ **Overtime traditional strike:** A group of employees act collectively by implanting a complete stoppage of work in an attempt to pressurize the employer into considering to their demand. Sit-ins or sleep in the company premises may be part of such action.

1.2 MOTIVATION OF THE STUDY

This study aims to investigate the relationship between management and workers, where the focus will be on strike action. This urge was prompted by the researcher's reading of an article in the newspaper Highveld 06, 1994 which stated that,

"members of management and workers are protesting outside the premises of the industry demanding the increase of salaries then the industry closed and surrounding societies are affected in terms of economy and low supply of coal. Management cut-off workers salaries whilst they engaged in strike action".

The workers demanded high wages they felt that they are underpaying.

This study therefore seeks to understand the reasons behind these strikes, the factors causing them, etc.

- ☐ The type of trade unions that exist in Spitzkop coal mining industry.
- ☐ The level of decision-making ability.
- ☐ The methods that can be used to terminate or eliminate strike action.
- ☐ The causes and the impact of strikes action in Spitzkop coal mining industry.

1.3 AIM(S) OF THE STUDY

The following aim are formulated for this study and will be pursued:

- ☐ Investigate the type of strikes that exist in Spitzkop coal mining industry.
- ☐ Identify worker's interest to participate in strike action in Spitzkop coal mining industry.
- ☐ To develop a disciplinary action in Spitzkop coal mining industry.
- ☐ Identify strategies that must be used in handling strike action in Spitzkop coal mining industry.

1.4 RESEARCH METHODOLOGY

The researcher will use questionnaire schedule. The interview schedule based on person to person has been conducted. Questionnaires will randomly be distributed. A pilot study was undertaken by the researcher to gather information. The questions have been divided into three categories, i.e.:

- ☐ The personal characteristics of the interviewees.
- ☐ The administrative function in managing the Spitzkop coal mining industry.
- ☐ The perception of the respondents about the Spitzkop coal mining industry.

The questionnaire will be one and standard include both categories, i.e.:

- ☐ Management, and
- ☐ Workers.

The raw data will be processed and presented in frequency distribution. Therefore,

data will be analyzed and interpreted. The findings were reported in tabular form chi-square, graphs and summarized and discussed.

1.4.1 Limitations of the study

- ☐ The researcher constructed fifty one questions on the questionnaire and analysed all the questions.
- ☐ It was not easy to gather information together as the researcher wished to due to the work schedules (shifts, offs, leaves and replacement) in the industry.
- ☐ In addition the researcher decided to restrict the research further, by dealing only with a mining industry and not investigating other industries like the building or the distribute trade.
- ☐ It was not easy to acquire the exact amount of the employees' weekly, and monthly payment, due to the confidentiality of the industry.

1.4.2 Delimitation of the study

1.4.2.1 Spatial delimitation

The study will be confined to the area of Greater Breyten coal mining industry. Spitzkop coal mining industry is relatively located 30 km North of Ermelo, 7 km of Breyten, 150 km South of Nelspruit and 99 km East of Witbank near the national road (N4).

The area was laid out on the Western portion of the farm Botharust, sold by Lucas Potgieter to Nicholaas Breytenbach (1844-1918), who helped check the Jamson Raid and was a field cornet of ward three of Ermelo in the second Anglo-Boer War. It was surveyed by H Nott on 25 October 1906 and named Breyten.

1.4.2.2 Qualitative delimitation

Respondents, irrespective of race, gender, color and level of education working at both management and workers level will be requested to complete the questionnaire. Attempts will be made to ensure equal distribution of both managers and workers. Respondents will voice out their perception and relationship between management and workers in Spitzkop coal mining industry.

1.4.2.3 Quantitative delimitation

A stratified sample of not more than 100 respondents will be sought (40 management and 60 workers).

1.5 VALUE OF THE RESEARCH

The researcher is very positive that both the management and the employees could benefit from this study. Employees will understand that there should be a humane relationship between themselves and their employers. The relationship between workers and employer is based on a negotiated contract (written or applied) between an individual and the organization. Conflict between management and workers in terms of low-salaries cannot be solved permanently but can be managed. Social needs can not be satisfied only with fixed economic because of social change and technological advancement in the country. Employers should learn to know their rights as well as the policy of a company. Workers should know that the company conducts workshops on investor's care. Management on the other hand should change traditional management style to more democratic management that can neutralize a conflict and a lack of understanding in the Spitzkop coal mining industry. If everybody is satisfied then Spitzkop will be successful. As a matter of fact, the only instrument which employees could be use to fight for increment of their wages or pay was the medium of trade union negotiation forum. This has progressively helped the employees. Furthermore, activities should help to improve the industrial relation system in South Africa.

1.6 OUTLINE OF THE STUDY

The outline of the study is as follows:

Chapter One: Background of the Study

In this chapter the researcher gives an orientation to the study in which he states the aims of this study, formulates the motivation for undertaking the study, and basic assumptions. The researcher explains the limitations of the study and an outline is given.

The researcher deals with the background information on the area of study. The researcher focuses on the economic structure of this population, needs and problems as well as services available to meet those needs and problems.

Chapter Two: Literature Review and Theoretical Framework

This chapter deals with literature review, covering the relationship between management and workers in Spitzkop coal mining industries. Also a sociological survey of the impact of strikes in South African coal mining industries. Conflict is considered as pre-requisite issue that lead to industrial action (strikes) in the organisation. A broad literature review was undertaken to ascertain nature of management and workers functions in Spitzkop coal mining industry.

Also the focus will be based in other countries that, they experience the same problem of conflict between management and workers over salaries in coal mining industries. As a comparison of international, national and South African Coal Mining Industry under the study. The hypothesis will be tested in the study. Lastly, important concepts are defined.

Chapter Three: The Historical Development of Labour Relations in South Africa

In this chapter the research will analyse the various impacts of Trade Unions in South African Mining Industries. Since there is a large number of mine workers that are illiterate and how Labour Relations Act of 1995 in changing the workers to know their rights, especially in Coal Mining Industries.

Chapter Four: Spitzkop Coal Mine Case Study

Organisational structure of the Spitzkop coal mining industry. Duiker Mining Limited is served as the mother body of the following structures: Boschmans Colliery, Spitzkop Colliery, Strathrae Colliery, Tselentis Colliery, Waterpan Colliery and Consolidated Colliery. Much of the concentration will be based on Spitzkop Colliery at Breyten.

Chapter Five: Research Methodology

This chapter will discuss the research design, sample and simple methods, research instruments and methods of data collection.

Chapter Six: Analysis, Presentation and Interpretation of Data

A preceded structured questionnaire was developed. The questionnaire was distributed to a sample of managers and workers in Spitzkop coal mining industry. Therefore, data are analyzed, presented and findings are interpreted.

Chapter Seven: Summary, Conclusions and Recommendations

A summary of findings, conclusions and recommendations are made in this chapter.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

UNDERSTANDING THE MICRO-DYNAMICS OF STRIKES IN THE SOUTH AFRICAN CONTEXT AND BEYOND: TOWARDS AN INTEGRATED THEORETICAL UNDERSTANDING

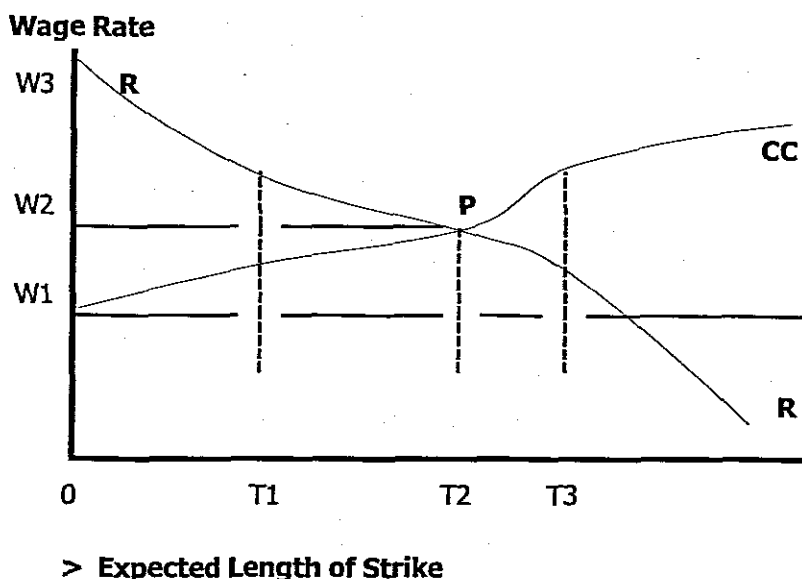
This chapter evaluates existing theories dealing specifically with the micro-dynamics of strikes. This is followed by an evaluation of additional factors, not covered by existing theories of strikes, which could both cause and/or condition the nature of this form of industrial conflict. These factors, together with those relevant variables identified by existing theories of strike action, will serve as a basis for the construction of an integrated theoretical understanding, to be re-evaluated and developed in the subsequent substantive chapter.

2.1 THE MICRO-DYNAMICS OF STRIKES

2.1.1 Understanding the specific dynamics of strikes

A number of models have been constructed to explain the internal circumstances under which strike action takes place, most focusing on the trial of strength dispute (Burkitt, 1975:87). Of great influence has been the Hicks (1932:141) model, which suggests that employers are faced with a choice – either to resort to protracted struggle, with an attendant loss of income, or grant wage concessions. It is possible to construct a schedule along to enable one to plot how much an employer will be prepared to pay in wage increases to prevent a stoppage, with a point being reached where the cost of stoppage is equal to the cost of wages (ibid.:142). The situation is depicted below.

Figure 2.1: Expected Length of Strike



CC is the employers' concession curve and RR the union resistance curve. OW1 is what the employer would pay in the absence of trade union pressure. OW2 is the highest wage the employer is prepared to pay. While the union may settle for less, it has the potential to improve the situation of its members (Burkitt, 1975:87). Union concessions are measured as the gap between its resistance curve and OW3 (desired wage rate). Essentially, this model is based on the assumption that the length of a strike is the result of a rational costs benefit analysis on behalf of both parties. The strike will last as long as one party believes the cost of the strike are less than the benefits of achieving the desired wage level.

A serious limitation of this type of theorem is that the situation tends to change during a strike. Change in the attitudes of employers and labour may result in a lengthening or shortening of the strike to a stage when one set of rational criteria may not necessarily prevail. Violence or the intervention of the authorities may harden attitudes, whilst negotiation or mediation may result in a greater willingness to compromise. Perhaps Hicks' model is most valid as a "snapshot", and as a vivid depiction of a situation at a given point of time, but is nonetheless subjected to dynamic adjustment. For example, issues such as

wage demands and actions by individuals during the course of the strike may interact to shape its nature and ultimate outcome in the context of a particular time and geographical location ("space") (Giddens, 1984:25). The possible effects of such factors will be explored in subsequent sections.

Other important considerations include the potential of the firm to survive the loss of income stemming from a wage increase, which in turn is partially affected by the ability of the firm to pass on any increases to the consumer (Reder, 1980:76). This in turn is affected by the relationship between the firm's costs (and prices) and those of its rival firms (ibid.:76). Trade unions enter the picture by calling for government intervention and/or by attempting to organize through the whole industry, in order that all firms face the same wage pressures (ibid.:77). Conversely, management will try to reduce wages in situations of high unemployment and when the trade union is at its weakest (ibid.:78).

Clearly, there is some merit in Reder's argument, the major failure stemming from the need to address local variations. Reder himself suggests that in situations of high employment it may not be irrational for a union to force a firm to close (ibid.:80). However, other factors such as the potential for the state to intervene are also of importance in such disputes.

Barbach (quoted in Reynolds, 1987:144) argues that all labour disputes are about price and power. Reynolds (1987:145) argues that even the threat of strike action proves debilitating in terms of investment lost. This seems to be something of a generalization and is difficult to prove in most circumstances – much vaunted cutbacks due to perceived trade union threats are often attributed to a "basket of factors". Further limitations of Hicks' model include the fact that it made certain assumptions as to the psychology of the "working man" (Kennan, 1986:1101) and the prevalence of rationality.

2.1.2 Rethinking the micro-dynamics of strikes

Clausewitz, the greatest philosopher of war, has made a number of important observations which are equally applicable to the study of industrial conflict. He suggests that there is great uncertainty in any conflict, which he refers to as the "fog of war" (Clausewitz, 1968:188). This uncertainty in respect of conflict applies both to one's opponent's position and one's own.

"All action must be planned in a mere twilight, which in addition not infrequently – like the effect of fog – gives things exaggerated immersions and an unnatural appearance" (ibid.:189).

Clausewitz points out that a conflict situation is a dynamic and ever-changing one (ibid.:188). Actions will spark reactions from one's opponent, and such reactions may not always be predictable.

Clausewitz refers to this state as a "living reaction" (ibid.:188). He further suggests that the presence of friction in conflict further confuses issues – what can go wrong invariably does go wrong (ibid.:168). A further issue which may be added is the question of rational choice prevailing in a situation of industrial conflict. This is not the place to explore the philosophical debate over the question of rational choice; but suffice it to say that rational abstract decision-making may be flawed in that it fails to take full cognizance of the localized dynamics of a particular set of social circumstances. After a while the decision to stay on strike or return to work may be clouded by the actual experience of the strike to date.

It can be argued that Hicks' model indeed provides a graphic description of industrial conflict, but only at a particular point in time. One day (or even second) later the situation may have changed, and with it the graphical schedule depicting the situation as it stands – that all things staying constant, the dispute

will last for a particular period and exhibit certain characteristics.

In real life, the situation will be a dynamic one, and thus (as noted earlier) the strike's outcome will not only be shaped by demands, but by the internal dynamics and experiences during the strike (the "living reaction" Clausewitz refers to), and by time and space (when and where the strike took place). In other words at a particular point in time the balance of power will exhibit certain characteristics, but shortly thereafter this will change, either due to material conditions or perceptions based on uncertainty.

2.2 TOWARDS A NEW THEORETICAL UNDERSTANDING OF SOUTH AFRICAN STRIKES

2.2.1 The complexity of strike action

Most versions of the quantitative model of strike causality (i.e. models primarily based on quantitative data and on certain liberal economic assumptions with regard to consistent rationality and the self-regulating nature of markets, which may be extended to non-economic variables (Milogram & Roberts, 1990:58) deal either with that which causes strikes or with the internal dynamics and duration of strikes. As noted earlier, it can be argued that the two may not be necessarily distinct. In other words, the cause of a strike may be inherently bound up with its course. In particular, subjective interpretations of the previous experiences of workers of collective action before the strike started, and experiences during the strike, frame both combativeness and the ultimate duration of the dispute.

George Simmel was one of the first social theorists to articulate a dialectical understanding of the relationship between broader social trends and localized and individual struggles for autonomy (Frisby, 1989:38). In Simmel's view there is an ongoing dialectical relationship between broader socio-economic forces and subjective understandings and interpretations.

This conception can readily be applied to developing a broader understanding of strikes, although it can be argued that the relationship need not necessarily be dialectical, and that subjective and objective forces combined might trigger strike action. A certain level of inflation may, for example, place pressure on workers to resort to strike action, but the ultimate decision to strike and the duration thereof may be determined by the more subjective factors, such as the previous experiences of the parties to the dispute.

Indeed, the distinction between subjective and objective factors may not always be clear-cut, especially when factors such as the economic effects of informal networks of support are considered. Not always identical to the subjective/objective distinction, is the relationship between broader trends and local circumstances. However, it can be argued that both may contribute to strike action, whilst specific sets of regional and local circumstances may also contribute to determining the nature and incidence of this form of industrial conflict.

Frisby (1989:38) notes that rapid socio-political change may mean that this distinction between broader trends and local conditions is not longer clear-cut, but has become blurred. For example, local conflicts can assume national significance. A good example of this would be the 1973 Durban strikes. As a response to a very particular localized set of circumstances (including developments within the KwaZulu homeland and the role of the University of Natal SRC's Wages Commission in organizing workers), the strike provided much of the impetus for the emergence and rapid expansion of the independent trade unions on a national level.

Jameson (1991:416) asserts that relationships at the workplace do not automatically form part of a total system. Instead, they can incorporate a variety of localized tendencies and counter-forces. What takes place at an individual or local level may indeed occupy an ever-changing position with regard to the wider

social totality (Jameson, 1991:416). In other words, the relationship between local social happenings, including industrial conflict, should not be seen as automatically linked with broader social trends. Industrial conflict may occur despite an unfavourable broader socio-political environment, whilst it may not only be determined by factors such as wages, but also affect them.

2.2.2 Key determinants of strikes

It is therefore necessary to take account of two issues when analyzing South African strikes – what causes strikes, and how this relates to their internal dynamics. The different models of strike causality identify the following variables as of importance:

- 1. Economic model**
 - a. Real wages
 - b. Inflation
 - c. Expectations of a wage increase
 - d. Unemployment
- 2. Political model**
 - a. Social democratic party policy
 - b. Communist party strength
 - c. Head of government
 - d. Election/non-election period
 - e. Cabinet size
 - f. Political repercussions of wage demands
- 3. Socio-environmental model**
 - a. Community/region
 - b. Technology
 - c. Communication

4. **Industrial relations model**

- a. Size of trade union movement
- b. Type of union
- c. Collective bargaining structures
- d. Labour legislation

In view of the above, it seems evident that the following potential causal variables have a statistically significant relationship to the incidence of strikes in South Africa: deprivation/expectations of a wage increase; union size; unemployment (but only in the 1980s, and contrary to the view that unemployment discourages striking); and inflation. It should be noted that all these variables have undergone dramatic changes during the period under review. In other words, the situation is not only one of the trends, but also discontinuities. Expectations, unemployment, union size and inflation are all variables identified in established models of strike causality, although it is difficult to quantify the first-mentioned, other than through an assessment of the (direct or lagged) relationship between increased real wages and increased strikes.

Political "unrest" incidents, as noted earlier, are, in the South African context, a more appropriate measure of the possible effects of political developments on strikes than changes in the composition of coalition governments, head of government and relative strengths of socialist and/or communist parties. Such a measure is, however, only useful where such resistance was over a relatively long time period such as the 1980s, making regression analysis possible. There seems to be no direct relationship between political "unrest" and the incidence of strike action, although it is possible that an indirect relationship could exist.

Unemployment is an ambiguous measure, apparently not only constraining, but in the 1980s seemingly encouraging strike action – not the direct deterrent envisaged in the original model. There are limitations in the use of inflation as

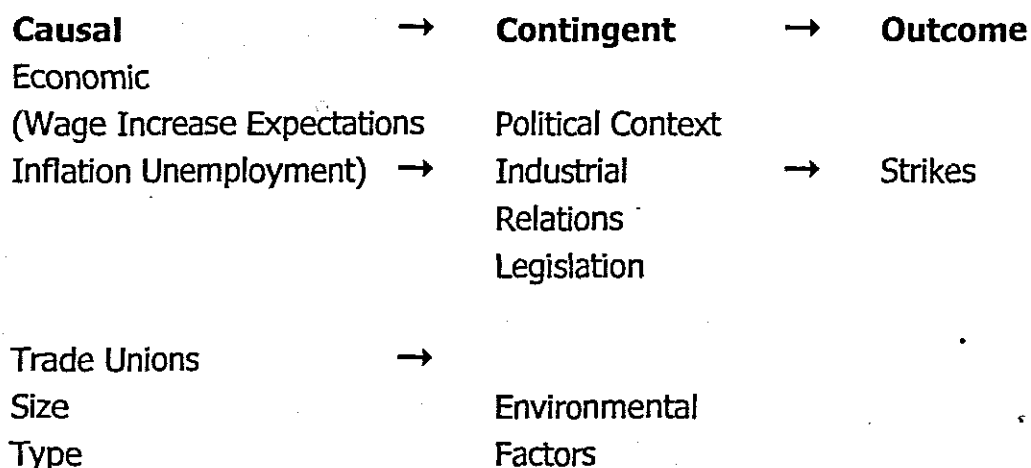
a measure in that the very poor may spend more on basic foodstuffs, which were subject to disproportionate increases in the 1970s and 1980s in this chapter), although there is, as noted above, a statistically significant relationship between the official Consumer Price Index and Strikes. Less quantifiable variables include the policies of individual unions towards strikes, spontaneity, the effects of repression and the uneven distribution of those effects, as well as, possibly, regional variations.

Thus, whilst aspects of established quantitative models of strike causality are indeed useful in understanding strikes, individual models do not, without substantive modification, provide a full means of understanding and explaining strikes. Instead, it is argued by some sociologists that any framework for understanding strike causality should be multi-faceted, which may entail the inclusion of variables such as culture, which would include the previous experiences of strikes and the perceptions of workers thereof, as well as extended informal relationships and networks of support. Secondly, it seems evident that there are few long-term trends, but more often discontinuities, such as before and after 1973, when the independent unions emerged. Discontinuities would reflect changes in the broader social environment, resulting in the possibility of greater risk-taking in the form of collective action, as well as, again, the ongoing influence of past events. Again, this does not rule out the theorizing process, but rather suggests the need for a more inclusive framework for analysis, incorporating both quantitative and qualitative components. Indeed, assessing the nature of discontinuities may reveal much about existing relationships within the workplace and wider society.

Thirdly, it can be argued that any such broader theoretical understanding should take cognizance of the relationship between the cause and the internal dynamics of strikes, taking account of regional variations. While there seems evidence of heightened aspirations during 1973, this cannot account for the fact that most strikes were concentrated in Durban. Furthermore, it should be noted that not

only strike totals but also strike volume increased dramatically in the 1980s – the size and length of disputes are ultimately important indices. These variables can only be understood through recourse to individual instances of strike action, and through assessing the relationship between these disputes (including when and where they took place and the costs and benefits incurred by both parties) and broader trends, between the local and the general.

The variables identified as possibly affecting strike action are summarized in the following diagram. However, it should be noted that this represents only a broad schema, to be further corroborated and developed in subsequent sections, in order that the more detailed hypothesis contained in Chapter 1 may be proved or disproved.



The exact impact of these causal and contingent variables on strikes, and the relationship between them, will be more fully explored in subsequent chapters in the light of further empirical evidence, as will the relationship between the causes and the internal dynamics of strikes (Sayer, 1992:89).

2.2.3 Strikes in the South African context

Baudrillard (1990:116) asserts that the nature of strike action in the West has changed. Strikes no longer represent “life and death struggles”, but rather are

based on the assumption of an inherent flexibility on behalf of both parties. Within the laissez-faire perspective, parties seek to maximise their economic gain, without necessarily wishing to challenge existing power relations in society. It is on the assumption of an underlying rational, economically orientated cost-benefits analysis by both parties to the dispute, that most models of strike causality are based. However, it can be argued that this assumption may not always be made in the developing world.

In other words, strikes are often seen as a geographically specific and confined struggle between workers and management, over a single set of issues, that will be resolved without the very existence and status of either being challenged. However, in the South African context, many strikes have resulted in the mass dismissal of workers, often with the assistance of the authorities, or, more recently, protracted and bloody "trials of strength". Good examples of the former would include the Amato textiles strikes of the late 1950s, and of the latter the 1987 Miners' strikes. Quantitative models of strike action also tend to discount the possibilities of wage disputes where one party is in a sufficiently powerful position (possibly owing to a reliance on the full coercive powers of the state) to be totally inflexible, even if the enormous costs of a protracted dispute may be entailed (e.g. the 1980 Johannesburg Municipal Strike). Furthermore, the conceptions of individual parties to an industrial dispute of their own strength may prove illusory. Workers or management may well overestimate their own strength and underestimate that of their opponents.

An example of the former would be the above-mentioned Amato textile strikes of the late 1950s, where, after a series of easy victories, workers totally underestimated the relative strength and resolve of management and the firm's financial backers. In addition, as with any conflict, a certain "fog and friction" will always be present (Clausewitz, 1968:188-189). There is always some degree of uncertainty as to the intentions of the opposing side, and differing interpretations of the outcome of previous disputes and of the build-up and

course of an ongoing one. Even the demands expressed by strikers may not always be fixed and specific, but may at times be somewhat vague and "floating".

Whilst this makes the task of understanding strikes significantly more difficult, this need not, as noted earlier, necessitate a rejection of the theory, or even a model-building. Rather, this study attempts to assess strikes as the product of both specific sets of social circumstances on a local and regional level, and of more general economic and political trends. To understand the full complexity of this relationship, it is then necessary to assess the nature of broad trends in strike action and possible causal factors such as real wages, and the specific causes and internal dynamics of key selected strikes.

Conflict is anywhere and it is interesting to note that South African industries and coal mining are not an exception in this regard. We have experienced great conflict between workers and management and the main cause of this conflict is salaries and the dissatisfaction of workers over their work they are performing.

Kemp (1992:1-6) emphasises a need for managers to use their interactive skills to integrate each individual worker into the organisation rather than lay emphasis on the collective side of industrial relations. If the latter happens, management tends to have an 'arms-length' relationship with individual employees and develops good relationships with trade union representatives who bargain for the collective. In this way inherent conflicts of individual workers which are not shared or articulated by the collective may be neglected.

Wood and Meek (1995:113) propose a need to create labour management partnerships whereby labour management relations are on a continuum, moving through open warfare, guerilla tactics, bargaining compromise at the centre, creative problem solving, anticipatory problem solving and joint future creation.

Meredeen (1988:287-294) identifies the following ten lessons learnt from Great Britain's major industrial disputes:

- (a) Industrial conflict is inevitable
- (b) Whilst conflict is inevitable it is not irreconcilable
- (c) Conflict needs to be managed
- (d) It is easier to manage a dispute where the central issue is specific, clearly articulated and understood than dealing with multiple, poorly-defined issues
- (e) Outcomes of disputes depend on intelligent choice and consistent application of relevant and realistic strategies and tactics by both sides
- (f) In order to win a major dispute, both sides should maintain discipline and united action among their members
- (g) Preparedness and flexibility-parties should be prepared to modify their position in order to achieve a peaceful resolution
- (h) Good timing is absolutely critical to successful management of disputes
- (i) Negotiators should be fast to react, quick to respond, learn as they proceed, never be caught off-balance, acknowledge interdependence

- (j) Every industrial dispute is an exercise in risk management.

These lessons are worth considering when dealing with disputes at the workplace, with the aim of facilitating healthy industrial relations.

Following is a discussion that will focus on statistics and reports of industrial departments on management strikes, past and present policy or legislation on handling strikes, as well as current policies and procedures to address issues that lead to strikes at work. Models that are used in industry and in other countries on strike handling will be studied from a worker's perspective.

Berry (1963) points out that there have always been specialized coal mining clusters outside metropolitan areas providing alternatives to the hierarchy of unplanned centres. According to Ghosh (1989:21) mine managers face a challenging task. The goal of mine management can be described as creating value for target consumers and generating adequate profits for the firm. According to Hecht (1997:103) the personnel manager and others in the personnel division are concerned with all factors involved in establishing and maintaining an adequate workforce. The relationship between worker and employer is based on a negotiated contract (written or implied) between an individual and the organization (Popense, 1971:156). According to Hecht (1997:104) personnel managers and their assistants are responsible for recruiting and selecting employees using affirmative action standards. Their duty also is transferring; promoting and discharging employees. They are supposed to maintain labour relations with unions that represent employees and establish wage and salary scales. According to Hecht (1997:115) sensibility training is designed to develop managerial abilities in those who have not been managers before. Some mines use programmed instruction to train their miners. Hecht (1977:115) believes, that every member in the organization is responsible for carrying out the policies of the firm. Taller (1997:161) proposes that both the employers as well as the employees should gain the essential qualities for

success, i.e., honesty, loyalty, tact, good grooming, enthusiasm, initiative, dependability, communication and computation.

According to Samli (1989) different public's perceive the mines' features, characteristics, and personality quite differently. Management in its attempts to manipulate the mine's image is involved in putting wrong resources in the wrong areas. Samli (1979:349) believes that all coal mine industries' establishments give certain indications of good or poor health. These indicators must regularly be examined and the necessary adjustments must be made accordingly. Thus, the coal mining executive must not only be a good administrator's but also a "doer" or at least a "user" of research. Each coal mine establishment must develop and execute its own research program in terms of hiring the workers. Taller (1977) believes that many employers today feel that students graduating from high school, college and university lack of essential skills to communicate effectively in writing. As a result, before hiring potential employees, the candidates are given a management problem and asked to write a memorandum suggesting a solution. Many large scale organizations put all new employees on a period of probation for varying lengths of time. A further aspect of mine is that many large-scale miners have been faced with the fact that their employees have become unionized.

According to Cox (1972) the increasing competition between firms in the same and different trades, the large scale growth of some coal mine companies, the general movement, toward more technical modes of thinking among management, has among other things, created problems. Industrial apartheid between coal mine management and other industries present problems which demand more from management.

2.3 REASONS FOR STRIKES

Strikes in the mining industry are caused by a number of factors, the most important

of which will be discussed hereunder.

2.3.1 Political environment

The 1990s have provided important challenges in the political arena which have directly influenced the labour climate (Slabbert *et al.*, 1994:2-52). The African National Congress (ANC) was voted into power in South Africa's first democratic elections. Although this was the cause of much jubilation in most spheres, it did have a detrimental effect on the work force. The "people's" party was now in power and workers placed unreasonable demands on employers. The run-up to the elections had some interesting effects on the labour climate, especially regarding trade unions.

While still playing a primary resistance role, trade unions began involving themselves in social forums and started developing a new role in reconstruction and development. The year 1993 saw less political engagement by unions. Concentration on political issues by trade unions during previous years resulted in the neglect of workplace, organisational and economic issues. Later in 1993, COSATU began to position itself with an eye on the 1994 elections (Slabbert *et al.*, 1994:2-56). COSATU, the ANC and SACP agreed that an ANC led election platform would be based on the RDP. COSATU also released a number of senior leaders to contest the elections. This left COSATU with a largely inexperienced top structure.

COSATU experienced a severe "brain drain" with approximately 20 COSATU members of Parliament taking up posts in the government. This had a negative effect on COSATU's ability to manage membership militancy and expectations on the shopfloor. An interesting fact is that strike action in the first quarter of 1994 (before the elections) reflected a total loss of 295 000 mandays, as opposed to the 1.2 million mandays lost in the second quarter of 1994 (after the elections) (Slabbert *et al.*, 1994:2-59). This could possibly be due to greater expectations

amongst workers as well as union officials being unable to control militancy amongst their workers. This was especially the case in the mining industry, with a large amount of wildcatter strikes and illegal strikes taking place.

The post election phase represented a new era for trade unions, especially those who supported the liberation struggle. They now found themselves helping to initiate and formulate policy from within the government and bargaining with the ANC.

2.3.2 Industrial unrest

Industrial unrest, which is not always readily perceptible, may be regarded as the major cause of strikes. Usually, it is merely a feeling of dissatisfaction with present circumstances. When the unrest becomes more noticeable, however, the workers begin to form groups and the affair degenerates into an emotional question which can eventually lead to a strike.

2.3.3 Social environment

Owing to South Africa's historical and socio-cultural development, its present population is extremely heterogeneous. There are a number of different languages and dialects spoken on the mines, which makes it quite obvious that there are vast socio-cultural differences in the mining environment. In addition to these problems, destructive legislation in the past has led to the over utilization of whites in supervisory positions.

South Africa's productivity figures are among the lowest for the developing countries. The mining industry has experienced a tremendous decrease in capital productivity as well as labour productivity (MWU News, June 1994:4). There is concern in South Africa that the use of capital is increasing twice as fast as the use of labour. This generally creates unemployment. In support of these

statements is the fact that the Rand Mines have found it necessary to retrench more than 2000 of its workers, due to low production figures and the lack of income that goes with it. This creates an unfavourable atmosphere in the working environment, as workers are in constant fear of not retaining their jobs. Another factor further aggravating the manpower problem is the increase in population, which is one of the highest in Africa. This has resulted in job creation falling a long way behind, causing further unemployment and an influx of workers to the mines.

Many mining groups are intent on mechanising their production and getting rid of reasons for this. Labour unrest and strikes are forcing mines to provide more reliable production systems. In this respect, millions are spent annually testing new mining methods and mechanised mining systems. Another problem is the shortage of skilled manpower. There is a huge gap in the level of skill possessed by skilled and unskilled workers on the mines. Mechanisation has also become an attractive option in view of the enormous wage increases during the past few years. The result of this is increased unemployment, where 70 000 employees were retrenched in 1991 in the gold mining industry alone.

The question of violence has also become a nightmare in the mining environment. Violence is detrimental to any organisation and hampers it from achieving its goals. Management must regard it as one of their main tasks to combat and eliminate violence in South African mines. However, the key to the solution lies not only with management, but also in the macro-level, political and economic areas (Henderson, 1981:61). Most violence on the mines property is political in nature and has very little to do with mining related incidents.

2.3.4 Communication

The language used in most mines in South Africa when communicating on worker levels is Fanakalo. Fanakalo is based on the languages of English,

Afrikaans and Zulu. While it is hailed by some as a future *lingua franca*, it has been rejected by Black workers who regard it as an inferior and undignified medium of communication. The rejection of Fanakalo by black workers reflects the situation whereby language has increasingly become a politically sensitive issue. However, it was a necessary move by management, in some years ago, in order to overcome the language problem through learning Fanakalo to bridge the communication gap between South Africans and non-South Africans. Apart from the 11 official languages in South Africa, there are also workers from Mozambique, Angola, Malawi and Botswana, each having their own languages. Fanakalo was devised as a means of bridging this communication gap, not as a political ploy by the government at the time.

2.3.5 Culture

When referring to culture in daily conversation, the concept is often used in a limited context to denote what sociologists term the "higher things of the mind" such as art, literature, music, and painting (Manning, 1987:23). Social observers, on the other hand, use the concept to include the way people dress, their marriage customs and family life, their patterns of work, religious ceremonies and leisure pursuits. While most definitions of culture concentrate on concrete, material products of society, the concept also embraces an integral abstract element. For example, ideas, norms, beliefs, values, customs and attitudes which are shared to some extent by the members of a particular society.

Norms vary from society to society and between subcultures within a society. Similarly, values vary from society to society. A degree of shared norms and values is essential for the operation of society. Unless norms are shared, members of society would be unable to interact with or even comprehend the behaviour of others. Without shared values, members of society would be unable to co-operate and work together. Culture is inevitably influenced through

changes in the macro-environment (urbanisation) and technological innovations (improved communication facilities).

Cultural relativism concerns judgement of what are desirable norms and values in particular cultures (Mullins, 1980:112). Cultural practices which are deemed appropriate and "good" in some cultures are viewed as apprehensible, undesirable or "bad" in others. Thus, cultures must be understood in terms of their attending particular value systems. Cultures cannot be perceived from any absolute or universal vantage position. True understanding of cultures involves recognition of particular value systems. Simplistic comparisons of culture cannot be made in terms of an arbitrary or preconceived universal value system. Each culture must first be understood in terms of its own particular value system and its own idiosyncratic structure.

Failure to acknowledge cultural relativism in South Africa is one of the major contributing factors to social and organisational discord in the mining industry (Shane, 1985:17). These problems can, *inter alia*, be attributed as one of the many shortcomings in South Africa's educational system. Segregated, as opposed to multi-cultural education, has increased the country's "cultural illiteracy" insofar as people of one culture experience difficulty interacting with people from other cultures.

The problems in respect of cultural illiteracy as generated by South Africa's educational system are reflected in the society at large, and have particular consequences at the workplace – the location with the highest degree of cultural interface. In addition to the multitude of diverging cultures in the workplace, a wider organisational culture based on Western work ethics imposes further demands on participants.

Shane (1985:18) states that traditionally, organisational culture is conceived as a unilateral structure, demanding compliance and adaptation by employees.

Employees are expected to be assimilated into the norms and values of the employer's culture. No concessions are made by organisations with respect to the particular cultural frameworks of the employees. There is a growing awareness that the nature of the mining industry is changing and becoming less hierarchal and more participative with less reliance on a "top down" authority. This has resulted in a renewed interest in the concepts of company cultures and employee commitments. The focus is moving away from the economic aspects of the contractual relationship between the employer and the employee towards the psychological and sociological aspects of the relationship between the individual and his work situation (Bruce & Carby-Hall, 1991:195).

2.3.6 Management

Management is the driving force in any industrial relations system. They have certain expectations from the workers, as well as from shareholders, which they have to balance. One of their major roles is the production of coal bearing ore, which is required to keep the mine in operation. The means of obtaining such ore involves the interaction between management and the labour force.

There are a number of management policies which require special attention in the mining industry. One such policy is that of discrimination at the workplace. After the Wiehann Commission of inquiry into Labour Law in 1979, a policy of a non-discriminatory working environment was enforced. However, to work, such a policy needs full support from top management. Managers need to communicate these policies to the lowest levels, in order to commit all employees to the adherence of such policies. An example of lack of communication or understanding of these policies is that of the system of lift conveyances in the mine shafts. Each level of workers and supervisors have specific time at which they obtain such conveyances at their respective levels underground, with senior officials being conveyed to the surface first followed at various time intervals by the various levels of workers. The reason for the

different conveyance times is due to the amount of administrative work which is required from senior officials. However, this issue has been politicised due to the majority of these senior officials being whites, reinforcing the worker's opinion that the conveyance procedure is radically motivated. This one, seemingly a simple issue, has caused tremendous setbacks in production and a sit-in strike on various mines. This reinforces the need to communicate all policies and procedures down to the lowest levels, by management.

The carrying of information up and down the lines of hierarchy is a prerequisite for co-operation, communication and understanding between all parties involved. The availability and conveyance of information also depends on the circumstances (Slabbert *et al.*, 1994:8-4). It is not necessary to inform workers on all levels on issues not involving them or affecting them directly. Management have to practice discretion in such cases.

Management's leadership style can influence processes like the philosophy, mission policy, communication, handling of conflict and decision-making within the organisation. Each manager's leadership style will affect the labour relations within his section which will ultimately affect that of the mine as a whole. There is therefore a direct link between the acceptability of a manager by the workers and the quality of labour relations in his section. Management related factors play a definite role in determining the labour relations climate in the mine as a whole. It is therefore important that the manager's prerogatives are carefully scrutinised. There must be a move away from the "let us see how little we can give away" negotiating style.

Managers should be in continuous consultation with employees and their union representatives. One-sided decision-making on what is regarded best for the worker would have to be replaced by joint decision-making. This is coupled to the fact that labour relations decision-making is not only for the experts in the field, but all employees should be drawn into such decision-making processes.

Management should also beware of building fake images of the company by the introduction of so-called "affirmative action" policies. This could cause a further spiral of conflict in an already highly charged labour force.

The fact that there is continual growth in Black workers' aspirations caused them to become frustrated because employers are reluctant to give them a say in matters that affect them.

2.3.7 Economic factors

Salaries and wages and the methods by which these salary levels are determined, remains the most important source of labour conflict with management. There are a number of key factors which have caused dissatisfaction amongst workers regarding the wages issue:

- ☐ Payment according to the quality of work which is done
- ☐ The comparison between and the gap between lower paid workers and the minimum salary levels as determined by external organisations
- ☐ The role that race or sex plays in the determining of salaries.

However, it must be remembered that increases in salaries can only improve motivation and result in better working standards if employees see a clear correlation between work performance and financial payment.

2.3.8 Working hours

Although not as important as wages, working hours can be a cause of strikes.

The mines work on a shift rotation basis, with mainly two shifts being worked, a morning shift and night shift. Worker's social lives can be disrupted if they are placed on night shift, especially if they are married and their wives work during the day. This can lead to discontent and eventually strikes.

2.3.9 Working conditions and safety

It is a generally accepted notion that trade unions have a moral obligation towards workers to ensure safe and healthy working conditions (Knoesen, 1992:62). Safety and the health of workers therefore plays an important role in the relationship between unions and management. It is one of the basic duties of management and one of the basic human rights of workers to be provided with and expect safe and healthy working conditions. The introduction and recommendations of the new Minerals Act 53 of 1993, as well as the King Report, serve to enhance the problems faced in the mining industry regarding safe working conditions.

The mining industry has a bad reputation regarding the safety and protection of workers in underground operations. The working conditions are generally undesirable, with workers working in hot, uncomfortable and unpleasant conditions. These conditions definitely affect the workers' overall performance as well as attitudes towards their jobs. It is therefore of importance that management should improve working conditions as well as the quality of social life outside of the mine. The provision of adequate recreation facilities for workers alleviates much of the pressure and stress of workers.

The ability to relax in a favourable environment is an important part of improving work related quality of life.

2.3.10 Training and development

It frequently happens that employers allow Black workers to participate in extensive training programmes, but then still do recruiting outside of the borders of South Africa. This frustrates the workers because their chances for upward mobility are much weaker than those of other races. This was apparent in the mining industry, with the majority of Black Team Leaders coming from other countries like Swaziland, Malawi and Mozambique.

2.3.11 Performance appraisal system

There has been a move away from the appraisal systems of old. In previous years, bribery and corruption formed part of promotion systems in the mines. Many workers "bought" their positions by bribing officials of the appraisal system. Achievement appraisals are not only a method of measuring the performance of an employee, but also whether the position suitably satisfies the needs of the employee (Knoesen, 1992:81). Achievement appraisals are also a means of communication between the employee and employer. Where performance appraisals enhance communications between management and employee, it results in job enrichment and job satisfaction (Gerber *et al.*, 1994).

Out of performance appraisals, training requirements should also be recognised. Disciplining a worker continuously because of incompetence, when the worker never really received any formal training for the job, is bound to cause dissatisfaction amongst the labour force.

2.3.12 The wages issues

According to the Wage Settlement Survey carried out in 1994, wage settlements after the elections were one to two percent higher than before the elections. But wages are not the only issue. Perceived opportunity often runs deeper. Even

though the mining industry has probably one of the worst working environments, the average minimum wage paid in the mining sector is not substantial.

According to the Department of Manpower, the figures recorded of strikes on South African mines are slightly distorted. The mines are required to send all statistics and reasons for strike action to the Department of Manpower. However, at the time of the year when wage negotiations are in progress, and strikes ensue, other petty reasons are given along with the wage issue, as a reason for the strike action. Therefore, one clear reason cannot normally be quoted as being the issue causing the strike.

2.3.13 Foreign workers in South Africa

Foreign workers have flowed into South Africa since the last century. Driven by the pressures at home by the collapse of their economies, they have worked to make South Africa the most viable economy in the region (SA Labour Bulletin, Vol. 18, No. 6, 1994). South African employers systematically recruited foreign migrants to supplement what they deemed to be an insufficient supply of cheap domestic labour. Recruitment from neighbouring countries enables the Chamber of Mines to pay lower wages than it would have to if it employed only South African workers.

Recently, there have been a number of debates about the issue of recruiting foreign workers. The questions being asked are whether they are taking jobs that should go to South African workers, and are they reducing wage levels by increasing the supply of labour? Another concern, especially to the unions is that they refuse to join the unions, thereby reducing their bargaining power by refusing to strike. This also has repercussions amongst the workers themselves, causing conflict.

There are three main reasons why marginalisation and exploitation of foreign

workers should not happen (Cohen, 1988:24):

- ☐ It will be grossly unfair if foreign workers are denied jobs in South Africa. South Africa is far richer and more developed than any of its neighbours. Many foreign migrants in past years worked in South Africa, not because the pay was good, but because they were virtually forced to do so by their own governments, who wanted to tax them. These workers helped build and develop South Africa into the most developed country in Southern Africa.
- ☐ COSATU will only succeed to keep foreign workers out of South Africa at enormous costs to both our own and neighbourhood societies. Many foreign workers come as temporary migrants – for months or years – and send much of their money back home. If they are denied that opportunity, it is possible that they will bring their entire families to South Africa on a permanent basis.
- ☐ If COSATU does not extend its full solidarity to foreign workers, employers might use foreign migrants as a tool against South African worker's interest.

Naturally, these factors mentioned do not exhaust the possibilities affecting the incidence of strikes. The incidence of strikes among workers may usually be ascribed to a combination of economic, political and industrial relations, and even social relations, and these factors must be regarded as an integrated whole in interpreting strikes. Nevertheless, it will not always be possible to take all the variables into consideration in an analysis of strikes, and sometimes the actual reasons for striking are actually overlooked, while secondary ones are regarded as casual. Furthermore, it must be borne in mind that the causes of strikes must

not be confused with the aspects being negotiated.

2.4 FUNCTIONS OF MANAGEMENT IN COAL MINING INDUSTRY

2.4.1 Planning

The manager must first decide what he wants done. He must set short and long-term objectives for the organization and decide on the means that will be used to meet them. In order to do this, he must focus, on economic, social, and political environment in which his organization will be operating and the resources it will have available to make the plans work out. As one example, plans that are entirely feasible in a time of prosperity may be utterly impractical in a period of depression. Planning may be said to encompass Gelick's budgeting since a budget is a plan to spend a certain amount of money to accomplish certain objectives (Dale, 1969:5).

2.4.2 Organizing

The objectives and the work that will be necessary to attain them, dictate the skills that will be needed. In organizing, the manager decides on the position to be filled and on the duties and responsibilities attending to each position. But the work done by the members of the organization will necessarily be interrelated. Hence some means of co-ordinating their efforts must be provided. Co-operation is, in fact, an essential part of organization rather than as Gulick (1969) suggested, a function in itself (Dale, 1969:6).

2.4.3 Staffing

In organizing, the manager establishes positions and decides which duties and responsibilities properly belong to each position. In staffing, he or she attempts to find the right person for each job. An established company, of course, already

has both an organizing and staffing division. However, plans and objectives will often require changes in the organization and occasionally necessitate a complete re-organization. Staffing is an ongoing process since people are continually leaving, getting fired, retiring and dying. The changes in the organization create new positions, and these must be filled (Dale, 1969:6).

2.4.4 Leading

Since no one can predict just what problems and opportunities will arise in the day to day work, lists of duties must naturally be couched in rather general terms. The manager must therefore provide day to day direction for his subordinates. The manager must make sure of the following:

- ☐ that his/her subordinates know what is expected of them
- ☐ that his/her subordinates are helped to improve their skills
- ☐ that his/her subordinates know the boundaries of their tasks
- ☐ that his/her subordinates must be motivated to achieve their best (Dale, 1969:6).

2.4.5 Control

In directing, the manager explains to his personnel what they are to do and helps to do their best. In control, he determines how well the tasks have been done and what progress is being made toward the goals. He must know what is happening so that he can step in and make changes if the organization is

departing from the path he has set. Geluck's (1969) reporting is a means of control rather than a separate function. Reports are made so that the manager, his supervisors, or his subordinates may see what is happening and change course if necessary.

2.5 THEORIES OF CONFLICT

Conflict theory has its origins in the work of Max Weber. Weber rejects the view that the division between the owners and nonowners of property are the only significant division between groups in society. He argues that there could be numerous divisions within the two basic classes, depending upon the 'market situation' of individuals. Furthermore, he suggests that people could be divided by their status situation and political interests as well as by their economic position. 'Parties' could be formed on the basis of status groupings or classes, but it is also possible for them to cut across class or status groups. Weber's views on classes, status groups and parties reflect the main themes of conflict theory. Conflict theories argue that social structure is more complex than Max's work suggests. Furthermore, although conflict theorists accept that these groups have different interests, these interests are not just economic. For example, a particular group might strive for greater prestige or status rather than greater economic power.

In conflict theory, Ian Craib describes it in the following way: "society is like a more or less confused battle ground. If we watch from on high, we can see a variety of groups fighting each other, constantly forming and reforming making and breaking alliances (Haralambos, 1996:887).

There are many varieties of conflict perspectives within sociology. Despite their differences, all have a model of society as a whole, and all adopt a structural approach. Furthermore, all conflict perspectives use, in one form or another, the notions that there are groups in society that have different interests. In this respect, they believe that social arrangements will tend to benefit some groups at the expense of others. Because

of the existence of different interests, the potential for, and likelihood of, conflict is always present. Different groups pursuing their separate interests are likely to clash and produce degree of instability in society (Haralambos, 1996).

Conflict theories tend to agree that the existence of groups with different interests does not mean they will be in conflict all the time. There may be periods of truce, or it may be that some social groups are persuaded that their interests are not different from those of other groups. Nevertheless, periods of harmony do not last forever, and eventually conflict will return. Conflict theorists differ from functionalism approach in stressing the existence of competing groups, while functionalist stress cooperation between social groups. This is to say functionalists believe that all members of a society share the same interests and that there is a consensus over society's values. They maintain that society is in the state of equilibrium where everything is in accordance and there is no conflict of interest (Marx & Engels, 1978).

2.6 RALPH DAHRENDORF – AUTHORITY AND CONFLICT. POST-CAPITALISM

According to Dahrendorf's conflict theory arises out of a critical evaluation of the work of Karl Marx. Dahrendorf accepts that Marx's description of capitalism is generally accurate in the nineteenth century when Marx is writing, but he argues that in the twentieth century it has become outdated as a basis for explaining conflict. Dahrendorf argues that important changes have taken place in countries such as Britain and the USA. They are now 'post-capitalist' societies. He claims that far from the two main classes becoming polarized, as Marx predicted, the opposite has happened. The proportion of skilled and semi-skilled workers have grown, as has the size of the 'new middle class' of white-collar workers such as clerks, nurses and teachers. Inequalities in income and wealth have been reduced, partly because of changes in the social structure, and partly because of measures taken by the state. Social mobility has become more common, and, crucially, the link between ownership and control in industry has been broken. Managers, rather than owners, now exercise day-to-day

control over the means of production. In these circumstances, Marx's claim that conflict was based upon the ownership or non-ownership of wealth is no longer valid. This is because there is no longer a close association between wealth and power. Shareholders, for example, might own the wealth of a company, but in practice they do not exercise close control over the management.

In view of these changes, Dahrendorf argues that conflicts are no longer based upon the existence of the two classes identified by Marx, nor are they based upon economic divisions. Instead, Dahrendorf sees conflict as being concerned with authority.

The researcher agrees with Dahrendorf that important changes occurred in countries like Britain and USA. But in the African continent conflict still exists in different organizations such as family, society, and the working class. Conflict occurs on the basis of economy and power (authority). The conflict between management and workers is the core problem in South African industries (Haralambos, 1996).

2.7 MARXISM' VIEW ON CONFLICT

According to Marx, people are producers and the products of society. They make society and themselves, by their own action. Marx holds the historical perspective when he says "history is the understanding of the society therefore involves in historical perspective which examines the process where by humanity both produces and is produced by social reality." A society forms a totality and there are various parts of society which are interconnected and influence each other. Thus, economic, political, legal and religious institutions can only be understood in terms of their mutual effect. Economic factors are of utmost importance in a sense that they exert the primary influence and largely sharpens other aspects of society. Marxists believe that the history of human society is a process of tension and conflict. Social change is not a smooth, orderly progression which gradually unfolds in harmonious evolution. Instead it proceeds from contradiction built into societies which are a source of tension and ultimately the source of open conflict and radical change (Haralambos, 1991).

Most of Marx's work is dealing with dialectical materialism, where he sees history as based on the idea of dialectic. Marx says: "any process of change involves tension between incompatible forces." Dialectical movement therefore represents a struggle of opposites, a conflict of contradictions. So conflict provides the dynamic principle, the source of change. This means that the struggle between incompatible forces grows in intensity until there is a final collision (Ritzer, 1996).

2.8 THEORETICAL CONSIDERATION

Initially Fox (1981) in his analysis of the relationship between management and workers identified three basic approaches to the relationship, that is, the unitary, radical and pluralist. But it is now accepted that a third radical perspective is to be found in the approach of fundamentalist unions and their members.

2.8.1 Pluralism approach

From the pluralism perspective, differences of interest do exist in industrial societies. For example, employees have interest in increasing their wages, whilst employers have an interest in keeping wages low so that profits can remain high. However, employees also want to keep their jobs and it is therefore against their interests to press for wages that will make their industry to be bankrupt. Moreover, as consumers, workers may realize that excessive wage demands will lead to inflation and devalue their wage packets. In this situation, it is possible for different interest groups such as employees and employers to resolve their differences through negotiations (Haralambos, 1991). This means that pluralists do acknowledge the fact that there is conflict in industries over wages but they provide some possible solutions to the problems. They see trade unions form as the major groups representing the interest of the employees. They maintain that through trade unionism the working class has been integrated into capitalist society. Conflict between employers and employees exists, but it has been institutionalized in terms of an agreed set of rules and procedures. The result

is increasing stability in industrialized society. No longer is the working class seen as a threat to social order, there is less and less change of the type of conflict which Marx predicted.

The supporter of this theory of pluralism is Ralph Dahrendorf who argues that "pluralism provides an opportunity for success of every interest that is voiced". He sees a trend towards a more equal balance of power between employers and employees. Where trade unions become formal associations, who voice out the working class needs within the organisation (Haralambos, 1996).

The point of departure of pluralism is that conflict between the interests and objectives of employer and employee is unavoidable. Consequently, opposing parties will try to reach an agreement by means of a process such as negotiation. Trade unions are seen as essential bodies who can protect employees and promote their interests. Although conflict is inherent in the relationship between employers and employees, the parties agree that destructive conflict should be avoided as far as possible because of the mutual dependence between employer and employee (Slabbert, 1998:14).

2.8.2 Unitarism approach

The underlying assumption of this perspective is that no natural inbuilt tension exists in the relationship between employer and employees. The employer and employee work together to the mutual advantages of both parties. From this it follows that conflict between employer and employee is regarded as an irrational, temporary deviation from the normal, harmonious working relationship between the parties mentioned, which should be "normal". Trade unions are, therefore, seen as outsiders who cause unnecessary conflict between employer and employees.

According to Fox (1981:302) from a unitary perspective the organisation logic of

the enterprise is seen as pointing towards a unified authority and loyal structure, with managerial prerogatives being legitimized by all members of the organisation. Employee behaviour is only 'rational' to the extent that it follows the "racial" goals and policies of management. Characteristic of the early human relation's school, this approach presumes a state of 'unity' to be normal in an organisation. Conflict is perceived as an aberration, and the existence of trade unions the product of poor management, sectional greed, poor understanding of economic or the 'national interest', or the existence of subversive elements and 'agitators'.

Consequent policy approaches to dealing with conflict tend to be collaborative in the sense that efforts are made to 'educate' labourer into the norms of the management process. Efforts are made to communicate more effectively with employees, and 'negotiate' through the problem solving process. Alternatively, or where such efforts fail, the tactics employed may be coercive, characterized by management practice which seeks to provide a justification for the strict maintenance of managerial prerogatives, control and unilateral decision making. Trade unions are not seen as necessary. They are in fact, regarded as an intrusion in that they compete with management for the loyalty of employees and engender distraction between the parties.

2.8.3 Radicalism approach

Radicalism is to a great extent criticism against the pluralist approach and focuses, the enterprise is an image of the broader society. Within the society, two groups or classes are found, namely the owners' class (capitalists) and the non-owners' class (workers). The capitalists use their power to make maximum profit from the labour of the workers' class. Individual employees do not have sufficient power to prevent this process of exploitation and thus obtain their fair share of the profits. Trade unions are consequently established to restore the imbalance. The primary task of the trade union is to act as an instrument

whereby the workers' class can overthrow the capitalist system. As there are no common grounds between employer and employee, the negotiation process is also regarded as an effort of the capitalists to further protect their profits (Slabbert, 1998:14).

The radical approach focuses on the political economy and the interrelationships between political and economic variables. It is based on the critical analysis of class division in the capitalist society as defined by the neo-Marxist or radical school. From this perspective all types of the unitarist human relation and industrial relations policies are perceived as *status quo*-oriented.

From the radical stance efforts to institutionalize conflicts through collective bargaining tend to reveal a normative orientation rather than the seeking of power, wealth and opportunity. Marginal, incremental wage gains and improvements in conditions of service within defined parameters, the limits of which are defined by those in power at a given point in time.

The radical approach believes that there can be no profit of common interest between employer and employee since, is working towards increased profit and great surplus value, employees would, in effect, be supporting their own exploitation. The solution is the one proposed by Marx, namely the support of the capitalist system with a system of shared ownership and communal control (Bendix, 1996: 22).

According to Herbst *et al.* (1987:31), as long as man engages in economic activity and sells his labour, there will be disputes between employer and employee. In the labour field bargaining takes place between union and management because both implicitly accept that the other party has power.

Galbraith (1984:87) proposes three types of power, namely, condign, compensatory and conditioned power. Condign power involves imposing an

alternative to the preferences of the group that is sufficiently unpleasant, that the preferences of the group are abandoned thereby winning submission. This would be akin to unions intimidating workers and imposing their will on the workers. The use of intimidatory tactics however has an inherent danger in that the use of force can backfire on the union, especially during an economic recession where job security becomes more of a concern to workers.

Compensatory power can be viewed as a form of bribery in so far as submission is obtained by giving the individual some reward he values in return for his co-operation. Workers join unions and pay their membership fee because they expect the union to improve their economic lot- that is their reward in terms of higher wages. If however, the union is perceived as the cause of loss all together, then it can be expected that attitudes to the union would deteriorate. Just how far attitudes would deteriorate depends on numerous variables, for example, social norms and group pressure. If an individual can be persuaded that his support of the unions' actions or behaviour is correct, morally right and valuable then he will accept the unions' goal and will follow the unions' lead regardless of his own needs and wants. He will ever forego his wages and ultimately his job if necessary. This is the third type of power, conditional power, where the individual submits to the will of others because he is persuaded that his behaviour is the preferred course of action and that the cause is just.

What is outlined above is typical of the feeling of solidarity that the Cosatu alliance is trying to foster. As Herbst *et al.* (1987:32) point out, the Cosatu Workers Diary is full of examples such as the opening preamble to July: "Organised Workers realised that the struggle in the community is part of the struggle on the factory floor. It helps workers little to win wage increases through struggles with the bosses, only to have hard won gains taken away through the actions of government imposed 'Community Councils' and other undemocratic measures". Many other entries stress this solidarity between workers and other social groups. This unity and the whole community have

been demonstrated in various forms of social and industrial unrest, for example, rent boycotts, sleep- and sit- ins, strikes and stay-aways.

The African National Congress (ANC) openly urges workers to unite under the umbrella of COSATU. Given that, trade unions, now with grass- root support, have organised themselves into umbrella organisations and it is not surprising that unions have become politicized.

Unions with a clearly demarcated political role will also tend to have a strong bias towards socialism in their social and economic philosophy. The extreme socialist stance adopted by COSATU can again be illustrated by the entry which acts as a preamble in October in its Workers Diary:

"The Russian Revolution of October 1917 is the most important event in world history. For the first time the organised working class placed itself at the head of society. Twenty-one imperialist armies invaded the new Workers' State. The Red Army of workers and peasants defeated them all. This heroic spirit of sacrifice turned Russia from an economically backward land, into the world's most powerful industrial country".

Herbst *et al.* (1987:31) draw attention to the stated political resolutions adopted at the inaugural congress under the heading 'National Minimum Wages' where the following resolution is adopted:

"Fight to open all the books of every organised company so that workers can see exactly how the wealth they have produced is being wasted and misused by the employers' profit system. On that basis they can demand their full share of the wealth they have produced. Should the wealth not be there, then it will only prove the inefficiency of employer management and strengthen the case

for worker control and the management of production”.

Considering the implications of the foregoing for workers, unions would do well to remember that they are only as powerful as the workers allow them to be their power base and that lies in the support they get from the workers. Furthermore, in the final analysis unions must face and negotiate with management, a powerful and capable adversary. Since, it can be expected that workers will be more prepared to negotiate as jobs become scarce trade unions will need to exercise caution lest they be seen as the prime reason for losing jobs and therefore lose support.

On the other hand, employers are faced with an increasingly difficult situation in that political matters, about which they can do little, are drawn into the labour arena, as the stay-aways called by COSATU during the referendum in 1983 and the 1987 election illustrate. With the recession having made workers more cautious because they fear for the loss of their jobs it is difficult to determine how close the alliances between workers and unions are. It remains necessary for employers, and as has been shown this includes Public Organisations, to give very serious attention to labour relations in general and to accept that the situation has changed. In Malherbe's (1987:6) view: "Gone are the days when you could view with dispassion the problems being experienced by your competitor. His problem today is your problem of tomorrow". Employees will also have to show a united front in order to nurture a climate for negotiation. The worker in this survey group earns a salary for the manual labour they perform. Their most pressing needs would be physical survival and their approach to work would be what Goldthorpe (1968:117) would term instrumental, that is, work for what their wages can buy and not for any intrinsic award from the work itself. Furthermore, since wages are low, the workers can be expected to have problems in satisfying their needs and as such would seek out the protection and a group, such as trade union, can offer. Also, since promotion possibilities are slim, their perception of their environment must of

necessity be one of the scarcities and not of opportunity. Consequently they will look for group control for the assurance that they will receive their fair and equitable dues. It is also expected that young workers, better educated but with little chance of finding employment, will be more militant (Herbst *et al.*, 1987:20).

Since the majority of black employees work as part of a group, it is important to be familiar with the problems they experience and also be aware of their perceptions regarding available channels of communication for problem solving. The problems and grievances experienced by workers will have a dynamic effect on the negotiating process and to a large extent determine the functioning of the labour relations system. Stated differently, the effectiveness of the channels of communications that are available to workers can be expected to contribute to labour stability. Kinikow and McElroy (1975:8) make the assertion that "human relations and communications are inseparable. In fact our communications with our expected audience can be better than our relations with it, for human relations are the feelings attached to communications". Various authors have emphasized the importance and significance of communication. Rodgers (1976:7) states that "communication is the lifeblood of an organization." Similarly Hicks (1967:130) is convinced that "...when communication stops, organized activity ceases to exist. Individual uncoordinated activity returns".

2.9 CAUSES OF CONFLICT

Usually parties have different goals, needs, interests, attitudes, values and perceptions. Since each party will pursue its own goals in the light of its own interests and values and possibly at the cost of the other party, conflict necessarily arises. Where such a conflict is allowed to continue, it could reach destructive proportions, which would create a negative effect to both parties.

"there are many circumstances in which any one of the parties to the

employment relationship becomes an obstacle to the achievement of the purpose of one of the others. Industrial relations are especially concerned with those circumstances in which different groups are set upon different courses in the pursuit of which one becomes an obstacle to the other. The procedures of industrial relations are, for the most part, concerned to protect the parties from inflicting an unacceptable degree of damage upon each other in a relationship which is often hostile" (Anthony in Bendix, 1996).

It is evident in the quotation above that Anthony tries to explain the role of industrial relations in a hostile relationship between employers and employees in a working environment. The main aim here is to reduce or eliminate conflict which can result to enmity between management and workers. This means Anthony acknowledges the fact that in any working place you find different opinions and views which become a hindrance to one party and this leads to conflict.

It is usually realized that a one side pursuit of goals results in continued conflict, so this call for attempt that can be made to contain or handle the conflict in a functional manner as possible. According to Luthans the most common sources of organisational conflicts are, scarcity of resources, incompatibility of needs, goals and interests, different attitudes to work, values and perception in general, ambiguity in responsibilities and roles, poor or inadequate organisational structures and lastly poor communication (Luthans in Bendix, 1996).

The most common source of conflict between employers and employees or unions are to be found in arguments concerning the applications of scarce resources, the scarcest resources being money. Management may decide to grant a higher dividend to shareholders, to acquire new machinery or to offer a vast sum for the expertise of a particular individual. This may not meet with the approval of employees and unions who could be of the opinion that higher percentage of available money should have been allocated to wage increases.

A case in point is the current argument by many South African unions that the profit margin of South African organizations is so high and that companies could afford to pay higher wages at the cost of a cut profit and a decreased dividend to shareholders. They may also feel that there is too great a divide between the remuneration of the lowest paid workers and that of top management. Thus, they may demand an increased minimum wage and a freeze on management salaries. The unions try to promote the living wage campaign and this is a reflection of union opinion that the financial resources of the enterprise are being unequally distributed (Enterprise Magazine, 1998).

Closely related to the conflict arising from the scarcity of resources, is the fact that employers and employees come into conflict essentially because they have different needs, goals and interests. An employer's primary goal is to raise profit margins and to develop organisations, whereas on the other hand, the main aim of the employees is to earn as much as possible for the work which they perform. Furthermore, for the employer to run his business effectively, he needs to be flexible. To achieve such flexibility, the employer might demand the right to dismiss inefficient workers, to work short time when necessary and to retrench workers in a downward cycle. Employees on the other hand, insist on jobs and income security. They wish to be assured that they will retain their jobs and that their income will remain stable even in times of economic recession. At the very least, they will demand compensation for the 'unwarranted' loss of their employment (Bendix, 1996).

Another source of conflict lies in the fact that, traditionally, employers have believed that they possess the right to exercise full control over employees and that decision making regarding all matters of importance rests entirely in the hands of management. This assumption is being increasingly challenged by employees and unions and even by government's new legislation. Employees may believe that they have the right to raise demands for shorter working hours, longer leave, sick leave, training programmes and time off on public holidays. These demands will conflict with the employer's need to utilize machinery as effectively as possible or serve the interests of customers at all times. It is also underscoring the conflict in goals and interest of the fact that

management and employees may have different attitudes towards work and values and perceptions in general. A manager will seek commitment and loyalty from employees and will expect them to work harder for the good of the enterprise, employees may not like to work, may not consider it their duty to produce more effectively and may regard it as their right to change jobs at their pleasure.

The other reason causing conflict between management and workers over salaries is that an employer regard competitive basic wages and bonuses for higher productivity as just rewards for the employee's efforts, while the employee himself may desire improved status, job satisfaction or the fulfillment of his social and educational needs (Ritzer, 1996).

Ritzer (1996) maintains that "perceptions and values which individuals acquire in their particular society will also result in conflict." This means that employees may view themselves as a disadvantaged class, may not have the same work ethic as the employer or may expect the employer to practice social responsibility according to their perception or this concept. In the extreme employers and employees may subscribe to completely different economic and socio-political *status quo*, but the employee might regard it with antagonism. Such conflict in ideology will inevitably place greater stress on the employer-employee relationships.

It is the fact that workers should work together with the management in achieving organisational goals, but giving the usually working environment in working place, where employees are expected to oblige to take instruction from and support the manager that an employee might not be certain of the role he has to perform or might not be given sufficient authority to perform this role may increase conflict potential. This means that job description must be given to employees so that they will know what is expected from them (be aware of their role in the organisation or company) and their terms or contract be defined to them and also clear picture about their reward at the end of their labour (their wages salary) must be clearly defined so that conflict over money issues can be avoided (Bendix, 1996).

Another possibility is that the organisational structure and management style may be of such a nature as to promote conflict and the communication structures may be ineffective. Besides causing its own conflict, ineffective communication will exaggerate conflict arising from other sources. In this respect, the act or striving to solve conflict should be an encouraging means toward more effective communication which will promote cooperativeness between workers and management and make sure that the conflict is being managed (Haralambos, 1991).

A number of issues outlined hereunder have been identified by Bruce *et al.* (1991:108), which could be regarded as cause of conflict.

☐ **Different methods of pursuing the objective**

People, whether acting individually or in a group differ in the manner in which they pursue any predetermined objectives. In other words, although there is a clear objective such as improved working conditions, members of a union for example might not agree on the alternatives on how to pursue the matter. For example, are they to confront management and make demands, or should they negotiate, and if negotiations are not successful, do they strike?

☐ **Lack of a common objective**

This issue relates closely to the preceding one. It basically comes down to all members within a group not having common objectives.

☐ **Differences in attitude**

Attitudes are molded by the interplay of our environmental

influences. It is easy to see how attitudinal differences can be fundamental cause of conflict. It is very difficult to overcome these causes in our attempts at conflict resolution, because a certain attitude may remain even in the face of proof that the beliefs and values upon which it is based are false. Conflict can therefore only be resolved by creating new positive attitudes, and not by altering old negative attitudes.

☐ **Information differences**

The storage, retrieval and interpretation of conflict could in itself be a cause of conflict due to the vast amounts of information taking in daily by man. At different levels, the nature and extent of information available to groups may vary, and this causes conflict.

☐ **Blocked communication channels**

This phenomenon could occur if workers do not have the opportunity to air their grievances or if there is insufficient or no feedback on grievances aired, or between the mine and its unions. It also occurs if financial results are withheld from the unions or they are distorted.

☐ **Divergent value structures**

This concept refers, for instance, to moral and ethical values. Value structures are directly associated with a persons background, for instance his religion, culture and education. An individual becomes a member of a group when there is a high correlation between the groups' values and norms and his own. There are

however, differences between the value structures of groups in an enterprise, and this gives rise to conflict.

2.9.1 Union-management conflict

There are a number of issues which may lead to conflict between unions and management. Most of these result from differences in their goals and value systems, and differences in the methods used to reach these goals (Knoesen, 1992:63). It is generally accepted that the workers most likely to be susceptible to union organised appeals are those who are dissatisfied. The bargaining process will inevitably generate conflict because the parties have different desires and expectations with regard to the final solution. There are a number of problems which characteristically arise and contribute to conflict, for instance faulty perceptions, differences in personalities and backgrounds and motives of the different parties.

According to Bruce *et al.* (1991:110), sources of conflict between labour and management may be due to:

- ☐ the quasi political nature of the union
- ☐ the status of the groups' representatives
- ☐ the relationship which existed between them in the past which can strongly colour the degree of co-operation and conflict that is present in the existing industrial relations situation
- ☐ perceived legitimacy of each side in the eyes of the other.

These sources need to be addressed by management and investigated when seeking solutions to managing labour relations.

2.9.2 The need for centralised bargaining

The need for centralised bargaining as seen from a labour perspective are as follows (SA Labour Bulletin, 1995:49).

- ☐ **Centralised bargaining sets basic minimums and basic labour standards**

For some, that may be a case against collective bargaining, but may believe that the notion of having decent minimum labour conditions is in fact good. It can prevent undercutting and set a minimum floor that is acceptable to society.

- ☐ **It provides a more efficient way of conducting bargaining**

Instead of having hundreds of union officials running all over the country bargaining with managers, there is a focusing of resources and therefore an ability to allocate skilled people to negotiations. A centralised bargaining system is regarded by unions as being more efficient.

- ☐ **Centralised bargaining allows unions to promote equality or egalitarian objectives**

The nature of the South African industry is such that when you have decentralised bargaining, the unions are going to be stronger in the larger, more capital intensive industries, and are going to concentrate their efforts there. What happens, in practice, is they achieve wage increases in the

industries that they are already paying more, frequently at the expenses of those who are earning less. Without centralised bargaining, it is very difficult to try to promote issues relating to equality. It is also difficult to fight work drift.

☐ **There are many economies of scale which emerge for both unions and employers from centralised bargaining**

In decentralised negotiations, workers often push for medical aid and provident funds, often buying into costly, private systems. With centralised bargaining, one can develop benefit funds that can be more meaningful and cost-effective.

☐ **Centralised bargaining increases power of both parties**

It is necessary to increase power of both parties if there is to be stable industrial relations system in South Africa. One of the features in the current wave of industrial unrest is not that the parties are too strong, but that neither party is strong enough to make agreements stick.

☐ **Proactive strategic unionism**

For the unions, this is absolutely essential. Without centralised bargaining, unions are pushed into a defensive mode. They have to take up issues such as retrenchment in a small-scale way, always in a reactive mode. With

centralised bargaining, they are able to engage in such matters in a proactive and not reactive manner.

2.9.3 The deregulation alternative

Some people argue that there is an alternative to centralised bargaining, namely, no unions and the deregulation. A country may be "lucky" to have compliant, passive workers, but South Africa is not one of those countries. However, there is one valid criticism of the centralised bargaining approach in that centralised bargaining can be inflexible. The centralised bargaining system as we know it, set up in the 1920s, is archaic and often inflexible. The problem is not that bargaining takes place at grass roots level but that, in bargaining terms, it is simply a fragmented system.

2.9.4 Negotiations

There has to be a distinction made between negotiation and bargaining. Bargaining is said to be a win-lose interaction between two parties in an economic exchange process, whereas negotiation is said to be merely an interactive process aimed at a fair, reasonable and mutually acceptable positioning of one party in the interaction with the other party. Negotiation may also be seen as the actual execution of the collective bargaining process where the physical interaction between the parties take place.

Negotiation is a complex process and no formula is known to exist to guarantee successful negotiations over a period of time. The approach used in one set of negotiations might fail in another set. It is important that preparations for the negotiations itself should be executed well in advance. Conflict handling, collective bargaining and negotiation are integral elements of the process to establish and maintain relations between management and labourer, since they form part and parcel of the collective bargaining process (Bruce *et al.*,

1991:122). Without this process, management and labourer would find it difficult to operate effectively and satisfy their need to achieve their respective goals. Negotiation can be seen as a skill which cannot be learned only from theory, but must be acquired through involvement and experience.

2.10 CONFLICT AND COOPERATION AT WORK

2.10.1 Forms of conflict

Conflict at work can take many different forms.

- (1) Conflict may occur between managers and non-managerial workers or between different groups of non-managerial workers. The former type of conflict has usually been the focus of sociological study because it has often been assumed that those in positions of authority at work have different interests to their subordinates, but conflict is also common between groups of workers. For example, semi-skilled and skilled workers may clash over such issues as wage differentials and job demarcation.
- (2) Conflict behaviour by workers can take a variety of forms. These include sit-ins, working to rule, refusal to work overtime, absenteeism, leaving the job, working with less than normal effort, and striking.
- (3) As Richard Hyman points out, many of the actions taken by workers may be a response to management behaviour. Employers and their managers may initiate conflict. Hyman says 'conflict with the employee can take the form of plant closure, sacking, victimization, blacklisting, speed-up, safety

hazards, arbitrary discipline' and so on.

In one form or another conflict is a common feature of work. It is not, though, by any means universal. In many places of work employees routinely obey instructions and carry out their work tasks without perceiving a conflict of interests between themselves and their employers, and without engaging in conflictual behaviour. In some places of work managers enlist the assistance of other workers in increasing the efficiency and success of the company, and consult workers' representatives on proposed changes.

Some sociologists emphasize the extent to which there is cooperation based upon common interests at work; others the extent of conflict based upon different interests. These different perspectives will now be examined with particular reference to the role of trades unions in society.

2.10.2 Consensus and cooperation at work

From a functionalist perspective society is characterized by shared interests. Functionalists such as Talcott Parsons and Kingsley Davis and Albert E Moore do not believe that there should be any conflict of interests between employers, managers, and other workers. Talcott Parsons claims that 'the whole occupational sphere is dominated by a single fundamental goal. That of "success".' He believes there is a value consensus in industrial societies based upon individual achievement and economic efficiency. Workers at all levels in a company will recognize that it is necessary for individuals to carry out specialized tasks according to their ability, and that it is necessary for the activities of a company to be coordinated by workers who hold positions of authority. If a company is successful, everyone benefits: shareholders receive larger dividends as the company becomes more profitable; workers can enjoy higher wages and job security.

From this point of view conflict damages everyone's interests since it prevents the success of the company. If there is conflict it is due to minor malfunctions in the system, and the removal of conflict can be achieved with reform of industrial relations rather than a radical change in the structure of individual society (Haralambos, 1995:219).

2.10.3 Types of industrial conflict / strikes action

There are a number of different types of industrial conflict. In the following sections the researcher will concentrate on two specific types of conflict: strikes and industrial sabotage.

☐ **Strikes**

Strikes are an obvious expression of industrial conflict. Strikes will tend to occur, irrespective of their legality or illegality. Nearly all strikes in South Africa are in any event illegal because they do not comply with the provisions of the Labour Relations Act. The legal status of a strike will be of little significance as far as the immediate handling thereof is concerned. Striking can be an effective bargaining strategy.

☐ **The expected strike**

According to Botha (1987:15) the advantage that management is prepared for the occasion and that it can be handled with less trauma and disruption. As the name indicates, this a strike is that either has been announced or in some other way expected. This type of strike may be legal or illegal, depending on whether the provisions of the Labour Relations Act have been complied with.

☐ **The "wild cat" strike**

A "wild cat" strike is a sudden stoppage of work with little or no warning to management, and very often also without prior negotiations with management. Of course this type of strike could catch management with its pants down and is usually extremely traumatic and disruptive. "Wild cat" strikes will always be illegal in terms of the Labour Relations Act. On the positive side, the "wild cat" strike is usually of short duration. Time may be on management's side, since the employees do not have the financial resources to afford a protracted stoppage of work. Management should keep this in mind when taking action during the strike.

☐ **Solidarity strike**

This is a stoppage, retardation, etc. of work by employees in sympathy with one or more of their colleagues who, in the eyes of the strikers, have been unfairly treated. This type may, for example, occur where one or more workers have been dismissed for a reason which the workers perceive to be unfair.

A solidarity strike may be legal or illegal, depending on whether the provisions of the Labour Relations Act have been complied with. However, they tend to be illegal since they normally take the form of a "wild cat" strike - sudden and unexpected.

☐ **Sympathy strike**

Closely allied to the solidarity strike, is the sympathy strike. This is action by, for example, a union which does not have a direct demand against the employer, in sympathy with, or in support of the demands of employees of another employer. The underlying idea is that such action should

prompt the one employer to put pressure on the other employer to agree to his employees' demands.

Sympathy strikes may be legal or illegal, depending on whether or not the legal requirements have been met.

☐ **Go-slow strikes**

In the case of a go-slow strike, there is no actual stoppage of work. The employees merely work at a reduced pace, and thereby retard the normal progress of work.

This type of action may constitute a strike in terms of the legislation and its legality depends on whether or not the legal requirements have been met.

☐ **Work-to-rule strikes**

Here, too, there is no actual stoppage of work. However, employees work strictly according to the rules of their jobs. The same result is achieved as with the go-slow strike, namely a retardation of the work. Employees use this method to counter allegations that they are breaching contract. What is often overlooked, however, is that work rules are often established through custom. Should these customary rules be broken, it would constitute a breach of contract. In this sense there is no real difference between the go-slow and the work-to-rule strike.

This action may be legal or illegal, depending on whether the provisions of the Act have been complied with.

☐ **Sit-in strikes**

The sit-in strike occurs where a group of employees (usually large) meet in a central place, demanding to discuss their grievances directly with management and refusing to work. In many instances, the atmosphere is emotionally charged, making it very difficult to get the employees to elect spokesmen or to get them to use established grievance procedures.

This action involves two aspects, viz. a refusal to work (which could constitute a strike) and refusal to vacate the premises (trespass). The refusal to work may be lawful or unlawful depending on whether the provisions of the Act have been complied with. The refusal to vacate the premises may constitute a criminal offence. A person who, without the permission of the lawful occupier or owner of a property, enters that property or is upon that land or in that building without a lawful reason, commits the criminal offence of trespass. One will have to prove that the employees are on the premises without permission. The employees will then have to prove that they had a lawful reason to enter or to be on the premises. If this cannot be proved, they shall be guilty of trespass.

☐ **Intermittent strikes**

The intermittent strike could be any of the above, with the difference that short stoppages each day or during each shift take place. It is also known as an "irritation strike". This type of strike could be legal, depending on whether the provisions of the Act have been complied with.

☐ **Strategic strikes**

Not the whole work force, but only a few employees in key positions or strategic sections strike. This disrupt or even cripples the entire

production process. Its legality depends on whether the requirements of the Act have been met.

☐ **Rotating strikes**

Strikes occur in only one of the sections of the organization at a time, and thereafter shifts to another section.

☐ **Stay-aways**

Normally a stay-away does not qualify as a "strike" in terms of the Labour Relations Act, because of a lack of the coercive element in respect of conditions of employment. The stay-away refers to the situation where a group of employees absents themselves from work without permission in support of one or other socio-political issue which does not relate to their employment situation. Examples hereof include absences on days such as May day and the 16th day of June, and also absences in protest against legislation, government policies or the detention of trade union leaders. Intimidation of employees often plays a major role.

☐ **Overtime-bans**

The employees refuse to work overtime. It will only constitute a strike if overtime work is a condition of employment, and if it is used as a coercive measure. In terms of the Basic Conditions of Employment Act, overtime may only be worked with mutual consent, except in certain emergencies. Industrial Council agreements may also contain provisions on overtime work, which provisions supersede the Basic Conditions of Employment Act.

☐ **Black-listing**

Employees refuse to handle the goods or products of a particular employer. This action could also qualify as a strike if employees refuse a lawful order by their employer to handle such goods, and if a coercive element is present. This action is normally used to coerce the other employer to agree to certain demands. In this sense it is a variant of the sympathy strike (Botha, 1997:19).

The researcher gathered the information based on strikes and lock-outs in Foreign Jurisdiction in order to relate South African legal system and other international countries, such as Germany, United States of America, Britain, France and Italy.

2.11 STRIKES AND LOCK-OUTS IN FOREIGN JURISDICTIONS

In order to consider strikes and lock-outs in foreign jurisdictions, it is necessary to distinguish between the freedom to strike and the right to strike. Freedom to strike means that the strike is legally permitted but no special privileges are granted. The legal limits of the freedom to strike are hence a consequence of the general legal order. The strike is tolerated but not privileged. A typical example is Britain. The participation of the worker in a strike normally entails a breach of the employment contract which is normally allowed as long as the contract is valid (Blanpain, 1985:404).

The right to strike differs from the freedom to strike when the legal order evaluates the pursuit of collective interests more highly than the individual obligations of the employment contract. The strike is therefore privileged. If the right to strike is guaranteed, the legal order of the state must take precautions to ensure the exercise of this right and not to impede it. The detail regulation of the right to strike may vary considerably in conditions and extent. From an historical point of view, the freedom to strike is older. The freedom to strike implies that the strikers, at least at the time of the

strike, must give notice of termination of their contracts of employment if they are not to be in breach of contract. The same is true for the lock-out. However, in most countries the right to strike exists (Blanpain, 1985:404).

2.11.1 France and Italy

In both France and Italy the right to strike is guaranteed in their respective constitutions. The reason for this is that both legal systems refuse to accept that parity exists between the trade unions and employers' association on the level of collective bargaining on the grounds that workers are less powerful than employers. Therefore, only the right to strike is privileged. The lock-out is merely tolerated (Blanpain, 1985:399).

The strike suspends the obligations of the employment relationship. However, a lock-out entails a breach of contract. In both jurisdictions, the right to strike is granted to the individual worker and not to a group of workers, for example a trade union. For this reason the unofficial strike is not unlawful. There is no peace obligation in either of these jurisdictions which means that it is not necessary for the parties to collectively agree not to strike before its expiration.

In France, unlike in Italy, political strikes are regarded as unlawful. Such pressure on parliament and on government does not accord with the free and unduly influenced decision of political responsible institutions. Even the constitutional grant of the right to strike does not alter this (Hanami *et al.*, 1984:88).

Lock-outs in France and Italy are permitted when the worker has already violated his employment contract by striking unlawfully. The employer may then counter this violation of a right to strike with a lock-out. Thus the lock-out is allowed as a defence against unlawful strikes.

2.11.2 Britain

In Britain the freedom to strike exists. However, although legally permitted, this freedom was eroded while Margaret Thatcher was Prime Minister during the early 1980s. It is now necessary for a strike ballot to precede a strike in terms of Sections 10 and 11 of the British Trade Union Act, 1985 (Blanpain, 1984:411-412).

In Britain the lock-out stands on an equal footing with strikes, the reason for this being that parity must exist between the collective bargaining position of both employer and employees. Secondary strikes whereby industrial action is extended against a third party in order to increase the pressure on an employer, is prohibited. In short, since industrial action does not prevail over the law of contract, strikes and lock-outs in Britain are breaches of contract unless the employment contract was already terminated at the onset of the industrial action.

2.11.3 The United States of America

In the United States, the National Labour Relations Act guarantees to employees the right to engage in concerted activities (Section 7) and specifically protects that right from infringement by an employer or by a union. Strikers retain their employee status while on strike. Whether they have an absolute right to reinstatement, however, depends upon whether the stoppage is determined to be an unfair labour practice strike or an economic strike (Hanami *et al.*, 1984:92).

An unfair labour practice strike is one initiated in response to unfair labour practices committed by the employer. An economic strike is one that is generally used in an attempt to enforce an economic demand upon the employer. Strikers who have been engaged in an unfair labour practice strike are entitled to reinstatement to their former jobs upon an unconditional offer to return to work.

Unfair labour practice strikers must be reinstated even if the employer has hired permanent replacements and even if this means that the permanent replacements must be discharged. When an economic strike occurs the employer is free to hire permanent replacements for the strikers and may lawfully refuse the strikers' request for reinstatement. If an economic striker's job has not been filled by a permanent replacement, he may apply for re-employment when the strike ends (Blanpain, 1985:420).

In the United States the legislature, to some extent, gives trade unions and employers the same opportunities in industrial conflict. This is deemed necessary for the workability of the system and for the procedure of collective bargaining.

2.11.4 Germany

The most important jurisdiction as far as South Africa is concerned is Germany. The reason for this is that South Africa's new Labour Relations Act 66 of 1995 was modelled to some degree on German labour legislation. In Germany the Federal Labour Court has established the requirements for a legal strike. Originally the leading criterion for the evaluation of the legality of a strike was the principle of social adequacy. This principle refers to what is generally accepted as being legal. However, due to the difficulty in applying this principle, a new principle has subsequently governed the strike law and that is the principle of proportionality. According to this principle, the use of industrial action must be necessary, must be the suitable instrument to fulfil the intended purpose and finally may not be an excessive instrument (Weiss, 1987:135).

From this principle, the court has derived the following requirements:

- ☐ The strike must respect the peace obligation, in other words before the peace obligation is exhausted, no preparation for

industrial action whatsoever may legally be carried out.

- ☐ The strike must be preceded by a secret ballot of union members.
- ☐ The strike must be fair, in other words, the strike is not intended to destroy the enterprises which are subject to the strike.
- ☐ The strike must be the *ultima ration*, in other words, all means of negotiation must be exhausted and mediation must be attempted before a strike can be called (Weiss, 1987:136).

As far as solidarity or sympathy strikes are concerned, the Federal Labour Court in Germany has set out the following requirements. First, the strike must be legal, corresponding with the criteria outlined above. Secondly, the strike must be called to benefit those to be supported and not to benefit the solidarity strikers. However, even if these two conditions are fulfilled, a solidarity strike is only legal in very exceptional cases, for instance where the employer, whose workplace is the subject of the solidarity strike, has given up his neutrality by taking over production from employers involved in the industrial action (Blenk, 1993:77).

A political strike in Germany is defined to be any strike intended to put pressure on the state administration or on the state legislature, no matter whether working and economic conditions or other matters are concerned. These strikes are considered to be unconstitutional (Blenk, 1993:78).

The legal strike only suspends the employment contract of those who are legally participating in the strike. Strikers however, lose their right to remuneration from

the employer for the duration of the strike. Workers participating in an illegal strike are breaking the employment contract. This may have two consequences, they have to pay damages and/or they may be dismissed (Hanami *et al.*, 1984:96-97).

With regard to the law on lock-outs, Germany has adopted the notion of equal bargaining power. In other words, both sides must be treated equally, consequently both sides must have means of industrial action of the same potency. According to this notion of parity, a lock-out is legal under the same conditions as a strike. The legal basis for both is Article 9, Section 3 of the Constitution. However, in 1980 the Federal Labour Court began to favour an asymmetric view, in other words, strikes and lock-outs should be treated differently in order to retain the balance of bargaining power. The lock-out was considered not to be necessary to maintain the balance of bargaining power and in many instances was considered to be illegal. However, there is an exception to this. Where workers in an area covered by collective agreement are on strike, an employer may lock out an equal proportion of workers within this area up to a maximum of 50 per cent of the number of workers on strike (Hanami *et al.*, 1984:97-98).

2.12 MARXIST PERSPECTIVE ON ORGANIZATIONAL POWER AND CONFLICT

2.12.1 Organizations and the control of labour

Harry Braverman is an influential Marxist sociologist who has examined conflicts of interests between groups of workers. He denies that the interests of capital and labour can be compatible. He examines the ways that management theories have been used in organizations and he is particularly critical of scientific management. He sees it as a means of strengthening the dominance of capital over labour. He claims that in capitalist society the fundamental teachings of scientific management 'have become the bedrock of all work design'. Scientific

management has been adopted as a means of controlling alienated labour and is part of the process whereby the worker is increasingly transformed into an 'instrument of capital'.

The detailed planning and design of work tasks by management drastically reduces workers' control over the labour process. Work becomes dehumanised as workers, constrained by management directives, simply 'function as cogs and levers'. The reduction of workers' control over the labour process is essential for the continuing accumulation of capital. If workers directed their own work, it would not be possible 'to enforce upon them either the methodological efficiency or the working pace desired by capital'. Thus, far from welcoming scientific management, Braverman denounces it as a means for increasing the efficiency of the exploitation of labour in capitalist society (Braverman, 1974:208-14).

Stuart Clegg and David Dunkerley (1980) agree with Braverman that the basic function of work organizations is to control alienated and exploited labour. However, they disagree with Braverman about the importance of scientific management. They argue that a variety of strategies are used for controlling the labour force depending upon the role of particular groups within the capitalist system.

2.12.2 The miner as a wage-worker

A researcher after conducted a pilot study at Breyten in Spitzkop Coal Mining Industry. It is the fact that a high percentage of the male working population of Breyten finds employment at the local collieries has significance at three levels. Breyten families have a common fate determined by virtue of the similar relationship, through a wage-earning husband, to the coal industry. At the same time, this similarity is modified by the particular conditions and history of the coal industry as such; at this level Breyten has social relations in common with other mining communities. Finally there are factors derived from the particular nature

of Breyten itself, including particularly the local availability of alternative employment, the local market for coal, and the actual physical conditions of coal-getting in the area. Therefore, it is proposed in this chapter to consider the relation between work and life in terms of three questions.

- (a) What is the range of effects on the life of the miner and his family of the fact of being of the 'working class', in the sense of the above definition? This will involve a specific description of the status of the wage labourer in our society; it is not, of course, possible to ignore the question of the effects of nationalization on miners in this respect.
- (b) How is the life of the miner and his family specially affected by the fact of being of the mining section of the working class? Here the particular character of mining as an occupation, in its physical aspects, its differences from other types of work, and the place of miners in the history of the working class, will be prominent.
- (c) In what ways do 'local' factors in the sphere of work and employment give an individual, unique bias to the life of Breyten mineworkers?

Before these three sets of problems are embarked, upon it is worth remembering that we do not suppose these factors to work independently or autonomously; they work in and through each other. For example, the basic geological facts of coalmining as an industry have made for the agglomeration of smaller communities than have other aspects of Britain's industrial growth. Now, therefore, miners live in communities of a different character from those industrial towns characterized by diversity of occupation, social class, and varied social and cultural amenities. This is the basis for a certain autonomous

community life in such small towns or villages as Breyten-KwaZanele. One further qualifying note is necessary, and a discussion of work in its relation to life bears upon almost every field of social relation mentioned or baldly stated for the moment. These are left for specific and detailed elaboration for other chapters, such as those on the family, leisure institutions or trade union organizations. Moreover, a researcher also focuses on the question of how other aspects such as remote and immediate life have an effect on work and working attitudes.

Miners experience extensive remote problems such as lack of income and large number of responsibilities in their families. The existence of trade unions in the mine sector serves an informative role as the miners get to know their rights such as, working conditions, increase of wage and other benefits. Therefore, miners came up with immediate problems to the employer as the cause of poverty to their families because of low-income. By so doing workers participate in the strike action and it is not the question of low income only, but of the remote factors. The miner as a wage-worker enters into the process of production by selling his labour power to an owner of capital. Just as the employer's ownership of plant, of means of production, would be of no value without the availability of labour, so, given this ownership, the worker needs the facilities of employment offered by the employer. There are certain important facts about such a relationship between a class of men and their work.

2.12.3 The position of the worker in modern industry

The role of the worker is not to direct production, it is to put himself at the disposal of the employer for a certain period of time. As a consequence of his labour power being bought by the employer, the product of his labour is alienated from the immediate producer, the labourer, and is appropriated by the employer. The workers receive as the price of their labour power, wages which they use to purchase other commodities, the means of life which enable them to reappear on the scene with their labour power, and to reproduce themselves.

It is in this sense that the family is the economic unit of society and the working class, with the head of the family as its representative in production. With certain insignificant exceptions, in modern industry this economic relationship exists stripped of any direct human relation between worker and employer. The relation is one between labour and capital. It is rare for a worker ever to meet his employer. The worker does meet some of the executive staff and supervisors of the work. This part of the staff has the function of directing and controlling the worker's labour. This fact of the worker being only the repository of a commodity (labour power), bought by the employer, and the fact of obvious contradiction between the social, co-operation of the product, are the fundamentals of the worker's position in our society (Slaughter, 1969:27).

It is repeatedly suggested that trouble in industry and frustration among workers can be attributed to the monotony inherent in the operations allotted to most workers in modern industrial processes. In the first place, it should be said that the monotony entailed in the particular processes carried out by the workers is often overestimated. There is certainly no indication that in those industries where monotony is greatest 'industrial morale' is correspondingly low. The facts of accidents, absenteeism, and strikes in mining - one of the least monotonous of jobs - provide a sufficiently cogent example. It is doubtful if the monotony of the job has any great independent effect on morale, and it would seem to be quickly overridden by stronger influences. Yet there is a sense in which every worker suffers 'monotony'. It is not the monotony of the operations he carries out, considered in their concrete aspect, so much as the tendency for his work to be directed and controlled entirely from outside himself. Different occupations from that of the collier to the assembly line workers, allow for varying degrees of freedom within limits. But they have this in common; the plan of production is independent of the worker, and it incorporates his labour just as it does raw materials, machinery depreciation, and every other constituent of the final product.

In addition to this absence of scope for initiative and creative effort, there is another consequence of the worker's status which is responsible for similar effects in behaviour and attitude towards work. Again these effects appear as 'monotony' and therefore give rise to the facile judgements already mentioned. The wage-worker does not go to work by choice. He arrives at a time set by the requirement of the enterprises. The time at which he leaves is also dependent on the needs of the job. Should he wish to spend a certain amount of time in some non-working activity during the hours when he would normally be at work, he cannot as a rule arrange things so that his work is completed quickly through extra effort, so as to leave him the time he requires. Certain situations may arise where this becomes possible, for example, in a period of shortage of labour and high wages the worker can exercise free choice in the use of some of his time without endangering his security. Generally speaking, however, and considering the life experience of the wage-worker, his maintenance of life depends on regular fulfilment of the labour-wage contract with his employer, and acceptance of the conditions involved.

It is clear, therefore, that although there is in one sense reciprocal relationship between the owner of capital and the owner of labour (the worker) in terms of his life process, the worker experiences his tie to the enterprise as a continual and binding necessity. When a man receives his wages every seven days and these are on the whole not a great deal more than enough for comfortable survival, he is bound to his work (Slaughter, 1969:29).

2.13 THE EFFECT OF CONFLICT IN SOUTH AFRICAN INDUSTRIES

There are two images of relationships at work in modern industrial society. According to Peter Worsely, a Professor of the University of Manchester, in his book *Introducing Sociology*,

"there are two opposed views about industry generally, some people say

that a firm is like a football side - because good team work means success and is to everyone's advantage. Others say that team work in industry is impossible because employers and men (employees) are really on opposite sides" (Worsley, 1978).

This means the first argument is under the theory of functionalism where it promotes teamwork and cooperation among different parties for the benefit of everyone's interest, whilst on the other hand, the second argument falls under the radical theory of conflict which maintains that there is conflict of interest between parties which results to tension which trigger the conflict in industrial society.

Usually in South African industries, there are manifestations of industrial conflict, which are caused by dispute over salaries, as a result workers may opt to go for strikes, go-slows and working to rule. Usually management view strikes as a manifestation of irrational behaviour on the part of the workers, as a result of the efforts of trouble-makers or agitators or breakdown or failure in communication.

Individuals or group of workers may decide to go on strike that the management can take them seriously and try to address their demands or grievances especially that one of wages increments. Trade unions or Spitzkop decided to go on strike, demanding increases in their wages or salaries.

According to the Shopsteward of Spitzkop, who are under NUM (a trade union), they were demanding 14% increase from the management, the management was stubborn, never wanted to listen to their demands. So they said "they opted for another language which was very harsh and radical, because they decided to go on streets through industrial action".

This action was a blow to Spitzkop as a coalmining industry even to South Africa as a whole. The strike had cost them some millions because there was a high shortage of production which resulted into poor services for people of South Africa.

2.14 CONFLICT MANAGEMENT

Karl Marx, one of the conflict theorists, whose school of thought is very radical, explains work as the production of goods and services. Held the key to human happiness and fulfillment. Work is most important, the primary human activity. As such it can provide the means either to fulfil people's potential or to distort and prevent their nature and their relationships with others. With this explanation of what work is, or do to people, Marx developed the idea of "alienated" labour. At its simplest "alienation" means that people are cut off their work. As such they are unable to find satisfaction and fulfillment in performing their labour (Haralambos, 1991:312).

Marx points out that in any industry you will find conflict of interests. In this sense, in a capitalist or industrial society, you find that in industries or working place, there are different classes holding different positions and roles within the hierarchy or the workplace. This class issue is called stratification where individuals in the working place perform their duties according to status or position they hold in a company. There are capitalist or bourgeoisie. People who own the means of production, who are share holders and managers drafting policies of the company so as to control and direct the other class with an aim of fulfilling their main interest of which is to increase production in the process of maximizing the profit.

On the other hand, you will find the other class which is the proletariat, the labour force of workers, who sell their labour power to the capitalist with an aim of getting income or wages. They earn their salaries at the end of their labour for survival purposes. With these two classes holding different interests, conflict easily occurs or takes place, because here the relationship between the two classes is usually hostile because the capitalist class or management exploits the working class by giving them load of work so as to create more production for their maximization of profit but giving them lower salaries at the end of the month. This can cause conflict because the working class will try to voice out their anger about this treatment they get from the management (Marx & Engels, 1978).

2.15 WAGE THEORY

According to Dunlop (1993:265) the wage-rate structure is the complex of time or performance rates applicable to the different individuals or groupings of workers in an enterprise or an industrial relations system of larger scope. In the early stages of industrial development only personalized wages may exist; the notion of wage rates for job classification or for a series of explicit tasks may not have been established. Indeed, one of the first effects of industrial growth in an enterprise of some size is to create an explicit wage scale for more- or less-defined occupations or jobs. A time rate for a job, or a reasonably limited range of such rates, requires a degree of standardised and uniformity within the work force that is grouped together in one job category.

The emergence of an explicit wage scale is accordingly linked to the ordering or structuring of the labour force by skill of performance, which was noted in the previous section. A piecework or performance method of payment is compatible with much wider differences in training and skills among members of a work force; it is no accident that because of wide differences within a new and changing work force piecework is prevented in hired agricultural employment and on plantations. Piecework is predominant in many of the earliest industries to arise in the classical pattern of industrialization, such as textiles, clothing, and shoes.

During the early phases of industrial development, it is well established that the skill differentials in the wage-rate structure tend to be relatively wide. The supply of skilled labour tends to be relatively short compared to unskilled workers. The types of skilled jobs by industrial employment are not found in pre-industrial countries and the requisite workers must be created by training or importing. Either method of recruitment results in relatively wide skilled differentials. In many parts of Africa and the Middle East the skilled manual jobs will pay three or four times the unskilled rates. The actual skill differentials may be further widened in the early stages by differentials of race. The skilled manual workers may be white and the unskilled black. In such cases some of these wage, differentials may not infrequently be as high as ten or twelve times. Not

only may European rates be paid the whites but paying the costs of transportation may be necessary to recruit the skilled labour and these costs may subsequently be incorporated in the rates.

In the course of economic development skill differentials tend to narrow. As a rough generalization, the skill-wage differential among manual workers in enterprises in advanced countries tends to be of the order of magnitude of 25 to 50 percent more than unskilled rates, compared to the 200 to 400 percent or more that skilled manual rates seem to exceed unskilled rates in the early stages of industrialization. The narrowing process is related to the rise of general levels of education and the spread of technical education, the creation of a stable work force in enterprises that can increase the supply of skilled workers by gradual upgrading and training on the job, the emergence of a local supply, which reduces the need to import skilled labour incurring the costs of transport and movement, the rise of industrial organizations among workers, which may press for more equalization in rates, and inflationary periods in which relatively uniform general wage-rate increases are made on grounds of equity. The elimination or narrowing of other wage differentials will also tend to narrow the gross skill differentials, such as the elimination or reduction of explicit wage categories by race or nationality.

The process of creating a labour market tends to eliminate many of the differentiations among workers that are a carry-over from the pre-industrial society, and which are frequently reflected in wage-rate differentials at the early stages. The assignment of manual jobs by tribe, nationality, or race creates wage differentials that later tend to be eliminated. The assignment of the work force between manual and clerical operations or between mechanical and menial tasks by nationality or tribe are common illustrations. The wage-rate differentials established at the early stages for women and children also tend to show a gradual reduction for comparable operations during the course of economic development. At times the reduction or elimination of such wage-rate differentials directly reflects labour-market developments in the under-developed country but more often it reflects the importation of industrial values and specific legislation or international labour conventions from abroad.

Not only does an explicit wage-rate structure emerge in the rules of an enterprise, but a hierarchy of wage rates also emerges among enterprises in the same industry, among industries, and among localities and regions. It does not matter for the present purposes what part of the total enterprise wage-rate structure of a country is subject to explicit rules and decisions within a national industrial system and which wage-rate relationships are left solely to the workings of the market. In some countries there is a high degree of centralization of wage-rate changes and wage-setting institutions. The arrangements in Australia, New Zealand, the Netherlands, Scandinavia, and Italy are illustrative, although the rule-making processes formally provide for quite different relations among the actors in these national industrial-relations systems. In other countries the interdependence of wage rates among enterprises are reflected more exclusively through the market. In the course of economic development wage rates in an enterprise tend to become relatively more interdependent (whether or not formally recognized in wage-setting machinery) with the wage rates established in other enterprises. The wage rates established within an enterprise can less and less ignore the wage decisions made in other enterprises, although the wage rates established in some groupings of enterprises (contour) are more relevant to an enterprise than all other wage rates set in a country.

The course of economic development tends to narrow interenterprise differentials in the wage-rate structure of a country. A grouping of enterprises with common or similar product and labour markets may develop very similar or identical wage rates; this is often seen at an early stage among a group of cotton-textile plants in a single locality or region. The development of the transportation system historically has affected both the movement of products and workers and hence the interdependence of wage rates in different enterprises. The development of a system of roads and the emergence of trucking enterprises very early in the economic development of a country tend to have a significant impact upon the interdependence of the wage-rate structure of a country, particularly for enterprises that are closely competitive in the seeing of their products.

The interdependence of wage rates among enterprises in similar product markets,

particularly in one locality or region, tends to emerge before the general interdependence among regions. As economic development proceeds further, as levels of employment rise (and underemployment declines), as capital flows more readily among regions (to the south of many countries), the wage rates among localities tend to become more interdependent and pure geographical wage-rate differentials also tend to narrow percentage wise from what they were in the early stages of economic growth.

An industrial wage-rate structure gradually evolves in a country in the process of economic growth as the range of economic activity expands and new industries arise. The industrial wage structure is characteristically built on top of the rates for hired agricultural labour. In a country with a large population of underemployed agricultural workers, the industrial wage structure may start only slightly above agricultural levels, while in an empty country the industrial wage structure may start at some distance above agricultural rate levels. The industrial wage-rate structure shows a high degree of similarity (rank correlations of industrial average hourly earnings are high) among countries at comparable levels of development. This similarity among countries in the process of economic development is to be explained by the fact that industries use roughly similar technologies among countries, which implies roughly similar proportions of workers in occupations or jobs of varying skills (and wage-rate levels). Although the percentage differentials for skill among countries varies, as has been observed, the relative ordering of the wage rates for job classifications in an industry shows a high degree of similarity among countries. Combining a similarity in the proportions of workers at different occupations in an industry with a similarity in ranking of rates for these occupations yields industrial averages of wage rates or earnings that tend to be relatively quite similar among countries in the process of industrializing.

As economic growth proceeds, new industries arise to be slotted into the industrial wage structure, in part determined by the proportions of workers of varying skills, by the requirements for new skills and responsibilities, and by the level of rates that are required to attract workers to an expanding industry. Many of these newer industries tend to be high-wage industries for these reasons. Economic growth thus imparts an

upward drift to the average wage in the country by virtue of an increasing proportion of higher wage industries. The course of economic development, however, apparently does not appear to have the effect of compressing significantly the industrial wage structure.

2.15.1 Effects of economic development

- ☐ The process of economic development creates an explicit wage- rate structure for job classifications or occupations in the enterprise. It creates internal labour markets.
- ☐ Economic growth tends to narrow, in percentage terms, wage- rate differentials among types of skill.
- ☐ The industrialization process tends to eliminate or to narrow many wage- rate differentials that arise at the outset of economic development which are a reflection of differentiations (for example, by sex, tribe, nationality, race) among workers significant to pre-industrial society. New differentiations arise, characteristic of the industrial society.
- ☐ The process of economic development creates a national wage-rate structure or hierarchy of rates exterior to an enterprise, which may in varying degrees be the subject of explicit rules or be left largely to the market in different countries.
- ☐ A greater degree of interdependence in the interenterprise wage structure is likely to emerge first among enterprises in the same or closely allied product markets in a locality. Wage-rate differentials among such enterprises tend to narrow or the wage rates become uniform. Uniformity spreads to enterprises in more distant localities in the same product grouping (contour).

- ❑ The geographical differentials in the wage-rate structure tend to narrow only at a later phase in economic development.
- ❑ The interindustry wage-rate structure among countries in the process of industrializing tends to be similar; the course of development tends to introduce new industries often at the higher end of the wage-rate structure. There appears to be little systematic narrowing of the industrial structure in the course of economic growth, except as the industrial wage structure is a reflection of changes in the occupational, geographical, and age or sex wage differentials.

2.15.2 Methods of wage payment

The relative distribution between time and piece (or incentive) methods of wage payment probably shows little consistent pattern in the course of economic development, although there are marked differences in methods of wage payment among countries and in the policies of industrializing elites. The circumstances that give rise to piece (or incentive) rates at the early stages of industrialization are replaced by others in the course of economic growth. At the outset there are likely to be very wide differences in the quality and performance of members of the work force; moreover, payment-by-time places a heavy burden on supervision, which is likely to be in very short supply and relatively expensive. Piece rates have the advantage of paying workers of uneven quality at very different rates (in proportion to their output), and the limited supervision can be concentrated upon the inspection of the quality of output and the rejection of items below quality standards. As capital costs may not be very large, the use of labour of uneven quality under the piece-rate system is not likely to be as expensive as paying a uniform time rate, or seeking to grade workers or to maintain a larger supervisory staff. Moreover, if turnover rates are high and labour plentiful, the enterprise can avoid substantial costs of training

involved in time rates and need be less concerned about the possibility of higher earnings resulting in a smaller amount of labour inputs, as is sometimes held to characterize labour in the early stages of economic growth.

As industrialization proceeds and a more stable industrial work force is established, the factors leading to the use of piece (or incentive) rates tend to change. The quality of the work force is more uniform; there is more supervision and its relative price has fallen with the narrowing of skill differentials, and the labour-supply function in the relevant range is probably not negatively inclined. Piece rates (tonnage rates) are often designed now to stimulate a greater rate of effort among trained workers to get the largest utilization of expensive capital equipment; some workers are on nominal incentives to preserve rate relationships and to prevent complaints arising out of comparisons with other workers on piece or incentive rates; the selling field often leads to commission rates on account of the difficulties of supervision with changing work places and the complex salesman-customer relationship. The process of economic development thus changes the problems and the opportunities for using time or piece (and incentive) methods of wage payment (Dunlop, 1993:270).

2.16 RULES ON WAGES AND OTHER ELEMENTS OF COMPENSATION

The largest group of rules in the industrial relations systems of coal mining probably concerns wages and other elements of compensation. The setting of these rules and their administration are decisive to the income and living standards of workers and to the costs and financial position of private or nationalized mining enterprises. The complex web of compensation rules significantly illustrates both a number of common characteristics among countries derived from similar technological and market contexts and also a variety of features distinctive to the respective national industrial-relations systems. Compensation rules illustrate particularly well the combination of common technological and market influences as compared and contrasted to the role of distinctive features of a national system.

2.17 COMMON INDUSTRY FEATURES

2.17.1 Job classifications

The occupational and job-classification list of scheduled wage rates largely reflects technology in its broadest sense. Dislodging coal by explosives requires the sensitive position of shotfirer; the use of coal plows or continuous miners requires skilled machine operators. Open-cast (open-pit) mining requires operators for the giant shovels to strip the overburden. The use of horses or mules to transport coal underground means different operating and servicing jobs than when electric cars or conveyors are used. In general underground mining creates clusters of related jobs: surface workers, underground workers at the mine face, underground maintenance and service operators, and underground transport workers. In a more complete view of the coal-mining wage structure, reference should also be made to supervisory and managerial jobs, professional groups, and clerical operations. Such groupings are frequently used in setting wage schedules, there is a considerable degree of interdependence of wage rates within these clusters.

Not only does common technology create common groupings of jobs, but there is a relatively high degree of similarity in the ranking or ordering of wage rates by occupations or job classifications. Underground jobs have higher rates than those on the surface performing similar work operations, such as maintenance. In Italian mining there is an explicit "underground allowance," while in other countries the wage schedules reflect the differences. The factors of skill, responsibility, and hazards are commonly operative, and while implicit valuations and relative labour supplies vary, these considerations operate as a rough rule of thumb yielding fairly uniform wage schedules, at least for key jobs. The development of a single or relatively uniform wage schedule for coal mining within a country reinforces this tendency toward a common ordering of wage schedules. There are differences in the extent of differentials between unskilled

and skilled jobs, between the scheduled rates for face workers and for maintenance jobs, and the yields of pieceworkers over their minimum rates. But the relative ranking of major job classifications is essentially similar. There is, of course, in any single country a variety of deviations and specialized job classifications, reflecting unique technology, advanced or retrogressive, and distinctive geology or traditions of a labour-market area.

2.17.2 Wage levels

The level of wage rates in coal mining has been particularly sensitive to longer-run changes in the competitive position of the industry in both product and labour markets. In the thirties the relative position of coal wages declined in national wage structures under the impact of falling coal prices and profits and as a response to unemployment in mining communities with few alternatives for work. In the war and postwar periods the relative position of coal wages has risen to the very top of the wage structure among major industries in almost all countries in the face of a period of shortages of coal and of full employment with attractive alternatives to mining employment. The relatively much higher ranking of coal wages (and other compensation and amenities) has thus far been necessary to hold the existing work force and to attract new recruits simply for replacements.

2.17.3 Supplements to wages

The compensation system in coal mining involves a higher proportion of various supplements and a lower proportion in basic-wage rates. This is true despite the relatively high basic-wage rates noted immediately above. Special payments in kind in the form of concessionary coal and housing allowances, arising from the nature of the industry and further from the shortages of manpower in the postwar period, have operated to create this observed feature of compensation in mining. An excellent study of labour-cost components in nine European

countries with almost complete coverage for coal production concludes:

Wage supplements in percentage terms were consistently higher than in the manufacturing industries studied, with Greece being the only exception. There were a number of striking differences in the pattern of labour costs as compared with that in manufacturing industries. Wages in kind were generally very important, amounting in France to 12 percent of the total cost measured and in Germany to 10 percent. Social-security contributions were also substantially larger in coal mines...

In coal mining the non-wage elements of labour costs, expressed as a percentage of total labour costs, ranged between 16.4 percent in Great Britain, 27.4 percent in Belgium, 39.8 percent in Germany, 41.4 percent in France, and 49 percent in Italy. While this spectrum is characteristic of the respective national systems, as shown in the consistency among the other industries studied, the coal-mining industry in the various countries reflected a relatively greater proportion of supplements or fringes in addition to basic wages.

2.17.4 Piecework

A substantial proportion of employees, particularly those engaged in direct production at the coal face, have historically been paid on piece rates, task work, or tonnage rates. This fact is common to different countries but the incentive systems (including the extent of guarantees, incentive pull, and allowances for "unproductive" or "dead" work such as timbering) are highly variable even within countries and coal fields.

The institution of piecework in coal mining has created another distinctive coal-mining institution, the checkweighman, an employee to check the weight of coal

produced, since the scales are at the surface, at a distance from the miners, who are paid by the coal produced. The following rules governing the checkweighman may be cited:

☐ **United States**

The Mine Workers shall have the right to a checkweighman, of their own choice, to inspect the weighing of coal, provided that in any case where on account of physical conditions and mutual agreement, wages are based on measure or other method than on actual weights, the Mine Workers shall have the right to check the accuracy and fairness of such method, by a representative of their own choosing...

The wages of checkweighmen will be collected through the pay office semi-monthly, upon a statement of time made by the checkweighmen, and approved by the Aline Committee. The amount so collected shall be deducted on a percentage basis, agreed upon by the checkweighman and clerk, from the earnings of the Aline Workers engaged in mining coal and shall be sufficient only to pay the wages and legitimate expenses incident to the office...

The checkweighman, or checkmeasurer, as the case may require, shall be permitted at all times to be present at the weighing or measuring of coal, also have power to checkweigh or checkmeasure the same, and during the regular working hours to have the privilege to balance and examine the scales or measure the cars.... It shall be the further duty of the checkweighman or checkmeasurer to credit each Mine Worker with all merchantable coal mined by him on a proper sheet or book kept by him for that purpose...

☐ **Great Britain**

The existence of checkweighmen is confirmed by a rule regarding compensation for redundancy.

Checkweighers, provided that they have been formerly in the employ of the Board or their predecessors, shall receive redundancy compensation on the same terms and subject to the same conditions as redundant mineworkers... but on an *exgratia* basis, it being understood that this concession shall not form a precedent and that the National Union of Mineworkers will not later apply for the admission of checkweighers to the Supplementary Injuries Scheme or the Fatal Accident Scheme or any other similar scheme.

☐ **Germany**

The workers are enabled to request according to par. 80 c of the General Mining Law the inspection of the measuring of the wagons by a man of their own choice and at their expense.

☐ **Australia**

The persons who are employed in a mine, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person, in this Act referred to as "a check-weigher", at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions, as the case may be.

The extension of mechanization in continuous mining operations and an

increase in the size or capacity of these machines have a tendency to reduce the extent of piecework by individuals or small groups. "... The growth of mechanization ... as a result of these the piecework system has in a number of instances been dropped or substantially cut. With the advent of mechanization, tonnage payments have declined [in the United States] to the point of covering only about 10 to 15 percent of the work force. There is a less direct relation between individual effort and coal mined at the face. The fact that tonnage rates have been a major source of disputes with frequent variations in mining conditions is another factor working in the same direction. There has been some tendency for experiments with production bonuses, which constitute a modest addition to the basic-wage variable with output for underground miners as a group. A French agreement provides for a bonus formula in which payments are made when underground output averages 1,075 kilograms per man per shift or more during a half-year. But the bonus based upon production of underground workers of a mine averaged over a period as a supplement to basic wages is quite different from piece or tonnage rates.

Other elements of compensation in coal mining show common features: shift premiums for the second (back) shift or for night work after a designated hour. These various dimensions to compensation are particularly influenced by the common technological characteristics and similar product-market conditions. Other features of compensation are more influenced by the separate national industrial-relations systems.

2.19 GUIDELINES TO MANAGING STRIKES

The following part of this discussion focuses on the strategies that must be used in handling strike action. These strategies have been identified as follows: the monitoring to labour relations; the strike action plan; crisis negotiations; preventing wildcat strikes;

understanding the strike; obstacles to economic peace; management's viewpoint; deterring the strike; arbitration; early negotiations and general guidelines.

As mentioned in other chapters, South Africa is going through a phase of dynamic change, which has contributed towards a more complex labour relations practice than in the past. It has become economically necessary to effectively manage labour unrest and more especially strikes. South Africa and more specifically, the mining industry, cannot afford any more strikes than it already has. Economic growth is necessary to promote job creation and reduce unemployment. Strikes, in any form, do not only do harm to the industrial relations climate, but to the company as well, both economically and socially. Unhealthy labour relations create an atmosphere which is not conducive to investment by local as well as foreign investors.

Against this background, it is vital that management do everything in their power to avoid strikes whenever possible and effectively manage strikes which do occur. It is important to have an action plan to handle crisis situations created by strike action.

2.19.1 The monitoring of labour relations

It is important to constantly monitor the labour relations climate, so that appropriate action can be taken to pro-actively address any potential problem situations. It is quite clear from the questionnaire results shown earlier in this chapter, that there might be problems amongst the workers of which management are not aware. Prinsloo (Slabbert *et al.*, 1990:24) states that the aim of monitoring and auditing of labour relations is to supply management with information regarding:

- ☐ abnormal behaviour of workers, manifested in labour turnover, absenteeism and high accident rates;
- ☐ workers' attitudes, expectations and perceptions which

could have an effect on the labour relations climate in the company;

- ☐ areas of satisfaction or dissatisfaction, which cause certain attitudes, expectations and perceptions amongst workers;
- ☐ the shortcomings in Human Resources and Labour Relations policies, and the provision of proactive steps to solve the following:
 - abnormal behaviour of workers
 - areas of dissatisfaction
 - shortcomings in the Human Resources and Labour Relations policies.

By following this process, management are kept in touch with their workers and can possibly predict and counter any labour unrest.

From the results of the study completed it is clear that the workers regard certain factors as being more important than others. There is a correlation between the reason for strikes and the factors which cause the most dissatisfaction amongst workers. These factors need to be effectively managed.

2.19.2 The strike action plan

Despite the pro-active steps taken by management's monitoring of labour relations, it is necessary to devise a strike action plan. This plan must be continuously updated and revised, especially after a strike has taken place. However, it is not possible to create a plan for each type of strike.

It is important to discuss the strike rules and possible disciplinary action against

union members, with the respective unions, even if the rules are set up only by management. This has certain advantages for management (Knoesen, 1992:154):

- ☐ Management show that they are prepared for any disputes or labour unrest situations
- ☐ the employer indicates what behaviour is regarded as being acceptable
- ☐ management will be seen to be reasonable
- ☐ management get a psychological advantage.

The most appropriate time to present these rules to unions is when they are ready to ask or advise members to strike. The union's tactic in this case is to show management that they are very serious about the issue. The obvious retort to this would be for management to issue the rules to show the union how serious management are.

At the creation of a strike action plan, there are a number of important issues to consider. Management's policies regarding strike action will obviously play a major role in the setting up of such an action plan. Preparation prior to strike action often determines how the strike will be resolved. A strike action plan for the production process to continue, is an important part of management's counteraction process.

2.19.3 Crisis negotiations

It often occurs in the mining industry that strikes take place without being triggered by any specific action or incident. It is vital that the strike action gets immediate attention. Therefore, it is probable that at some stage, management will take part in crisis negotiations of some sort with the workers involved.

From experience, crisis negotiations normally take place in an emotionally charged atmosphere. It is advisable to stay calm and appear as if the situation is totally under control. Personal attacks on members of the strike or union should be avoided. A positive atmosphere can be created by accumulating and analysing information and facts and presenting these in a neutral way.

Management should make it clear to striking workers and the union, that it would be to the advantage of all involved to come to a quick and acceptable compromise, financially as well as socially. The union's understanding of the situation needs to be accurately assessed in order to define appropriate strategies for the handling of the strike. The union as well as the workers must be questioned as to the exact reasons for the strike. This gives them a feeling of involvement and also serves as a valuable source of information.

When negotiating with workers, management must show empathy towards them. They must believe that their needs are being attended to and their problems sorted out.

2.19.4 Preventing wildcat strikes

Most strikes regarding wage issues, discipline or other reasons can be prepared for in advance by management. However, the wildcat strike occurs on the spur of the moment, with little or no warning to management and can therefore not be provided for. It is for this reason that this particular strike has been singled out and discussed in relative depth. Management actions play an important role in these strikes, and more often than not, are the cause or solution to the strike.

No matter what the reason for a wildcat strike is the best way to stop it is to prevent it from starting in the first place. Most times, management can play an important role in the prevention of these strikes. Employees naturally tend to look, consciously or not, to their employers as at least one source of counsel or

information in evaluating the merits of two competing choices. It is this fundamental condition that makes it possible for an alert management representative to nip an imminent strike in the bud. Even when unsuccessful, this effort can provide management with meaningful information as to causes, motivations, participation and evidence of worker-union cohesion or division.

2.19.5 Understanding the strike

In the imminent wildcat situation, the shift boss is most often the management man in the middle. A threatening wildcat strike places unusual demands on a supervisor's leadership abilities and resources. Therefore, it is wise to advise the supervisor of the conduct management hopes to obtain from him should the need arise.

2.19.6 Obstacles to economic peace

The fact that strikes are not inevitable does not mean that avoiding them is an easy task. The issues at stake in labour negotiations are seldom simple. Maintaining peace in the working place is especially difficult when the parties involved in a controversy are approximately equal in bargaining strength. Some see further legislation as the means to eliminating strikes and lockouts. In considering the causes of industrial disputes, the position of the workers in relation to their employers must be kept in mind. Employers are able to better their economic position, increasing their profits, without consulting the workers. Workers, however, cannot improve, or even maintain their existing standards without the approval of their employers. The inherent inequality in the strategies available to employers and workers must always be kept in mind when consideration to laws bring about "equality" in the employer – employee relationship.

2.19.7 Management's viewpoint

Unions are often influenced by political considerations and political factors may develop amongst workers. However, politically inspired grievances are seldom reconcilable by first-line supervisors. The motivation and forces at work behind these grievances often result in an early resolution of the dispute not being possible.

Typically, most mine managers are accustomed to basing their management decisions primarily on economic considerations and to dealing with other like-minded executives. They may not understand why unions are not similarly motivated. It is sometimes difficult to understand why the unions take certain apparently illogical decisions, engaging in the grandstand appeals and pressure tactics more commonly associated with the politician. The fact is that the value judgements of the unions do not always place economic considerations very high on their list of priorities, as do most of mine management.

The solution for management is not to wrestle with or complain about these unalterable factors, but instead to try and understand the motivation of the union steward and the political orientation of the institution he serves. By its nature, the union is not a secure organisation, and its manners are typically militant and highly suspicious and often emotionally charged. The security of the union organisation is dependant on its acting in a way to prove its worth and merit to the membership. Management can do little to prevent such manifestations of union policy. But it can do much to strengthen and clarify its own position with the workers if it learns to recognise the union's motivation for what it is and to deal with it realistically.

2.19.8 Deterring the strike

The issues at stake in a strike are real and nothing is gained by pretending that

nothing is involved but the common interests of the parties. Unfortunately, there is seldom a clear, objective answer.

Free collective bargaining is an essential element of economic democracy. In order to work, collective bargaining requires that management and the unions reconcile their separate interests and reduce the scope of avoidable interruptions to operations.

2.19.9 Arbitration

Sooner or later, the striking employees must go back to work and the employer must have them return to work. It is not a viable answer to suggest that individuals may want to look for employment elsewhere. The economic tests of strength are not more than demonstrations of who can stand misery and suffering longer. There is little relevance to the merits of either position. Power and force cannot be transformed into morality or justice. Along with the right to resort to economic force, is the obligation to exercise that right responsibly and sparingly. Because of the inevitable losses entailed in many strikes, management and unions owe it to themselves to limit the use of these weapons.

The purpose of collective bargaining is to reduce and eliminate strikes. Any further steps in that direction should be welcomed instead of discouraged. Perhaps the use of voluntary arbitration as a terminal negotiating facility is one significant method of achieving this end.

2.19.10 Early negotiations

A lot of mining groups uses this technique, especially with wage issues. These early negotiations help to relieve some of the pressures that traditionally surround the negotiating table as strike deadlines approach. These early negotiations will not guarantee against the possibility of a strike, but will, in some

cases, reduce the probability of a strike. No bargaining needs to take place at these meetings, but grievances can be highlighted, which will prepare both parties as to possible solutions when the time comes for collective bargaining. Not knowing your bargaining adversary, nor being able to understand him, can result in complications that have nothing to do with the issues under discussion.

These are but a few options open to management to prevent or resolve a wildcat strike situation.

2.19.11 General guidelines

There are a number of general guidelines which management should consider while managing strike situations. It must be stressed, however, that each strike is unique and no formal method or solution exists to counter any strike. It is a combination of various factors and methods which will ultimately provide a solution to the strike. It is also management's duty to find such a combination in order to effectively and efficiently end any strike situation. The points that follow are merely practical points that management must consider when involved in any strike situation (Knoesen, 1992:211).

- ☐ All line managers should be involved in the planning prior to action being taken regarding the strike action.
- ☐ A SWOT analysis must be done to assess the situation.
- ☐ Management must attempt to ascertain the exact reasons for the strike in order to plan accordingly for the negotiation process.
- ☐ Plans must be drawn up for any forms of violence and damage to property, victimisation or intimidation.

- ☐ Alternative plans must be set in the advent of the mines security also being members of the striking union.
- ☐ A record must be kept of everything that happened since the strike.
- ☐ Management should negotiate with the worker's representatives and representatives from the unions, not with the workers themselves.
- ☐ The initial claims from the striking workers are likely to be unrealistic, so management must be prepared for this and they should concentrate on the main claims only.
- ☐ The help of the police should be avoided if possible, and only called in when there is a serious threat to lives or property.
- ☐ The mine should prepare itself for all kinds of propaganda and possible interference from political institutions.
- ☐ The interference and involvement of the media must also be brought into consideration.
- ☐ The direct and indirect costs of the strike should be weighed up against the claims of the workers.
- ☐ Any advice, especially legal advice, should be welcomed. However, it must be remembered that lawyers will give advice which will not take the labour relations climate into

effect. Management have to live with the situation after a strike, therefore they have to take the appropriate legal action which will not negatively affect the labour relations climate in the long term.

- ☐ There are often unsavoury and unfortunate events which take place during a strike, especially when emotions are high. Management have to ensure that there is no animosity between strikers and non-strikers, during and after the strike.
- ☐ A code of discipline should be confirmed with the union officials and union members, with relevant disciplinary steps taken when, and if, required.
- ☐ Plans must be made for the best, average and worst results of the strike.
- ☐ Crisis management should be kept away from the negotiating team.
- ☐ Production should be maintained as far as is possible. It is a psychological victory for management if they can maintain production for the duration of the strike.
- ☐ Contact between top management and the strikers should be avoided as far as possible.
- ☐ Manpower experts, preferably within the group should be made use of during the negotiation process.

- ☐ There are no winners in a strike, therefore costs should be kept to an absolute minimum.
- ☐ The strike should be kept out of the media if possible, and where it is not possible, good open contact should be maintained with the media to prevent negative reporting.
- ☐ Stay calm and think before speaking.
- ☐ Sensitivity should be shown towards the timing and conditions of the strike.
- ☐ Be on the lookout for any additional triggers for further labour unrest.
- ☐ Always be prepared to negotiate, and avoid getting tempers flaring.
- ☐ Regular negotiation caucuses should be held to monitor and revise the situation.
- ☐ It must be clear before negotiations take place what the mandate of the negotiators is, and to what extent decisions can be made.
- ☐ Be precise and avoid vague promises.
- ☐ Only use ultimatums as a last resort.
- ☐ Make plans to protect the mine's property and non-strikers.

- ☐ Consider the possibilities of having to obtain eviction notices and interdicts if necessary.
- ☐ Do an in-depth analysis of the strike after it has been settled, and note any important issues that can be avoided or improved for future reference.
- ☐ Monitor the labour relations climate after settlement of the strike closely, in order to pro-actively take action wherever possible to avoid another strike.
- ☐ have action plans providing for production to continue if workers have to be dismissed.

2.20 SPECIALIZED NATIONAL FEATURES

2.20.1 Wage differentials for young miners

The wage schedules of most countries include explicit differentiation by age below twenty-one years. Sometimes the differentiation is by half years and in other cases only by full years. In England the wage schedule steps are by half years from fifteen to seventeen-and-one-half and by full years from eighteen to twenty-one. In some countries, the full adult rate is achieved earlier (in New Zealand it is reached at nineteen and lower rates apply to the age bracket sixteen to nineteen. In some cases the wage progression by age is moderate while in other cases the wage steps are proportionately larger; they differ as to the age brackets in which rates are increased most rapidly. A differentiation by age may also be applied to the vacation, holiday, and housing-allowance components of compensation. Differentiation in the wage schedule by age brackets is common in these countries among many industries.

It appears that the United States is unique in providing no wage variation by age brackets in industry generally including coal mining.

This difference is to be attributed to the later age of school attendance and the later age of recruitment to the industry. As with many other features of national industrial-relations systems, this distinctive feature of the rules of the US industrial-relations system is not to be regarded as capricious nor as arising from the accidents of legislation; it has its roots deep in the characteristics and history of the nation. The absence of wage differentiation by age in the compensation system of coal mining in the United States is a consequence and reflection of the national industrial-relations system.

2.20.2 Family allowances

Family allowances are characteristic of the compensation arrangements in some countries but not in others. The family allowance provisions apply to industry generally although the amounts may be increased in some industries and variations in compensation by family status may be extended to housing allowances and other elements of compensation. The French and German housing allowances in coal mining include provision for the size of the dependent family. Among countries there are, of course, wide variations in the relative size of family allowances to total compensation, in the incremental payments for additional children in families of different sizes, in the ages of dependency, and in other features of family allowances. The presence or absence of family-allowance systems is rooted in a variety of features of a country, including the levels of real income, inflation experience, population policy, and religious persuasions. The presence of family allowances in the compensation rules of coal miners reflects characteristics of the national industrial-relations system rather than common features of the technological and market environment.

2.20.3 Wage categories

In a number of countries the occupational or job-classification wage schedules in an industry or enterprise are grouped into a limited number of grades or categories that are standard across industries for manual workers; a similar group of categories ordinarily applies to white-collar classifications or jobs filled by "employees" as distinct from "workers". In Italy and Yugoslavia there are four categories by skill and in France there are five. In the Netherlands the initial postwar reconstruction of the wage structure by resort to three categories of skill gave way to a national system of job evaluation with a larger number of labour grades more or less standardized across industries. These nationwide categories do not in themselves affect the relative ordering of wage schedules for job classifications, but they do affect the final grouping of jobs and the presentation of the occupational wage structure. Thus coal wage-rate schedules in countries with such nationwide categories are presented in terms of these headings, although the relative ranking of occupations in coal industries among countries, including those without such uniform groupings, is not necessarily affected.

2.20.4 Social security

The main features of social-security, programs-pensions, unemployment insurance, health programs, and the like-tend on the whole to be standardized across industry in most countries. The comparison of compensation in the coal industry in different countries thus reveals differences in the national social-security programs.

2.20.5 Other features

There is a variety of elements or forms of compensation in coal mining in the various countries that reflect relatively specialized adjustments to coal problems rather than common characteristics of the national compensation system. The

attendance bonus in French coal mining, the underground allowance in Italian mining, and the health and welfare program for coal miners, including the building of hospitals, in the United States are illustrative. There are also further instances of elements or forms of compensation in coal mining that are common to other industries in the same country but distinctive to that country which have not been noted: the Christmas bonus, or thirteenth-month pay, in Italy; the disposition of funds by the works management in Yugoslavia; the selection of some particular holidays with pay, 10 and many overtime provisions.

While a variety of forces no doubt impinges on the arrangements for compensation of coal miners, it is significant to seek to separate, with the assistance of comparative analysis, those elements of compensation which are relatively common in coal mining in different coal-producing countries, those which are distinctive to the compensation practices of a particular country and generally common among its industries, and those elements of compensation which are distinctive to coal mining in a particular country. These comparisons are instructive, for they help to show which forces in wage determination are common among countries and have their roots in the technology and labour and product markets for coal and which forces in wage determination tend to be particularly influenced by the distinctive features of national industrial-relations systems (Dunlop, 1993:163-9).

2.21 HYPOTHESIS

Webster (1968) defines a hypothesis as a tentative assumption made in order to draw out and test its logical or logical consequences. Hypothesis implies insufficiency of presently attainable evidence and therefore tentative explanation. Hypothesis represents your expectations, hopes and conditions.

In Spitzkop coal mining industry workers have an "up or out" attitude toward their jobs. They expect regular salary raises and promotions as a reward for their work. If they do

not get what they think they deserve, they start looking for other jobs. The hypotheses of this study are as follows:

- ☐ Salaries are the cause of strike action in the industry.
- ☐ There is insufficient monthly income for workers.
- ☐ Workers are allowed to participate in decision-making.
- ☐ Trade unions play a pivotal role in conflict resolution.
- ☐ Strike action can be terminated.

This suggest that there is conflict of interest. So the workers may push their interest by deciding to go on industrial action such as strikes and go slows. This actions may cause a loss to a company because the production may come to a stand still. This loss can even affect the South African economy as a whole, and because of this conflict, the whole country suffers, so there must be suggestions and contributions that aims in solving and managing conflict for development of industries and betterment for the whole country.

2.22 DEFINITION OF TERMS

The researcher selected the following terms related to the study as is defined as follows:

2.22.1 Company's hierarchy

Company structure: senior managers, professional staff, technicians, administration and clerk staff, blue collar (McKay, 1995:85).

2.22.2 Employees

Employees will want much as possible in the form of wages, benefits and leisure (Bendix, 1992:102).

2.22.3 Wage differential

The gap between high wages and low wages (McKay, 1995:135).

2.22.4 Wage relations

Relations between employers and employees mediated by the payment of wages (McKay, 1995:83).

2.22.5 Trade unions

It is an organization, whose membership consists of employees, which seeks to organize and represent their interests both in the workplace and society, and in particular, seeks to regulate their employment relationship through the direct process of collective bargaining with management (Bendix, 1996:164). A trade union is a body of people set up to represent workers' interests in an industrial setting (Giddens, 1993:164).

2.22.6 Union density

It is measured by the member of the trade union, as a proportion of a total member of employees in the country eligible for the particular unions membership (McKay, 1995:115).

2.22.7 Affirmative action

Recruitment and employment designed to equalize hiring and promoting opportunities for historical disadvantaged groups (that is blacks which include Africans, Coloureds and Indian-women) by taking into consideration those very characteristics which were traditionally used to deny them equal treatment (McKay, 1995:173).

In South Africa, affirmative action carries both narrow and wide connotations. At both levels, there is a great deal of confusion. The narrow conception involves the recruitment of groups, previously discriminated against, into positions of affirmative action. Traditionally, narrow affirmative action seldom rises beyond tinkering (Maphai, 1993:6).

Affirmative action means a concerted effort on the part of companies to employ and place blacks in positions of operational power. Makhanya (1991) points out that affirmative action refers to a programme where blacks: "are replaced on definite career paths and given full managerial responsibilities. It is meant to involve visible progress in the process of empowering black managers and this process is meant to be gradual and continuous (Van der Merwe, 1995:158)".

My definition of affirmative action in the workplace is adopting management style conducive to racial integration, and racial coexistence, racial tolerance and racial acceptance.

2.22.8 Human resources management

Hall and Goodale (1986:6) define human resources management as the process through which an optimal fit is achieved among the employees, job, organization and environment so that employees reach their described level of satisfaction and performance and the organization meets its goals. Holley and Jennings (1987:6) provide a general definition of the concept of human resources management in the following words: Human resources management refers to activities, policies, beliefs and the general function that relates to employees or the personnel department.

2.22.9 Industrial relations

According to Bendix (1984:10) the general definition of industrial relations most

readily accepted in South Africa conceives of industrial relations as the system of social relations in production, covering all forms of economic activity or production and all forms of industrial relations regardless of the presence, absence or variety of formal organizations.

The department of Manpower defines industrial relations in the Manpower Training Act (No. 56 of 1981:xxi). All aspects and matters connected with the relationship between employer and employee, including matters relating to negotiations in respect of remuneration and other conditions of employment of the employee. The prevention and settlement of disputes between employer and employee, the application, interpretation and effect of laws administered by the department and the management of the trade unions, employer's organization, federations and industrial councils.

Each definition of industrial relations varies according to whether a country has a free market, socialist or command economy. In addition employees, employers, the state, trade unions, political parties, employer's associations, and so on, all have an influence on the industrial relations.

2.22.10 Management

It is a process which refers to those roles where holders or actors are expected by others in the organization to a formal role and authority to make decision which can be regarded as binding to the organization (Salamon, 1992:213).

2.22.11 Collective bargaining

The process of institutionalized negotiation over wages and conditions of employment (McKay, 1995:85). Collective bargaining, more than any other aspect of the labour relationship, demonstrate the dynamic nature of industrial relations. The collective bargaining process is conducted by two essentially

antagonistic yet co-operative parties, subject to a continual interplay of sometimes-contradictory forces and to numerous interacting environmental influences. The process is of a continually shifting nature, moving from agreement, the shelving of coercive methods and even co-operation to disputes and the re-emergence of coercion (Bendix, 1989:108).

2.22.12 Shop steward

McKay (1995:24) stated that the emerged of workplace, workers have elected shop stewards to represent them and negotiate with management on their behalf. Where there is a number of shop stewards, they form a shop steward committee to co-ordinate their activities. Where there is strong shop steward presence, management tends to consult with the shop stewards committee before taking any major decisions affecting employees, if only to prevent repercussions from the union.

Another definition, but much less comprehensive, is that of Marsh and Evans (1973:284). "A representative who is accredited by the trade union and who acts on behalf of trade union members in the enterprise where he works".

2.22.13 Negotiation

Salamon (1992:509) defined negotiation as the interpersonal process used by representatives of management and employees / union within the various institutional arrangements of collective bargaining, in order to resolve differences and reach agreement. Salamon also distinguish negotiation from negotiation from the collective bargaining concept. The following facts are the characteristics of negotiation:

- ☐ It is an explicit and deliberate event.
- ☐ It is concluded by representatives on behalf of .their

principals.

- ☐ The process is designed to reconcile differences between the parties involved.
- ☐ The outcome is dependent, at least in part, of the perceived relative power relationship between the principals.

2.22.14 Strike action

A strike may be defined as a temporary, collective withholding of labour, its objective being to stop production and thereby to oblige the employer to take cognizance of the demands of employees (Bendix, 1992:240).

My understanding of strikes is a concerted and temporary withholding of employee services from the employer for the purpose of extracting greater concessions in the employment relationship than the employer is willing to grant at the bargaining table.

2.22.15 Industrial action

It is synonymous with labour unrest which indicates a breakdown of healthy labour relations. It refers to any form of suspension of normal working arrangements which is initiated unilaterally by employees either through a trade union or not, for example, go slow, work to rule, sit-ins, protest marches with placard displays and strike action. It may also be used by management in the form of lock-outs. The aim of industrial action is to exert pressure on an opposing party in collective bargaining (Finnemore & Van der Merwe, 1992:191).

2.22.16 Conflict

Conflict is when there is a process of change which involves tension between incompatible forces. This means that the struggle between incompatible forces

grows in intensity until there is a final collusion (Haralambos, 1990).

2.22.17 Confrontation

Where there is friction between two separate parties with different ideas over something.

2.22.18 Competing

Is assertive and uncooperative:

- ☐ an individual pursues his own concerns at other person's expense. This is power-oriented mode, in which one uses whatever power seems appropriate to win one's position.
- ☐ One's ability to argue, one's rank, economic sanctions. Competing might mean "standing up for your rights" defending a position you believe is correct, or simply trying to win (Thomas, 1976).

2.22.19 Collaborating

This is both assertive and cooperative. The opposite of avoiding. Collaborating involves an attempt to work with the other person to find some solution which fully satisfies the concerns of both parties. It means digging into an issue to identify the underlying concerns of the two parties and to find an alternative which meets both sets of concerns. Collaborating between two parties might take the form of exploring a disagreement to learn from each other's insights concluding to resolve some condition which would otherwise have them competing for resources, or confronting and trying to find a creative solution to an interpersonal problem (Thomas, 1976).

2.22.20 Compromising

This is intermediate in both assertiveness and cooperativeness. The objective is to find some expedient, mutually acceptable solution which partially satisfies both parties. It falls on middle ground between competing and accommodating. Compromising gives up more than competing but less than accommodating. Likewise, it addresses an issue more directly than avoiding, but doesn't explore it in as much depth as collaborating. Compromising might mean splitting the difference, exchanging concessions, or seeking a quick middle-ground position (Filley, 1975).

2.22.21 Accommodating

Assertive and cooperative, the opposite of competing. When accommodating an individual or other party neglects his or their own concerns to satisfy the concerns of the other person or party. There is an element of self-sacrifice in this mode. It might take the form of selfless generosity or charity, obeying another persons or party over when one would prefer not to, or yielding to another's point of view (Thomas, 1976).

2.22.22 Avoiding

The individual or party does not immediately pursue his own concerns or those of the other person. He does not address the conflict. Avoiding might take the form of diplomatically sidestepping an issue, postponing an issue until a better time. Or simply withdrawing from the threatening situation by pretending as if conflict or tension does not exist. This suggest that avoiding is unassertive and uncooperative (Filley, 1975).

2.22.23 Negotiations

This is when, with a peer, a supervisor, or a subordinate, you discuss and try to decide on a project, a task, a problematic situation, a procedural or performance on behaviour problem, salary or job advancement, we are in a negotiating situation and we do that because we need something or we want something (Filley, 1975).

2.22.24 Problem-solving

When generating and evaluating a number of possible solutions to a problem or conflict – and making sure that both parties are involved in choosing one solution which will be acceptable to all parties concerned (Stepies, 1971).

2.22.25 Intervention

Is when a third party intervene to try and solve conflict between two parties should they come to a deadlock. Usually the government act as the intervener between the two role players in industrial relations. It can solve problems through mediating and arbitrating between those role players which is the employers and employees (Bendix, 1996).

2.22.26 Collective bargaining system

Beatric and Sidney Webb describes collective bargaining as

“... one method whereby trade unions could maintain and improve their members’ terms and conditions of employment”.

In short, it is where employees form collectives and demand that employers bargain with them. It’s aim is to contain conflict and even to promote

cooperation between management and labour force (Bendix, 1996).

2.22.27 Strike

Is an industrial action which act as the means by which labour refuses to behave merely as a commodity, and in this respect all strikes may be seen as challenges to managerial control. Strikes sometimes are features which could be wild regarded as irrational. It is a trade unions' weapon to fight management should happen that there is dispute about certain issues in the workplace and usually is about salary disputes (Worsley, 1978).

2.22.28 Protest action

According to the Labour Relations Act of 1995 also recognizes a new form of industrial action: 'protest action', which is defined as 'a partial or complete concerted refusal to work, or the retardation or obstruction of work, for the purpose of promoting or defending the socio-economic interests of workers, but not for a purpose referred to in the definition of strike.

The researchers opinion about this definition clearly contemplates what were hitherto known as a 'stay-away': conduct by workers which has the same form as a strike, but which is in support of demands not aimed directly at the protesters' employer or any other employer in particular or at employers in general. In the past stay-aways were generally called to commemorate what workers, unions or confederations of unions regarded as special events, or in protest against some government action, inaction or policy, and while generally treated by employers on a 'no work no pay, no discipline' basis, were regarded in law as collective absenteeism.

The LRA gives statutory recognition to such actions only when they are aimed at promoting or defending 'the socio-economic interests of workers'. This is an

expression of wide meaning, but it is questionable whether it includes commemorative stay-aways.

2.22.29 Wages

A wage earner is usually a manual worker, and also one of many workers with the same job title performing much the same tasks for the same employer. A basic rate of pay (hourly or weekly) is usually set for that job either by negotiation between the employer or employees national representatives, and the representatives of the workers, or unilaterally by the employer (bearing in mind legal or nationally agreed minimum rates) (Lupton, 1983:96).

2.22.30 Salary

According to Lupton (1983:97) the salary earners' weekly, monthly, or even quarterly salary, is more frequently negotiated by him personally, and will depend in part on his senior's personal appraisal of him in the job. The salary earner is typically a routine clerical worker, a technical man (e.g. a draughtman or work-study engineer) a professional man (e.g. an accountant or lawyer or chartered engineer) or a manager. Leaving aside for the moment routine clerical workers, who are closer to manual workers in this respect, the other groups of salary earners have expectations of advancement, based upon age, seniority, qualifications, experience, performance, to higher levels of momentary reward.

2.23 CONCLUSION

There are various general guidelines that are used to explain strikes and methods of managing strikes. Further it highlighted various factors that management need to address in order to pro-actively manage strikes. There are various methods available to management to combat and manage strikes. Some of these methods were discussed briefly. The basic necessities of a strike action plan were also briefly discussed.

This chapter discussed the various theories and types of strikes that occurs in the work place. Furthermore, highlighted various reasons for strikes, why it occurs? and the functions of management in coals mining industry. Hypothesis is presented and the definitions of concepts are used.

Chapter three provides a brief historical development of labour relations in South Africa and the application of the new Labour Relations Act of 1995.

There is, at this stage of this study, insufficient evidence to construct such a broadly-based, socio-economic model for understanding strikes. Much of the evidence is fragmented, with limitations in the reliability of key indices as well as insufficient detail, particularly in certain time periods. The lacunae include black wage levels in the late 1980s, the strength of active trade unions prior to 1970, the indicators of strike activity, and different source material on unemployment before and after 1980. In particular, this makes multiple regression analysis of the more quantifiable variables not possible, due to the relatively small number of observations for (i.e. short duration of) periods where comprehensive data on all relevant indices is available. However, a number of causal factors which, in the broadest sense, seem to have some relevance to the South African context, may be identified. These factors may be broadly classed as variously economic (i.e. wage expectations and inflation), union-related, legal-political and cultural.

The additional substantive and illustrative evidence will be provided in subsequent sections through recourse to trade union archival material and other primary and secondary qualitative data on both general trends and individual instances of strike action. It is hoped that recourse to these sources will provide the necessary corroboration and additional detail for the process of theory building.

CHAPTER THREE

THE HISTORICAL DEVELOPMENT OF LABOUR RELATIONS IN SOUTH AFRICA

3.1 INTRODUCTION

This chapter will provide a sense of continuity from the previous chapter on the literature review and also reinforce coherence of the study.

Labour relations in any country can be understood only against the background of the historical, economic and political development of that country. Its labour relations policy and practices are in other words, a showcase of what is happening in that country. The historical development of labour relations in South Africa may be divided into four main stages (seven phases):

3.1.1 The first phase

The earliest traces of a semi-permanent labour organisation among white wage earners in South Africa, that is, in a trade union, was in the printing industry in the Western-Cape in 1838. A similar society was established in the Eastern Cape soon afterwards.

When gold and diamonds were discovered in 1870, the country was plunged into an enormous industrial development programme and subsequent manpower shortage. Between 1875 and 1900 more than 600 000 people arrived in the Northern Cape and on the Witwatersrand - mainly job- hunting white skilled workers and fortune seekers - and this is known, according to Wiehahn, as the first phase of the industrial trek. About 60% came from Britain and brought with them the British Trade Union system. Before the turn of the century, the first

true trade union was established in the form of Artisan Trade Unions and Industrial Trade Unions. Other early trade unions were:

- ☐ The British Amalgamated Society of Carpenters and Joiners of Great Britain(1881) in Cape Town.
- ☐ The Witwatersrand Mining Employees' and Mechanics' Union (1892).
- ☐ The South African Engine Drivers' Association (1894), etc.

These first white trade unions had already introduced job reservation automatically. They kept the skilled jobs for themselves and created the operating culture as pioneers – the entrepreneurs and employers (blacks were denied membership of trade unions). Statutory job reservation had already been enforced against Indians in the nineties because they were very skilled - and this was a threat to the white trade unions. Subsequently the trade union movement gained strength, but led a fluctuating existence.

The second industrial trek began at the close of the Anglo-Boer War in 1902 when large numbers of whites left the war devastated Orange Free State and Transvaal to settle in smaller towns throughout the country as wagon builders, leather tanners, farriers and millers in one-man-undertakings.

In 1907, Chinese labour was imported for the mining industry. The Transvaal suffered from a serious depression and people were unemployed. Employers tried to break the skilled labour monopoly of white trade unions and to employ black workers on lower wages, as well as to decrease the remuneration of white mineworkers. Then followed the miners strike in 1907. The result was that large numbers of white South African citizens entered the mining industry and an immediate introduction to trade unionism. There was another strike in 1911.

In 1910, a serious strike was caused by a lack of communication between management and workers, by efforts to replace whites with cheaper blacks, and by an increasing shortage of skilled labour because of competition between the mines and the developing factory sector.

From 1914 up to 1918, many workers joined the army and the shortage of skilled manpower worsened. Trade unions became very demanding and tried to break the job reservation grip held by whites.

In 1922, the returning soldiers could go back to their jobs on the mines at very much lower wages (as little as 50% of pre-war wages). This was the cause of a serious and bloody strike during which soldiers and strikers exchanged fire. This shocked the country – the government came to grief and Hertzog came to power with his coalition.

The large watershed in our labour relation's history came about in 1924 with the first *Industrial Conciliation Act*, no. 11 of 1924. This Act created the statutory industrial council system, as well as a system for the registration of trade unions, employer organisations and industrial councils. Black workers in the Transvaal and Natal could not participate in the statutory system because they were excluded from the definition of "employee". This does not mean that black workers may not become members of trade unions. They are only prohibited from joining registered trade unions. Black trade unions have existed from the beginning of this century.

The first stage is concluded with the promulgation of this Act. The tripartite model, with its main participants being the State, employer organisations and employee organisations, dominated the labour relations scene from then onwards.

3.1.2 The second phase

In 1933 serious droughts, recession and the subsequent depression in 1933 compelled between 200 000 and 300 000 poor whites to leave farms and smaller villages to try to find work in the cities (Today, nearly 88% of the white population live in the cities). In these cities the various white population groups are united in single industrial communities. Foreman posts were then not mainly in the hands of foreigners as was the case fifty, sixty years earlier.

In 1934 the Van Reenen Commission revised the *Industrial Conciliation Act* of 1924, as well as the *Wage Act* of 1925. This led to the promulgation of the second *Industrial Conciliation Act*, no. 36 of 1937, which tried to streamline the system. Black workers were still excluded to a large extent because of uncertainty about their position.

In 1945, the Black Labour Movement comprised 119 unregistered trade unions membership of about 158 000.

3.1.3 The third phase

In 1948, the National Party came to power and appointed the Botha Commission to revise various labour laws. This gave rise to the third *Industrial Conciliation Act*, no. 28 of 1956, in trade unions were discouraged and whites had to manage trade union management at all times. Segregation of race groups in the labour market was therefore characteristic of the new dispensation. Section 77 of the Act also legalised job reservation.

3.1.4 The fourth phase

The extensive strikes in Natal and on the Witwatersrand in 1973 moved the government to consider changing labour legislation. The Wiehahn Commission

was appointed in 1977 to investigate the problems caused by the exclusion of black employees from the provision of the Industrial Conciliation Act.

The most important legal amendments flowing from the Wiehahn Report were the following:

- ☐ The acknowledgement of the rights of all employees, establish trade unions and to become members;
- ☐ Cancellation of the job reservation clause of the *Industrial Conciliation Act*,
- ☐ The establishment of an *Industrial Court*;
- ☐ Extension of training and apprentices in terms of the *National Training Act* to all population groups.

Briefly, with the *Labour Relations Act*, no. 28 of 1956, as amended in 1980 and later, the race elements in our labour relations legislation was removed to a greater extent. The role of the State changed from active party in labour relations to creator of the legal framework concerning labour relations. It now depends on employers, labourers and their respective organisations how they utilise the labour relations mechanisms.

The establishment of labour relations is based on the following six principles of labour democracy:

- ☐ The right of association;
- ☐ The right to bargain collectively;
- ☐ The right to withhold labour in the form of a strike and exclusion;

- ☐ The right to protection; and
- ☐ The right to education, tuition and training.

3.1.5 The fifth phase

The direct result of the Wiehahn Report was a dramatic growth in union membership and the establishment of various trade unions and trade union federations. The Congress of South African Trade Unions (COSATU), was formed in 1985 which combined 33 trade unions; the Council of Unions of South Africa (CUSA), was formed in 1980 as a federation of black awareness trade unions; and the Azanian Confederation of Trade Unions (AZACTU), in 1984. The National Council of Trade Unions (NACTU) was formed in 1986 when CUSA amalgamated with AZACTU. COSATU has strong ties with the ANC and CUSA with the PAN African Congress. The United Workers' Union of South Africa (UWUSA) was formed in 1986 under the umbrella of the Inkatha Freedom Party.

The United Democratic Front (UDF) was established in 1983 as a reaction to the government's inclusion of coloureds and Indians in the tri-party cabinet.

This period was also characterised by increase in violence, strikes, boycotts and stay-away actions. A close alliance was formed between the ANC, South African Communist Party and the trade union federations – which was the core of the independence struggle.

3.1.6 The sixth phase

Major developments occurred in this period, which had a major influence on labour relations:

In 1990, Nelson Mandela was released and the ANC, PAC and UDF were unbanned. In the *Groote Schuur Minute*, *Pretoria Minute* and the *Labora*

Minute in 1990 the government reached agreements with political and labour movements on various political and other issues. The employer's organisations and unions agreed in the SACCOLA, COSATU, NACTU Accord to major changes in the *Labour Relations Act*. As a result this Act was amended in 1991.

Further major political developments were the National Peace Accord, Codesa 1 and a referendum among whites regarding their support for political negotiations – 69% voted "yes". Further negotiations for political transformation were conducted in Codesa 2 in 1992. In the same year the Boipatong massacre, mass actions and the Bisho March when nine people were shot by homeland troops. The assassination of SACP member Chris Hani also caused unrest.

In 1993 parties agreed to an Interim Constitution and a Bill of Rights. The historical turning point came on 27 April 1994 when a government of National Unity was elected.

3.1.7 The seventh phase

In 1995 the National Manpower Commission and the National Economic Forum formed the National Economic Development and Labour Council (NEDLAC). All labour legislation is negotiated at NEDLAC before submission to Parliament.

In June 1996 the Government announced its strategy for economic growth, called the "Growth, Employment and Re-distribution Strategy" (GEAR). In the same year the Labour Relations Act, no. 66 of 1995, was promulgated. The Constitution of the Republic of South Africa, no. 108 of 1996, was implemented on 4th February 1997.

The Basic Conditions of Employment Act, no. 75 of 1997 was promulgated in 1998 and Parliament approved in 1995 the Skills Development Act, no. 97 of 1998 and the Employment Equity Act, no. 55 of 1998 (Slabbert & Swanepoel,

1998; Backer & Weston, 1987).

3.2 THE PURPOSE AND APPLICATION OF THE ACT IN SOUTH AFRICAN INDUSTRIES

In addition to achieving economic development and social justice, the purpose of the Labour Relations Act is to advance labour peace and democratisation of the workplace.

Giving expression to the fundamental rights, such as those determined in the constitution can fulfill the primary objectives of this Act. These include, amongst others, the right to fair labour practices, the right to join trade unions and employer organisations, the right to bargain collectively, as well as the right to strike. The opportunity for worker participation in decision-making can be added to this.

Employees excluded from the Act.

The only employees, to whom the Act does not apply, are the members of

- ☐ The National Defence Force;
- ☐ The National Intelligence Agency; and
- ☐ The South African Secret Services.

The legislation have declared themselves to be actively engaged in the promotion of labour peace, and to these ends have instituted rapid dispute settlement procedures and institutes for greater co-operation between employers and employees. Nevertheless, they realise that absolute labour peace cannot be achieved and that some conflict will eventually result in the flexing of economic muscle. This they have attempted to minimise by allowing legal strikes only in disputes of interests and by suggesting that the parties might agree on other matters to be subjected to arbitration rather than eventual industrial action.

Bendix (1996:540) argues that the granting of the right to strike will encourage unions

and employees to engage in such action since employees need no longer fear the loss of their jobs. However, it should be realised that employees will still lose income, which many cannot afford, and that by protracted action they are also endangering their own jobs. Nevertheless, the granting of an unlimited right to strike and particularly legitimisation of socio-economic protests within the labour relations situation still provide cause for concern especially in the volatile labour relations climate still existing in this country and in view of the unsatisfactory economic situation.

Strike action is divided into two, protected (legal) and unprotected (illegal) actions. The Labour Relations Act contains no criminal prohibition of strikes or protest action not in conforming with its provisions, but instead offers strikes special protection if they do not conform. It operates by holding out the carrot of protection against dismissal, rather than waving the stick of criminal prosecution. Hence the distinction between 'protected' and 'unprotected' strikes and protest action, the former being those in compliance with the statutory provisions, the latter those in violation of them. Further information will be discussed as follows.

3.3 THE REQUIREMENTS FOR PROTECTION

(a) Procedural requirements

In order to acquire the full protection accorded by the Labour Relations Act, all employees contemplating strike or protest action must follow the prescribed statutory procedure, unless different procedures are prescribed by a collective agreement applicable to them. The statutory pre-strike procedure is set out in section 64:

- (1) Every employee has the right to strike and every employer has recourse to a lock-out if:
 - (a) the issue in dispute has been referred to a council or to the commission as required by this Act, and
 - (i) a certificate stating that the dispute remains

- unresolved has been issued; or
- (ii) a period of 30 days, or any extension of that period agreed to between the parties to the dispute, has elapsed since the referral was received by the council or the commission; and after that –
- (b) in the case of a proposed strike, at least 48 hours' notice of the commencement of the strike, in writing, has been given to the employer, unless –
 - (i) the issue in dispute relates to a collective agreement to be concluded in a council, in which case notice must have been given to that council; or
 - (ii) the employer is a member of an employer's organisation that is a party to the dispute, in which case, notice must have been given to that employers' organisation ; or
 - (iii) in the case of a proposed strike or lock-out where the state is the employer, at least seven days' notice of the commencement of the strike or lock-out has been given to the parties contemplated in paragraphs (b) and (c).

- (2) If the issue in dispute concerns a refusal to bargain, an advisory award must have been made in terms of section 153 (3)(c) before notice is given in terms of subsection (1)(b) or (c).

A refusal to bargain includes –

- (a) a refusal

- (i) to recognise a trade union as a collective bargaining agent; or
 - (ii) to agree to establish a bargaining council;
 - (b) a withdrawal of recognition to a collective bargaining agent;
 - (c) a resignation from a party to a bargaining council;
 - (d) a dispute about –
 - (i) appropriate bargaining units;
 - (ii) appropriate bargaining levels;
 - (iii) bargaining subjects.
- (3) The requirements of subsection (1) do not apply a strike or lock-out if –
- (a) the parties to the dispute are members of a council in accordance with its constitution;
 - (b) the strike or lock-out conforms with the procedures of a collective agreement;
 - (c) the employees strike in response to a lock-out by their employer that does not comply with the provisions of this chapter;
 - (d) the employer locks out its employees in response to their taking part in a strike that does not comply with the provisions of this chapter; or
 - (e) the employer fails to comply with the requirements of subsections (4) and (5).
- (4) Any employee who or any trade union that refers a dispute about a unilateral change to terms and conditions of employment to a council or the commission in terms of subsection 1(a) may, in the referral, and for the period referred to in subsection 1(a) –

- (a) require the employer not to implement unilaterally the change to terms and conditions of employment;
or
 - (b) if the employer has already implemented the change unilaterally, require the employer to restore the terms and conditions of employment that applied before the change.
- (5) The employer must comply with a requirement in terms of subsection (4) within 48 hours of service of the referral on the employee (Grogan, 1998:253-254).

The following are the main points that arise from the above section. First, the issue in dispute must be referred for conciliation to a bargaining council having jurisdiction or, if there is none, to the CCMA. The employees may not strike until the council or the commissioner has certified that the parties cannot resolve the dispute. The council or the CCMA has 30 days to try to resolve the dispute, but the parties may agree to extend this period. A non-binding advisory arbitration award must first be issued in the case of disputes over refusals to bargain.

Second, the employer, bargaining council or employers' organisation, as the case may be, must, after the lapse of the prescribed period, be given at least 48 hours' notice of the commencement of the strike. The notice to the employer must specify the precise time of the commencement of the strike, and not merely that it will commence at some time thereafter. A pre-strike ballot is no longer required, even when the holding of such ballots is prescribed by the union's constitution.

Where the dispute concerns a refusal to bargaining, the referred party cannot resort to strike action until an advisory award has been issued by the CCMA. The employees are, of course, not bound by such an award: it is merely a precondition for the entitlement to protection in strikes arising from this class of dispute.

Disputes arising from a refusal to bargain include those in which a union is denied recognition as a collective bargaining agent, or, where such recognition is withdrawn, a refusal by an employer to establish a bargaining council or an employer's withdrawal from a council, and those about appropriate bargaining units, levels and subjects. The list, though extensive, is clearly not intended to be exhaustive.

Strikers need not comply with the above statutory procedures in the following circumstances:

- (a) where the parties to the dispute are members of a bargaining council and the dispute has been dealt with in terms of its constitution;
- (b) where the parties have complied with the provisions of a collective agreement by which they are bound;
- (c) where the strike is in response to an illegal lock-out by the employer;
- (d) where the employer has introduced a unilateral change to the employees' terms and conditions of employment and has failed to comply with a request that it refrains from implementing or to revoke the change.

The last-mentioned provision may be likened to the *status quo*

order which the Industrial Court was empowered to make in terms of Section 43 of the 1956 Act. The difference is that a union need not apply to court to acquire the right to compel the employer to refrain from implementing or withdrawing the unilateral change. Provided that the union can prove that the issue in dispute is in fact a unilateral change of terms and conditions of employment, the employer is obliged to restore the *status quo* or revoke the change on the strength of its application.

The Act affords secondary strikers protection only if the primary strikers have complied with the Act, the employer has been given at least seven days' notice of the proposed strike and the strike is 'reasonable in relation to the possible direct or indirect effect that the secondary strike may have on the business of the primary employer'. Where employers are part of a corporate group, it would seem that notice to the holding company is sufficient to constitute notice to all members of the group.

As to the second requirement, 'reasonableness' means that there must be some nexus or relationship between the primary and secondary employers close enough for the proposed strike to have a possible direct or indirect effect on the business of the primary employer. In *Sealy of SA (Pty) Ltd & Others v PPWAWU* the Labour Court approved the suggestion that the word 'reasonableness' introduced the notion of proportionality into the test. This meant that the legitimacy of a secondary strike was to be determined in relation to the impact it was likely to have on the business of the primary employer; where the impact was likely to be substantial, greater latitude was to be permitted when evaluating reasonableness; conversely, where the impact was likely to be negligible, a more restrictive approach was required.

It is suggested, however, that the test is to be applied in relation to the *potential* effect. Thus a secondary employer would not be able to claim that a secondary strike is illegitimate merely because it had taken steps to ensure that its business would not in fact be affected. In *Sealy* the court found that the only relationship between the primary employer and all but one of the secondary employers was that the former was a subsidiary of a holding company which also had shares in the secondary employers. This, it ruled, was too tenuous a relationship to constitute a sufficient nexus, especially since the secondary employers concerned did not operate in the same sector as the primary employer. However, the fact that one of the secondary employers purchased products from the primary employer was *prima facie* a strong enough link to make the secondary strike reasonable in relation to it.

The Act expressly provides that a secondary strike which does not meet these requirements can be interdicted by the Labour Court. Any applicant or the respondent or the court itself may request the CCMA to conduct an inquiry into the reasonableness of the strike and report to the court, which must take the report into account before deciding the matter. Where a report has been requested or ordered the court is not precluded from issuing a temporary order.

Protest action cannot be called unless a registered trade union or confederation of unions has served notice on NEDLAC, giving the reasons for and explaining the nature of the proposed protest action. NEDLAC is then enjoined to consider the matter giving rise to the dispute, or to refer it for consideration to 'any other appropriate forum in which the parties are able to participate in order to resolve the matter' – presumably a bargaining forum or

other public body on which the union has direct or indirect representation. Neither NEDLAC nor any other body is given the power to prohibit the proposed action; the union party or parties are merely required to serve notice 14 days before its intended commencement. However, the Labour Court may restrain any protest action where the union party has not complied with the above procedure or, where it has been followed, grant a declaratory order stipulating the nature and duration of the authorised action, steps which must be taken by the union parties to minimise the harm caused, and how the participants should conduct themselves. Non-compliance with the above procedure or with an order of the Labour Court deprives participants of protection against dismissal or disciplinary action.

The first case in which the procedural requirements for protected protest action were tested arose out of the dispute between Business South Africa and COSATU over the revision of the Basic Conditions of Employment Act, in which a divided Labour Appeal Court decided that the trade union confederation's planned programme of action would not be protected on the basis that it had not been adequately considered by NEDLAC. The majority held that the three steps required by the Act – namely the notice informing NEDLAC of the reasons for the proposed action, consideration thereof by NEDLAC, and notice to NEDLAC of commencement – had to be taken in sequence. Since the reasons had not been adequately considered, the notice of commencement was invalid (Grogan, 1998:260).

(b) Substantive limitations

The circumstances in which employees may not engage in strike action

are set out in section 65:

- (1) No person may take part in a strike or lock-out or in any conduct in contemplation or furtherance of a strike or lock-out if -
 - (a) that person is bound by a collective agreement that prohibits a strike or lock-out in respect of the issue in dispute;
 - (b) that person is bound by an agreement that requires the issue in dispute to be referred to arbitration;
 - (c) the issue in dispute is one that a party has a right to refer to arbitration or to the Labour Court in terms of this Act;
 - (d) that person is engaged in -
 - (i) an essential service; or
 - (ii) a maintenance service.
- (2)
 - (a) Despite section 65(1)(c), a person may take part in a strike or lock-out or in any conduct in contemplation or in furtherance of a strike or lock-out if the issue in dispute is about any matter dealt with in sections 12 to 15.
 - (b) If the registered trade union has given notice of the proposed strike in terms of section 64(1) in respect of an issue in dispute referred to in paragraph (a), it may not exercise the right to refer the dispute to arbitration in terms of section 21 for a period of 12 months from the date of the notice.
- (3) Subject to a collective agreement, no person may take part in a strike or lock-out or in any conduct in contemplation or in furtherance of a strike or lock-out -
 - (a) if that person is bound by -
 - (i) any arbitration award or collective agreement that

- regulates the issue in dispute; or
- (ii) any determination made in terms of section 44 by the Minister that regulates the issue in dispute; or
- (b) any determination made in terms of the Wage Act and that regulates the issue in dispute, during the first year of that determination.

Protection is denied by this section all employees who strike in the following circumstances:

- (i) **If they are bound by a collective agreement that prohibits them from striking in respect of the issue in dispute, or which requires that such dispute be submitted to arbitration.**

Employers and registered unions are therefore free to contract their members out of the right to strike.

- (ii) **Where the issue in dispute is 'one that a party has the right to refer to arbitration or to the Labour Court in terms of this Act', with the exception of those relating to union access rights, stop-order facilities, the appointment and activities of trade union representatives, and leave for trade union activities.**

This is certainly the most extensive limitation on the right to strike created by the LRA. Under its predecessor, employees had the right to strike over both rights and interest disputes. Now a strict division is drawn between disputes which must be arbitrated or adjudicated and those

which can be resolved by industrial action. It is to be noted that this provision is applicable where either party has a *right* to refer the matter to arbitration or adjudication; it does not require that it must actually have been referred.

In practical terms, therefore, employees may not strike over disputes concerning the following issues: freedom of association (section 9); the interpretation and application of collective agreements (section 24); agency and closed-shop agreements (section 24[6] and [7]); admission or expulsion from bargaining councils (section 56); picketing (section 69); workplace forum disputes concerning matters reserved for joint decision-making (section 86); dismissals and alleged unfair labour practices. All other disputes concern matters of mutual interest, which may form the subject-matter of a protected strike.

There are, however, limits to the extent to which a party can stretch the family of strikeable disputes. *Ceramic Industries Ltd v Betta Sanitaryware v NCABAWU & others* provides a case in point. One of the issues over which the strike was called was the employer's failure to heed the union's demand that three of its employees be disciplined or dismissed for allegedly victimising shop stewards. The Labour Court found that this dispute was neither justifiable nor arbitrable, and hence a permissible reason to strike. On appeal, however, the Labour Appeal Court held that the real dispute was to be characterised, not by the remedy sought by the strikers, but by the grievance which gave rise to the demand for it. Since this flowed from an allegation of victimisation, which was justifiable,

the dispute fell within section 65(1)(c).

- (iii) **When the employees are bound by an arbitration award, collective agreement, ministerial determination under section 44 (i.e. promulgation of statutory council agreements) or determinations under the BCEA or the Wage Act that regulates the issue in dispute.**

Once again, the parties have a right to contract out of these limitations.

- (iv) **When the employees are engaged in an essential service or a maintenance service.**

Essential services are the Parliamentary Service, the South African Police Service and 'a service the interruption of which endangers the life personal safety or health of the whole or any part of the population'. The task of determining whether a service falls within this definition lies with the essential services committee established in terms of section 70, which is charged with investigating whether a particular service should be declared essential, and thereafter with determining whether they remain essential services as proclaimed. The committee may also ratify any collective agreement that provides for the maintenance of minimum services in an essential service.

Unlike the 1956 Act, which defined certain employers as essential services and empowered the Minister to do likewise, the new Act is intended to be far more flexible.

The essential services committee is charged with conducting investigations into whether the whole or part of any service should be declared essential, either of its own accord or at the request of a bargaining council. After considering representations, the committee may make such a declaration. It is possible, given this procedure, that an urgent application could be made, say, during a strike, to have a section of a service declared essential on a temporary basis.

The committee may also ratify any collective agreement that provides for the maintenance of minimum services in a service designated as essential.

A maintenance service is defined as one the interruption of which 'has the effect of material physical destruction to any working area, plant or machinery'. These may be designated by agreement or, failing that, by the essential services committees.

- (v) When employees engage in protest action not related to the socioeconomic interests of employees or in contravention or contempt of an order by the Labour Court regarding its duration and form.**

3.4 THE EXTENT OF PROTECTION

The extent of protection afforded employees who take part in protected strikes is spelled out in s 67:

- (1) In this Chapter, 'protected strike' means a strike that complies with**

the provision of this Chapter and 'protected lock-out' means a lock-out that complies with the provision of this Chapter.

- (2) A person does not commit a delict or breach of contract by taking part in –
 - (a) a protected strike or a protected lock-out; or
 - (b) any conduct in contemplation of or in furtherance of a protected strike or a protected lock-out.
- (3) Despite subsection (2), an employer is not obliged to remunerate an employee for services that the employee does not render during a protected strike or a protected lock-out however –
 - (a) if the employee's remuneration includes payment in kind in respect of accommodation, the provision of food and other basic amenities of life, the employer, at the request of the employee, must not discontinue payment in kind during the strike or lock-out; and
 - (b) after the end of the strike or lock-out, the employer may recover the monetary value of the payment in kind made at the request of the employee during the strike or lock-out from the employee by way of civil proceedings in the Labour Court.
- (4) An employer may not dismiss an employee for participating in a protected strike or for any conduct in contemplation or in furtherance of a protected strike.
- (5) Subsection (4) does not preclude an employer from fairly dismissing an employee in accordance with the provisions of Chapter III for a reason related to the employee's conduct during

the strike, or for a reason based on the employer's operational requirements.

- (6) Civil legal proceedings may not be instituted against any person for
 -
 - (a) participating in a protected strike or a protected lock-out; or
 - (b) any conduct in contemplation or in furtherance of a protected strike or a protected lock-out.
- (7) The failure by a registered trade union or a registered employers' organisation to comply with a provision in its constitution requiring it to conduct a ballot of those of its members in respect of whom it intends to call a strike or lock-out may not give rise to, or constitute a ground for, any litigation that will affect the legality of, and the protection conferred by this section on, the strike or lock-out.
- (8) The provisions of subsections (2) and (6) do not apply to any act in contemplation or in furtherance of a strike or lock-out, if that act is an offence.
- (9) Any act in contemplation or in furtherance of a protected strike or a protected lock-out that is a contravention of the Basic Conditions of Employment Act or the Wage Act does not constitute an offence.
- (9) Any act in contemplation or in furtherance of a protected strike or a protected lock-out that is a contravention of the Basic Conditions of Employment Act or the Wage Act does not constitute an offence.

The following are the most important rights accorded persons organising or taking part in a protected strike:

☐ **Immunity from civil action by the employer**

An common law, those who organise or participate in strike action can in principle be held liable for the losses suffered by the employers while employees may be liable for breach of contract. The LRA provides that a person does not commit either a delict or a breach of contract by taking part in or organising a protected strike. However, this immunity does not extend to conduct which otherwise amounts to an 'offence'.

The clear intention behind the provisions regarding strike action is that the right to strike involves merely the right to withdraw labour and, within the limits prescribed by section 69 (see below), to picket peacefully. Actions such as assault, intimidation, malicious damage to property and the like are clearly not covered by the immunity. In *Lomati Mill Barberton v Paper Printing Wood & Allied Workers Union & others* the court held that alleged breaches of strike and picketing rules were covered by the immunity, except, possibly, to the extent that they overlapped with criminal offences. Whether it would cover defamation is uncertain.

☐ **The right to picket**

The right of strikers to picket is regulated by section 69:

- (1) A registered trade union may authorise a picket by its members and supporters for the purposes of peacefully demonstrating –
 - (a) in support of any protected strike; or
 - (b) in opposition to any lock-out.

- (2) Despite any law regulating the right of assembly, a picket authorised in terms of subsection (1) may be held
 - (a) in any place to which the public has access but outside the premises of the employer; or
 - (b) with the permission of the employer, inside the employer's premises.
- (3) the permission referred to in subsection 2(b) may not be unreasonably withheld.
- (4) If requested to do so by the registered trade union or the employer' the Commission must attempt to secure an agreement between the parties to the dispute on rules that should apply to any picket in relation to that strike or lock-out.
- (5) If there is no agreement, the Commission must establish picketing rules, and in doing so must take account of –
 - (a) the particular circumstances of the workplace or other premises where it is intended that the right to picket is to be exercised; and
 - (b) any relevant code of good practice.
- (6) The rules established by the Commission may provide for picketing by employees on their employer's premises if the Commission is satisfied that the employer's permission has been unreasonably withheld.
- (7) The provisions of section 67, read with the changes required by the context, apply to the call for, organisation of, or participation in a picket that complies with the provisions of this section.
- (8) Any party to a dispute about any one of the following issues may refer the dispute in writing to the Commission –

- (a) an allegation that the effective use of the right to picket is being undermined;
 - (b) an alleged material contravention of subsections (1) or (2);
 - (c) an alleged material breach of an agreement concluded in terms of subsection (4); or
 - (d) an alleged material breach of a rule established in terms of subsection (5).
- (9) The party who refers the dispute to the Commission must satisfy it that a copy of the referral has been served on all other parties to the dispute.
- (10) The Commission must attempt to resolve the dispute through conciliation.
- (11) If the dispute remains unresolved, any party to the dispute may refer it to the Labour Court for adjudication.

A registered trade union may authorise a picket by its members and supporters in support of a protected strike. A picket is a demonstration designed to convey to the general public the reason for the strike, and to mobilise support for the strikers' cause. It typically takes the form of a gathering of the strikers at a point on or near the employer's premises, and may be accompanied by verbal, written or symbolic messages (speeches, songs, posters, dancing) to express the strikers' message.

Picketing is a sensitive issue because it spans the fine divide between the striker's principal weapon - the withdrawal of labour - and ancillary forms of pressure such as psychological duress, propaganda and intimidation of the employer, customers and non-striking employees. The Act therefore requires that it be carefully controlled. It begins by expressly stating that picketing must be peaceful. The point at which peaceful picketing shades into violence may be difficult to determine. Verbal or written messages or slogans, or symbolic actions

(such as the burning of tyres or the bearing of weapons) which are inherently intimidatory cannot be regarded as peaceful picketing methods. The object of a picket is persuasion, not threat.

The purpose of the picket must be to demonstrate support for a protected strike. Persons demonstrating in support of matters not connected with the strike may, however, claim protection under the Constitution. A picket can be held in opposition to both lawful and unlawful lock-outs.

A picket authorised by a registered union may be held in any place to which the public has access but outside the premises of the employer or, with the permission of the employer (which may not be unreasonably withheld), inside its premises. Whether denial of permission is reasonable is for the CCMA to determine. Failing agreement between the parties, the CCMA is further charged with prescribing picketing rules, having regard to the 'particular circumstances of the workplace or other premises where the picket is to take place' and any 'relevant code of good practice'. Further disputes go to the Labour Court.

☐ **Against dismissal**

Section 67(4) states:

An employer may not dismiss an employee for taking part in a protected strike or for any conduct in contemplation of a protected strike.

[To do so constitutes an] 'automatically unfair dismissal'.

The prohibition against the dismissal of protected strikers finally dispels the views that a strike is a breach of contract giving the employer a contractual right to dismiss, and that, by engaging in a strike, employees in effect 'dismiss themselves'. It is clear from these provisions that protected strikers may not be

dismissed for the act of striking *per se*. Planning of and participation in a protected strike and legal conduct in furtherance of it does not amount to misconduct.

There are, however, two important qualifications to the prohibition against dismissing protected strikes: an employee may be dismissed for

- (a) misconduct during the strike, or
- (b) 'for a reason based on the employer's operational requirements' (section 67[5]).

The Act thus confirms the labour courts' view that freedom to strike does not include a licence to engage in unruly or criminal conduct. When strikers are dismissed for misconduct such as violence or intimidation, however, they are being dismissed for a disciplinary offence, and not for the act of striking *per se*. An employer acts within his/her rights if he/she singles out employees guilty of misconduct and disciplines them, but it may not collectively punish all the strikers for the misconduct of some.

The provision that an employee may not be dismissed except for operational reasons also confirms the view of the labour courts, but does not resolve the thorny question of how much economic harm the employer is expected to endure before resorting to dismissal. Whether a mere bargaining stalemate will justify a dismissal for operational reasons will depend on how generously that phrase is interpreted by the labour courts. 'Operational requirements', it will be recalled, are defined to include those based on the economic, technological or similar needs of an employer. In so far as a strike will almost invariably cause some economic harm to an employer, a dismissal of strikers can easily be brought under that head.

The courts have adopted two tests in this regard: 'actual economic hardship and 'the likelihood of substantial economic loss'.

In *NUMSA v Vetsak Co-operative Ltd & others* the Appellate Division seemed to have endorsed the lower threshold: the mere prospect of a prolonged standstill in production was held to justify the employer's issuing of an ultimatum.

The LRA does not provide a test, but it can be expected that the courts will in future require virtual economic collapse before sanctioning a dismissal of protected strikers on operational grounds. This is so because a strike is self-evidently aimed at causing economic harm. It is only when it is carried to the point that the business is immediately threatened with extinction that it ceases to fulfil its function as an adjunct to collective bargaining and ceases to be 'functional' in that sense.

What the Act does make clear, however, is that, before dismissing protected strikers for operational reasons, the employer must conform with the general requirements of such a dismissal laid down in section 189. This will entail proper consultation with the employees or their representatives, including adequate disclosure of information relating to the employer's economic position where a registered trade union is involved or a workplace forum is in place.

☐ **The right to payment in kind**

While an employer is permitted to withhold strikers' wages during the period of the strike, an exception is made in respect of payment in kind such as accommodation, the provision of food and 'other basic amenities of life'. These must be continued at the request of employees for the duration of the strike, subject to the employer's right to recover the monetary equivalent from them thereafter by civil action in the Labour Court.

☐ **Not to be interdicted or otherwise compelled to work**

The exclusion of civil proceedings against any person for participation in or conduct in contemplation of a protected strike precludes applications for the interdicting of such persons. In other words, a court will not issue an order compelling them to desist from striking and to return to work.

3.5 EMPLOYERS' OPTIONS DURING PROTECTED STRIKES

The above provisions significantly reduce the employer's power to bring a protected strike to an end by retaliatory action, or to protect itself by taking independent steps to keep production going. The ultimate strike-breaking weapon, dismissal or the threat of dismissal, is all but ruled out. The aim of the Act is plainly to make a protected strike a simple endurance contest: to gauge whether the employer can do without the services of the strikers for longer than they can do without their wages.

One effective way for an employer to ride out a strike is to employ replacement ('scab') labour to keep production going. This is still permitted, except where *any* part of the employer's operation has been designated a maintenance service. Replacement labour in this context includes the employment of casuals or independent contractors. The right to take on or retain replacement labour remains even if the employer institutes a lock-out in response to the strike. In addition, an employer is entitled to re-deploy non-striking employees to do the work of strikers, but a non-striking employee cannot be dismissed for refusing to do such additional work. Strangely, the Act says nothing about disciplinary action short of dismissal in this context, although such disciplinary action would almost certainly fall under para 1(c) of the residual unfair labour practice definition. Litigation can be expected, however, over whether or not an instruction to a non-striking employee relates to work 'normally done' by a striker.

The question arises, whether other punitive or persuasive steps, such as the withholding of benefits to strikers or the payment of additional benefits to non-strikers, are

permissible. The strike provisions of the LRA provide no direct answer, but the residual unfair labour practice definition could be of assistance to strikers in this regard, as it may be argued that differential treatment of strikers be construed as a form of victimisation and, accordingly, a violation of rights of association.

The LRA provides another new option to employers confronted with protected strikes: to apply to the essential committee to be declared an essential service. This is made possible by the flexibility of the new definition of 'essential service', which makes it possible for a service to be declared essential on an *ad hoc* basis. It may be, for example, that a service may not be regarded as essential within the initial period of its disruption, but that it may become so later. The effect of the declaration of a strike-hit employer as an essential service would be to render the strikers unprotected.

3.6 EMPLOYERS' REMEDIES AGAINST ILLEGAL STRIKES

The purpose of granting protection to strikers is to encourage employees to comply with the statutory provision before and while resorting to industrial action. Under the 1956 LRA, non-compliance was visited with criminal liability as well as possible dismissal; the new Act merely discourages it by strengthening the hand of the employer. It does so in three direct ways:

- (a) by giving the Labour Court jurisdiction to interdict strikes not in compliance with the Act;
- (b) by enabling employers to sue for compensation for losses occasioned by an unprotected strike;
- (c) by treating participation in such strikes as a form of misconduct.

These remedies are proved for in section 68:

- (1) In the case of any strike or lock-out, or any conduct in contemplation or in furtherance of a strike or lock-out, that does

not comply with the provisions of this Chapter, the Labour Court has exclusive jurisdiction –

- (a) to grant an interdict or to restrain –
 - (i) any person from participating in a strike or any conduct in contemplation or in furtherance of a strike; or
 - (ii) any person from participating in a lock-out or any conduct in contemplation or in furtherance of a lock-out;
- (b) to order the payment of just and equitable compensation for any loss attributable to the strike or lock-out, having regard to –
 - (i) whether –
 - (aa) attempts were made to comply with the provisions of this Chapter and the extent of those attempts;
 - (bb) the strike or lock-out was premeditated;
 - (cc) the strike or lock-out was in response to unjustified conduct by another party to the dispute; and
 - (dd) there was compliance with an order made in terms of paragraph (a);
 - (ii) the interests of orderly collective bargaining;
 - (iii) the duration of the strike or lock-out; and
 - (iv) the financial position of the employer, the trade union or employees respectively.

- (2) The Labour Court may not grant any order in terms of subsection (1)(a) unless 48 hours' notice of the application has been given to the respondent: however, the court may permit a shorter period of notice if –

- (a) the applicant has given written notice to the respondent of the applicant's intention to apply for the granting of an order;
 - (b) the respondent has been given a reasonable opportunity to be heard before a decision concerning that application has been taken; and
 - (c) the applicant has shown good cause why a period shorter than 48 hours should be permitted.
- (3) Despite subsection (2), if written notice of the commencement of the proposed strike or lock-out was given to the applicant at least 10 days before the commencement of the proposed strike or lock-out, the applicant must give at least five days' notice to the respondent of an application for an order in terms of subsection (1)(a).
- (4) Subsections (2) and (3) do not apply to an employer or an employee engaged in essential services or a maintenance service.
- (5) Participation in a strike that does not comply with the provisions of the Chapter, or conduct in contemplation or in furtherance of that strike, may constitute a fair reason for dismissal. In determining whether the dismissal is fair, the Code of Good Practice: Dismissal in Schedule 8 must be taken into account.

☐ **Restraining interdicts**

Section 68(1) gives the Labour Court exclusive jurisdiction to grant an interdict in order to restrain any person from participating in a strike that does not comply with the provisions of the Act, or any conduct in contemplation or in furtherance of such a strike. The majority of applications to the Labour Court have come

under this head.

The use of the word 'restrain', as opposed to 'interdict', suggests that an order may be partial, for example a restriction of some aspect of the strike (e.g. by a category of employees). Except in the case of essential and maintenance services, at least 48 hours' notice of such an application must be given to the respondent party or parties, although the court may accept a shorter period if the respondent has been given written notice of the application and has been given a reasonable opportunity to be heard, and the applicant shows good cause why a shorter period should be permitted.

Where the respondent has given an employer other than an essential or maintenance service 10 or more days' notice of the proposed strike, the latter is required to give at least five days' written notice of its intention to apply for an interdict.

Apart from non-compliance by the respondent with the above procedural requirements, the LRA does not appear to give the Labour Appeal Court any ground upon which it can exercise a discretion to refuse an application. It is submitted, however, that it is implicit that in deciding whether to grant an interdict, the court will follow the principles regarding the grant of any urgent relief, namely: that the applicant has established a *prima facie* right to the relief sought (even though this may be open to some doubt); that there is a well-grounded apprehension of irreparable harm to the applicant if the relief is not granted; that the balance of convenience favours the grant of relief, and that the applicant has no other satisfactory remedy.

☐ **Compensation**

The Labour Court also has jurisdiction to order the payment of 'just and equitable compensation' for any loss attributable to an unprotected strike. Compensation

will clearly not be granted unless the applicant, employer can prove that it suffered loss, and that such loss was occasioned by the respondents' participation in the strike. In addition, when determining whether such compensation should be granted and, if so, the quantum, the court is obliged to consider whether:

- ☐ 'attempts' were made to comply with the statutory provisions and the extent of such attempts, if any;
- ☐ the strike was 'premeditated';
- ☐ the strike was a response to 'unjustified' conduct by the employer;
- ☐ there was compliance with an earlier interdict or restraint order.

These considerations clearly indicate that a court is permitted to condone minor transgressions of the Act, and more serious transgressions where the strike was a spontaneous response to unfair conduct by the employer. In addition, the court must, in assessing a claim for compensation, consider 'the interests of orderly collective bargaining', the duration of the strike and, most generally and controversially, 'the financial position of the employer, trade union and employees respectively'.

The interests of orderly collective bargaining may well inhibit the court from making compensation orders against unions which have a long-standing and continuing relationship with the applicant's employer. So, too, may they militate against compensation where the strike takes place over a legitimate bargaining issue.

That a court must consider the respective financial positions of the parties in assessing a claim for compensation is wholly unprecedented in our law. This unique requirement, if regarded as conclusive, would in effect indemnify virtually all employees and poor unions. It is, however, clearly one factor to be weighed in relation to the others.

☐ **Discouragement**

To the extent that a strike is not protected, the employer has a freer hand to discourage its advent or continuation. To begin with, employers and registered unions are free to agree that strikes will not be permitted over particular issues or in particular areas of the enterprise or at all, that the parties will instead resort to other forms of dispute-settlement, or that workers will follow different (and possibly more onerous) pre-strike procedures. The statutory strike provisions are inapplicable to the extent that a collective agreement provides otherwise.

As in the case of protected strikes, the employer can withhold wages. In addition, it would seem that inducements not to strike, or post-strike penalties against strikers, are permissible provided that they do not unfairly discriminate against the strikers or amount to victimisation. Following the reasoning of the then Appellate Division in *SACCA WU v OK Bazaars*, in so far as it will remain applicable, the withholding of a bonus granted for work done, or the rewarding of non-strikers with an additional bonus, is permissible in the case of unprotected strikes. So too, it seems, would a refusal by the employer to backdate wages after the strikers had rejected a wage offer, even though other workers received that benefit. It is probable, however, that the courts will scrutinise such stratagems more strictly under the new LRA.

☐ **Disciplinary action short of dismissal**

As indicated above, the Code of Good Practice: Dismissal expressly states that

instigation of or participation in an unprotected strike may be regarded as a form of misconduct justifying dismissal, where appropriate (see below). It follows, therefore, that an employer must be entitled to take disciplinary steps short of dismissal against illegal strikers after they return to work, or against employees who call for or otherwise promote an illegal strike. Disciplinary action short of dismissal is dealt with only in the residual unfair labour practice definition. Employers aggrieved by post-strike disciplinary action will therefore have to bring their actions under that head.

The disciplinary penalty most commonly imposed on strikers after their return to work is a warning or final warning. This clearly remains permissible, subject only to the complications that may arise if the employer has to act on it later (see below).

☐ **Lock-out**

A further option available to an employer confronted with an unprotected strike is to lock the employees out until such time as they comply with its proposal. They may take on replacement labour after doing so. This option is discussed in Chapter 2.

☐ **Termination of the contract**

Dismissal is the ultimate sanction an employer can impose on unprotected strikers, and is expressly authorised by the Code, subject to the qualification that it must be fair. The requirements of fairness in this context are discussed in the next section. The purpose of dismissal in the strike context may be to terminate the employment relationship completely, so as to clear the way for the employment of alternative workers, or it may be intended merely to concentrate the strikers' minds. Where dismissal is used as a tactical weapon, it is normally coupled with an invitation to the dismissed employees to re-apply for their jobs.

Where they decline to do so, it is then commonly assumed that they will have no remedy because they are deemed to have been the architects of their own misfortune. As will be seen below, it is by no means certain that the courts will always accept this argument.

3.7 DISMISSAL OF UNPROTECTED STRIKERS

The question whether and when the dismissal of strikers constituted an unfair labour practice generated copious litigation in the labour courts, and elicited an abundant, complex, and sometimes confusing jurisprudence. What became trite, however, was that an employer could not rely purely on its common-law right to dismiss, or on the fact that the strikers had conducted themselves illegally. By the advent of the new LRA it was not possible to provide a short and definitive answer to the question, as the courts tended to take into account a host of factors, circumstances and considerations in answering it in specific cases.

The new LRA attempts to codify this jurisprudence. Much of it will therefore remain applicable, subject only to any attitudinal change by the new Labour Court.

The starting point is section 68(5), which states:

Participation in a strike that does not comply with the provisions of this Chapter, or conduct in contemplation or in furtherance of that strike, may constitute a fair reason for dismissal. In determining whether or not a dismissal is fair, the Code of Good Practice: Dismissal in Schedule 8 must be taken into account.

The Code provides (item 6):

- (1) Participation in a strike that does not comply with the provisions of Chapter IV is misconduct. However, like any other act of misconduct, it does not always deserve dismissal. The substantive

fairness of dismissal in these circumstances must be determined in the light of the facts of the case, including

- (a) the seriousness of the contravention of this Act;
- (b) attempts made to comply with this Act; and
- (c) whether or not the strike was in response to unjustified conduct by the employer.

- (2) Prior to dismissal the employer should, at the earliest opportunity, conduct a trade union official to discuss the course of action it intends to adopt. The employer should issue an ultimatum in clear and unambiguous terms that should state what is required to the employees and what sanction will be imposed if they do not comply with the ultimatum. The employees should be allowed sufficient time to reflect on the ultimatum and respond to it, either by complying with it or rejecting it. If the employer cannot reasonably be expected to extend these steps to the employees in question, the employer may dispense with them.

It is important to stress at the outset that the Code is not, and does not purport to be, exhaustive. It merely identifies in general terms the factors that should be taken into account in evaluating the fairness of a strike dismissal. Others remain implicit. The considerations expressly mentioned in the Code are discussed first.

☐ **Non-compliance with the Act**

Whether there has been compliance by the strikes with the provisions of the LRA is clearly fundamental, since the dismissal of lawful strikers is prohibited unless the employer can justify it for economic reasons. By contrast, an employer need not show economic reasons to justify the dismissal of unprotected strikers, since their strike action is deemed to be a form of misconduct. The gravity of non-

compliance with the provisions of the Act will, however, depend on the circumstances. That the Code cites the 'seriousness' of the striker's contravention and 'attempts made to comply with the Act' indicates that the courts should condone minor technical considerations such as non-compliance with time-limits or incorrectly completed forms. In the case of more serious infringements, it is submitted that the onus of justifying non-compliance should rest on the strikers. One thing is clear, however: the illegality of the strike is not 'a magic wand which when waved renders the dismissal of strikers fair'.

☐ **'Unjustified conduct by the employer'**

'Unjustified conduct' by the employer justifies its employees' resorting to strike action without complying with the statutory requirements. 'Unjustified' in this context goes wider than acts which are illegal - any unfair conduct would come under this head. The basis of this consideration is that the strike is justified by necessity or self-defence, which purges the workers' action of its illegality.

Cases of this nature tend to fall into two broad categories:

- ☐ strikes which take place in response to employers' unfair bargaining tactics; and
- ☐ strikes which occur as a result of unfair practices directed at individuals.

There have been many cases in which strikers who have been dismissed have been granted relief solely on the strength of the employer's refusal or failure to bargain at all or in good faith. To this extent, the labour courts' jurisprudence on bad faith bargaining conduct remains largely relevant under the new LRA. This is dealt with in Chapter 18 s 9.

Although the Code enjoins the courts to consider whether the strike itself was

a response to unjustified conduct, it is apparent that this consideration is also relevant to its continuation.

Unfair dismissals often give rise to strikes, and the courts have in general not been overly sympathetic to them because the individuals concerned have judicial remedies. By prohibiting strike action where the parties may have recourse to arbitration or adjudication the LRA appears to confirm this view, especially as the availability of such remedies has been expedited and simplified. Still, there may be circumstances in which a violation of employee rights by an employer is so crass and far-reaching that immediate action by the employees is necessary to prevent irretrievable harm.

☐ **Contact with the union**

The Code enjoins employers to contact a trade union official 'at the earliest opportunity' before dismissing strikers in order to 'discuss the course of action it intends to adopt'. This provision will apply only when the strikers are union members. It is clearly intended as a safeguard, especially in the case of 'Wildcat' strikes (i.e. those which have broken out without the union's knowledge or support), and appears to have a twofold purpose:

- (a) to give the union an opportunity to dissuade the employer from dismissing the strikers, and
- (b) to give the union an opportunity to persuade the workers to return to work.

Difficulties may arise in cases where the union insists on a delay without the intention of doing anything constructive to end the strike. It is submitted that in such cases the test should be whether, on the probabilities, the union could have succeeded in bringing the strike to an end within a reasonable time. The

requirement that an employer should discuss the proposed course of action is not meant to provide the union with an excuse to delay action in order to continue to exert pressure through the medium of the illegal strike.

☐ **Fair ultimatum**

The final requirement stated in the Code is that the employer must give the strikers an ultimatum before dismissing them. The reason for this step is obvious. Workers embark on strike action as a means of forcing their employer to comply with their demands. By dismissing, the employer tells the workers that it would with their demands. By dismissing, the employer tells the workers that it would rather dispense with their services than yield. Both logic and fairness therefore require that strikers be given an opportunity to reconsider their positions before the employer terminates their contracts, and also to ensure that the employer does not act in anger and haste. Even so, the Code makes it clear that the issuing of an ultimatum is not an invariable requirement.

Not just any ultimatum will do, however. The requirements of a fair ultimatum are generally accepted to be at least the following:

- (a) The ultimatum must be communicated to the strikers in clear, unambiguous terms, in a medium understood by the strikers.**

The Code does not suggest how the ultimatum should be distributed, or that it should be in writing, but what is important is that it reaches each of the strikers or, where this is not possible, at least their representatives.

- (b) The terms of the ultimatum should state what is demanded of the strikers, when and where they are required to comply and what sanction will be imposed if they fail to do so.**

The court has cautioned against vague allusions to the possibility of dismissal by the use of phrases such as "if you don't return to work, you will find out what will happen to you" and "unless you return to work ... disciplinary action will be taken". The instruction contained in the ultimatum must also be reasonable. Where, for example, strikers were threatened with summary dismissal if they did not return to work and accept their employer's final wage offer, the court found that in so far as non-compliance with the latter provision was a material consideration in the employer's decision to dismiss, the dismissal was both illegal and unfair in that it was not based on a ground recognised in law as justifying summary dismissal. So, too, was the dismissal held to be unfair where the warnings for participation in an earlier stay-away, and where the employer insisted that the strikers sign an undertaking that they would not continue with their action once they resumed work, and persisted with this condition even though the threat of further strike action had passed.

- (c) Sufficient time, from the moment of giving the ultimatum, must elapse to allow the workers to receive the ultimatum, reflect upon it, and to respond to it by either compliance or rejection.**

What will constitute sufficient time in this context will clearly depend on the circumstances, but the general standard is the time required to realise the purposes which an ultimatum is meant to serve. These are:

- ☐ to enable the strikers to re-assess their position and

take advice;

- ☐ to enable their union to encourage them to return to work;
- ☐ to enable the employer to cool down.

It is suggested that, other things being equal, an ultimatum should give a longer time where it is issued shortly after the commencement of the strike, where the issue which gave rise to the strike is a complex one, where a union *bona fide* requests time to speak to its members and indicates an intention to persuade them to return to work, where it is logistically difficult for the workers to comply, or where the strikers are well behaved or confused.

It frequently happens that strikers' unions request an extension of an ultimatum in order to buy time or to seek to persuade them to return to work. Whether an employer is obliged to comply with such a request will depend on the factors already cited, the *bona fides* of the union, and the likelihood that an extension could have enhanced the prospects of the strike being brought to an end within a reasonable time. It would seem, however, that an onus rests on the union to advance plausible reasons why the request was made. Where, however, the ultimatum was issued at a stage at which such action was a 'rational development in an existing adversarial relationship', the court refused to override management's decision not to extend it. In the case of a wildcat strike, the courts may regard as unfair an employer's refusal to extend an ultimatum to enable a union to become involved.

If they wish to be deemed to have complied with an ultimatum,

the employees must accept its terms completely and unconditionally.

When an employer has issued an ultimatum that strikers return to work by a particular time, and the employees agree to do so, there is no need to issue a further ultimatum if the strikers subsequently renege on that agreement and fail to report for duty. In *SA Allied Workers Union (in liquidation) v DeKierk* NO it was argued on behalf of the union that the ultimatum constituted a waiver by the employer of its right to dismiss the strikers. The court acknowledged that, had they returned to work at the time stipulated in the ultimatum, as they had agreed to do, the employer would not have been entitled to dismiss them. When they failed to return to work, however, the waiver implicit in the ultimatum lapsed, and the position reverted to what it had been before the ultimatum was issued. If, as was the case, the employer had been entitled before the agreement to dismiss the striking workers when the ultimatum lapsed, it was equally entitled to dismiss when the workers dishonoured the agreement. On the other hand, where the employer issues an ultimatum and then prevents its workers from returning to work by locking them out, the ensuing dismissal will be unfair.

Once the strikers have complied with the ultimatum, the employer is precluded from taking disciplinary action thereafter *for the act of striking*. Thus where the employer had called in the union to help end a work stoppage, but when the employees reported for work they were informed that they had been dismissed, the court found that the employer, by initiating that it was willing to resume negotiations once the employees had reported to work, had waived its right to dismiss them. Illustrative in this regard is the

common-law case of *Administrator, Orange Free State, & others v Mokopanele & others*, in which the responsible authority had taken the decision to dismiss three weeks after the strike in question, and after the employees concerned had returned to work on receipt of an ultimatum stating that, if they did not do so, they would be dismissed. The court found that the administration had indicated that, if the employees resumed work they would not be dismissed: '[A] contracting party who has once approbated [i.e. waived a right arising from a contract] cannot thereafter reprobate [i.e. seek to enforce that right]'.

The doctrine of election does not, however, prevent an employer from reserving the right to dismiss workers who have participated in a strike after they have returned to work in response to an ultimatum. It may happen, for example, that some of the strikers were *prima facie* guilty of some disciplinary infraction (say, violence or intimidation) during the strike, and that the employer wishes to establish what action, if any, should be taken against them at later disciplinary hearings. There can surely be no objection to doing so provided that the hearings are timed soon enough to avoid the impression that the employer has condoned the misconduct, and provided also that the employees concerned are not given the impression that they will inevitably be dismissed.

In addition to the factors mentioned in the Code, it is submitted that the following considerations remain relevant.

3.8 THE DURATION OF THE STRIKE

The longer the employer has endured an unprotected strike, the more likely it is that a court will be sympathetic to its ultimate decision to dismiss. Whatever the reasons

for it, dismissal ought to be an act of last resort. A dismissal after a strike has lasted a few minutes will invariably be substantively unfair. If it has endured for hours or even days, a dismissal may none the less be held to be premature if the employer did not take *bona fide* steps to discuss the workers' problem with their representatives.

3.8.1 The harm caused by the strike

Since economic harm can justify the dismissal of protected strikers, it follows that it must also be a potentially relevant consideration when assessing the dismissal of unprotected strikers. While the Act states that participation in an unprotected strike may be treated as a form of misconduct, it does not follow that an employer cannot dismiss for operational reasons in this context. Even if the employer does not purport to do so, the fact that it has endured an illegal strike to the point where it has incurred significant loss must weigh in the balance in assessing the reasonableness of its decision to take the strongest disciplinary action. The dismissals can therefore be said to have a commercial rationale.

3.8.2 The timing of the strike

Although strikes are by definition aimed at causing damage to employers, the courts are of the view that such damage should not be caused unfairly. In a number of cases, they have stated that the employer should not be taken by surprise or hit at a moment when it is especially vulnerable. Thus in *Black Allied Workers Union and others v Palm Beach Hotel* the court found that the absence of prior notification was particularly unfair because 'the respondent is a hotel with obligations to its guests, including providing breakfast'.

Whether or not notice has been given, a strike can still be unfair if it is launched at a time calculated to cause the employer unjustifiable harm. The nature of the employer's business is a factor which will be taken into account in determining the legitimacy of the strike. Thus, where employees went on strike after

agreeing to refer a dispute to mediation, but before the mediation began, their dismissal was held to have been justified. So, too, where the union was still negotiating with the employer, despite the apparent failure of the formal conciliation process, and negotiations had reached a point at which agreement was imminent and probable and the workers embarked on a strike without consulting their union.

3.8.3 Whether the strikers were given hearings

It is significant that the Code does not require the employer to accord strikers hearings before or, where appropriate, after their dismissal. It is submitted, however, that failure to do so will not always be justified, especially where dismissed employees seek to show that they did not take part in the strike at all (because, for example, they were on leave at the time) or did so out of fear arising from intimidation. Where, in the case of a partial strike, it is necessary to establish whether the employees concerned were in fact obstructing or retarding work, the need for a factual inquiry in the form of a hearing is especially compelling.

In the case of strike dismissals, a distinction must be drawn between dismissals for misconduct during the strike, and those for striking *per se*. In the former case, the general rule would seem to apply - that is, the employees concerned are entitled to hearings unless circumstances are so exceptional as to justify departure from it, or where the court is satisfied that no useful purpose could have been served by a hearing. In cases where employees are dismissed for striking *per se*, especially after having been given an ultimatum, it has been held that the strikers acted in full knowledge of the consequences of their actions, and that it would accordingly have been farcical to expect the employer to grant hearings. A further reason is that a hearing would 'emasculate' an ultimatum, which would have to be read subject to the qualification that 'workers will be dismissed but subject to a disciplinary hearing. In *Majola & others v D*

& A Timbers (Pty) Ltd the court went further and held that disciplinary hearings were unnecessary in the strike dismissal context even when the employees' contracts of service required them to be granted hearings before being dismissed. If the threat of dismissal is fair, said the court, it must follow that the consequent dismissal is also fair.

This reasoning stands in stark contrast to the long line of Supreme Court cases in which it was decided in terms of the common-law principles of natural justice that public-sector employees dismissed for striking are entitled to proper hearings before being dismissed. The fact of the matter is that workers may have been intimidated into striking, or may have been absent for reasons unrelated to the strike. Grave injustice will have been done to such individuals where the employer terminates the contracts of the undifferentiated mass. This is why the court has held that, before dismissing striking workers, an employer should consider factors such as length of service, past loyalty, and the effects of the dismissal on benefits such as pension, housing, medical aid and educational assistance.

An employer may have practical difficulties in conducting pre-dismissal hearings when large numbers of workers are involved. In such cases it is submitted that *ex post facto* hearings or written representations or pre-dismissal representations from the workers' representatives may suffice.

3.8.4 The parties' conduct during the strike

Freedom to strike does not include a licence to engage in unruly or criminal conduct, and the courts have frequently scrutinised the behaviour of strikers when deciding whether their dismissal was fair. Violence and intimidation have been described as 'an abuse of the right to strike'. When strikers are dismissed for misconduct, however, it should be remembered that they are being dismissed for a disciplinary offence and not for the act of striking *per se*, and proper

disciplinary procedures should accordingly be followed.

An employer acts within its rights if it singles out employees guilty of misconduct and disciplines them, but it may not collectively punish all the strikers for the misconduct of some. In some cases, the converse has applied, favouring protection. It may also be mentioned in this context that the court has come to the assistance of employees who have joined a strike through direct or indirect intimidation.

3.8.5 Selective dismissal

In the absence of special circumstances, such as misconduct, which justifies singling out some strikers for dismissal, an employer must apply the 'parity principle' - if it dismisses one striker for the act of striking' it must dismiss another. This principle may apply even in the case of a national strike, in which one employer decides to dismiss and the others don't. Thus the Labour Appeal Court found against an employer who persisted with a dismissal ultimatum on the ground, *inter alia*, that it had not shown any pressing reason for acting differently from the other employers involved.

3.8.6 The parties' conduct after the strike

As mentioned above, employers often couple the notice of strikers' dismissals with an invitation to them to re-apply for their jobs. This is perfectly permissible, but if the employer uses the re-application process to sift out some workers, it may well render itself guilty of selective re-employment unless it can justify its refusal to re-employ them. It has been held that, where a dismissal is coupled with an offer of re-employment, the fairness of the loss of employment must be judged at the time the employer refused re-employment, not at the time of the preceding dismissal. This is confirmed by section 186(d) of the LRA, which defines a refusal to re-employ on a selective basis as a form of dismissal.

However, the employer is clearly not required to keep the offer of re-employment open indefinitely. Employers are not necessarily relieved of their obligations to bargain in good faith if their employees engage in strike action - especially if the strike, though unlawful, is deemed to be functional to collective bargaining (Grogan, 1998:281).

3.9 STRIKES MAY LEAD TO POSITIVE AND NEGATIVE IMPACT

3.9.1 Negative Impact

3.9.2 Economic impact

Under certain circumstances strikes could lead to the collapse and bankruptcy to the employers with a result loss of job opportunities and divesting consequences on the local community. The economy will be distributed in such a way that the industries may not cover its expenses. When the economy in industry is disturbed then the country as a whole become affected.

According to John G Hutchinson in January 1963, the city Retail Board in New York, estimated that the York newspaper strike had cost more than forty million dollars. The carriers' corporation, involved in a strike with the steelworkers Union, reported at the end of March 1961, a loss for the month of 7.6 million. In a publication entitled strike fact, the Republic Aviation Corporation claimed that its 1956 (112 days) strike with the Machinists Union. The optimistic report was dismissed as "ridiculous" by a top ranking Machinists union officer. In the bitter and well - a publicized Kohler corporation United Auto Workers Union dispute, the company claimed a profit in every year of its marathon struggle with the UAW.

3.9.3 Political impact of strike

Some strikes have no discernible political ramifications, while others are especially political and have slight industrial impact. There is an addition, a considerable number of strikes which contain elements of both Industrial and Political conflict either. In intent on consequences, or both. Most political significant strikes can be classified into three:

- (a) Overtly political strikes, called solely and explicitly for political reason.
- (b) General strikes and strikes which combine political with industrial demands and objectives; and
- (c) Strikes which are primarily the result of Industrial disputes but which involve the prestige or interest of the political government because they occur in industries operated by the state or essential to the normal life of the community (Robin Cohen, Peter CW, Gutkind & Phyllis Braizer, 1979:248).

According to Robin Cohen, Peter CW, Gutkind and Phyllis Braizer (1979:254-255), the political consequences of strikes, whether in pursuit of political objectives or not have become so great that strikes and labour strikes are viewed as among the most serious threats facing the potential consequences of United Action by trade union's when after the one day general strike on January 5, 1962, he warned the government.

The SLFP decision in 1964 to form a coalition government with the LSSP was motivated, at least in part by the end contain mounting trade union militancy. When asked if the coalition was formed to stem growing labour strike. Prime

Minister Sirimavo Bandaroaiko responded

"We have brought into the dominant role among the urban working class lending their [sic] full support just cannot see how enterprises like the CTBB (Ceylon Transport Board) or the part cargo corporation can operate effectively".

The political impact of a strike may be quite different from its economic impact. Some strikes have considerably more political significance than others. Irrespective of their duration or number of strikes involved. Generally, strikes which are apparent and disruptive in Colombo, or which dislocate island in railroad or bus transport or block the part, through which vital impact of food and other essential flow, have a great and immediate political impact. Transportation, especially buses, the popular mass transportation in Ceylon, is a particularly important target for general strikes because of its tendency to magnify the effectiveness of the strike. By preventing many non-strikes on the day of a general strike many workers first determine or not the buses are running, as a guide to failure before deciding whether or not they will attempt to appear for work.

3.9.4 Social impacts of strikes

The "hartals" are closely related to, and can be considered alone with the exclusively political strike. Hartals, technically, are not limited to a strike by organised workers but involves the closing of all shops, businesses, and schools and the suspension of normal activities by all members of the community. Like the political strikes the hartals are an act of protest, and include the flying of black flags as a sign of mourning. Hartals are called by organizing political parties (Robin Cohen, Peter CW, Gutkind & Phyllis Braizer, 1979:248).

3.10 NEGATIVE EFFECTS ON WORKER LOYALTY INCREASES IN SUSPENSION AND DISTRUST

According to Bendix (1992:248) strike action is never undertaken without a loss to both sides. In contemplating possible strike action, both union and employees need to consider the losses they would suffer against the gain to be achieved by holding out on a settlement. To the employees or their union strike action will entail or loss of wages or a drain on some financial resources of the union. The union might lose institutional security, in the form of loss of members who might take other jobs or by the eventual disenchantment of union members.

According to John G Hutchinson (1936:59) such private discussions with both union and management personnel have the recurring theme that strikes generate human costs which, in time, may equal or even outweigh financial costs. Such costs include loss of respect the parties have for each other, emotional drains incurred during and self-respect suffered by unemployed workers, negative effect on worker's loyalty, increases in suspicion and distrust, eventual effect of such attitudes on a future negotiation and the desertion of values which occurs when workers perform unnatural acts of violence against their employers.

3.10.1 Positive Impact

In the fall of 1971 the federation of the fourteen unions representing the miners, the railroad workers, and the smelters of Cerro de Pasco corporation went on strike. The union's demand for wages and improved living conditions were greater than ever before. For the first time a political demand was added, the nationalization of the three largest mining companies in Peru, which were all owned by North Americans. This call for nationalization of the miners was advanced by leftist union leaders and political organizers without very much debate in the miners assemblies in each camp. Daily conversations with the miners and union leaders over a period of more than a year revealed that in

principle most miners supported the idea nationalization might have on their everyday lives. They believed that if the government were to become the owner, it will be more difficult to obtain wage raises (Robin Cohen, Peter CW, Gutkind & Phyllis Braizer, 1979:150).

3.11 HANDLING STRIKE ACTION

According to Bendix (1996:530) both employers and unions need to plan for and handle strike action as effectively as possible. As far as the union is concerned, its primary task is to maintain the morale of the workforce, to ensure that strikes are effectively looked after so that material considerations do not oblige a return to work, and to undertake talks and negotiations with management. The union will also attempt to elicit as much sympathy action as possible and to exert pressure through other agencies. Publicity is important. This it will gain through pamphlets and the press and also by Pickering where this action is legally permissible. Finally, the union will attempt, as far as legally possibly permissible. Finally, the union will attempt, as far as legally possible, to prevent the replacement of striking workers with scab labour. In this respect, careful control has to be exercised, since attempt to prevent scabbing may develop into actual intimidation.

Management, on its part will attempt to minimise the effects of a strike and workers. A strike action, being the visible manifestation of conflict between the employer and his employees is a traumatic experience. Nevertheless, if it is handled with calm and from a rational perspective, it can and usually does end in a settlement satisfactory to both sides. The best of all possible moments to achieve insight into the life of a human being is during a fundamental crisis when he is faced with grave decisions which can mean ruin and despair or success and happiness for him.

In such crises men reveal that they are and often betray their innermost secrets in a way they never do and never can when life moves placidly and easily. If this is true the study of men, an individual. It applies even more forcefully to the study of men in

groups. It is when hell breaks lose and all men do their worst and best that the powerful forces which organize and control human society is revealed.

We learn then, if ever, why groups of men must do the things they do and be the things they are. It is this memorial of crisis that the humdrum daily living of the thousands of little men going to work with their lunch boxes and the prosaic existence of the big men in the top office reveal themselves as human dramas of the utmost significance more importantly behaviour in such crises tells us the meanings and significance of human society (Warner Low, 1955:11).

According to Sargent (1949:42), labour strikes can be measured like, absence in days lost per year per worker. They are, in fact, organised collective absenteeism and occasion in the same unit costs as absence. Unlike absence, however, which may be due either to unwillingness or incapacity of the worker, strikes are by definition due to unwillingness to work under given industrial conditions.

There is a loss of wages for the worker and the union during official strikes does not normally make it up fully. Such strikes are usually announced before hand and involve the closing of whole departments so some overhead costs may be saved to the employer. The extent of the aggregate loss is not on an average high compared to absence but may fall heavily on the industries directly or indirectly involved by loss of materials or markets, and the community may suffer great inconvenience if a whole industry or service is stopped.

The way in which management handles strikes will greatly influence the frequency of subsequent strikes. In the event of a strike, management generally encourages workers to return to work by means of telephone calls, advertisements and circular (Lotz, 1983:32). The longer a strike lasts, the greater the effect on the strikers. If a trade union's strike fund is not very strong and the workers' money runs out, workers are compelled by necessity to return to work.

Previously, management used to adopt a defensive attitude during a strike, and the mine did not cease operations. In some cases, management appealed to officials on the mine, the majority of whom are White, to carry on with vital functions of the workers in order to keep the mine in operation. By doing this, the trade union learns a lesson that essential services can be continued. But this also leads to increasing bitterness both during and after the strike, damage to property, violence and a breakdown of public relations.

The handling of strikes is a complicated task. One way of doing this is to develop contingency plans, while another could be to establish better conflict management. Plans must be developed to allow production to continue in spite of a strike. The sting is taken out of a strike when strikers realise that it is possible for a mine to carry on production in spite of their absence. The development of contingency manning plans is a rather complex but necessary task. The effectiveness of such plans depends on the following implications of the strike (Mullins, 1980:122).

- ☐ The extent to which production is labour intensive
- ☐ Availability of skilled and unskilled staff
- ☐ Moral and motivational attitudes of non-striking workers
- ☐ Duration of the strike
- ☐ The nature of the dispute
- ☐ Number of workers striking and their level of efficiency
- ☐ Potential use of contract workers

Management has to take certain principles into consideration when developing such plans (Knoesen, 1992:73):

- ☐ Decide in which key areas production must continue
- ☐ Delegate tasks to members of staff who will not be involved in the strike

- ☐ Decide what kinds of and at what stage additional manpower will be needed
- ☐ Train staff in different areas to those of their normal work (multi skilling).

These plans are a critical part of handling strikes, and various options are discussed in this chapter.

The Labour Relations Act makes provision for three mechanisms for use in handling conflict between management and organised labour, namely negotiation, mediation and arbitration. Collective bargaining institutionalises conflict by providing a framework within which management and workers can discuss and solve differences in the best possible way. The basic process in handling conflict is negotiation, as it takes place in collective bargaining between management and organised labour.

3.11.1 The collective bargaining process

According to Bruce *et al.* (1991:194), collective bargaining as the bargaining process between labour and management in the labour relations system, is characterised by the urgency to reach a decision as a result of social, economic and legal pressures. The process of collective bargaining therefore serves the interests of the individual worker through satisfaction of his needs, and since individual needs are often in conflict, one function of collective bargaining is to formulate compromises for conflicting individual interests. As a process, however, collective bargaining is based on two important principles that are considered fundamental, namely representation and participation. Collective bargaining is therefore a process in which representatives of labour and of the organisation (management) meet in an attempt to reach an agreement, expressed in terms of a contract, which specifies the nature and extent of the

worker-management relationship (Nel, 1989:61). Bargaining is a process of meeting, presenting demands, counter demands and proposals, haggling, convincing and in many cases threatening, until agreement is reached.

3.11.2 The nature of collective bargaining

One's perception of collective bargaining is determined by environmental constraints, past experience and even personality (Knoesen, 1992:84). Collective bargaining as a process, usually occurs either when an existing agreement expires or when conflict of interests arise and existing agreements are rejected, or the need for an agreement arises because of a dispute or grievance. It is referred to as a process because it involves human behaviour.

3.11.3 Collective bargaining as a communication process

During the collective bargaining process the groups inform each other of their needs, wants and attitudes on specific issues. As such, they are involved in transferring information and knowledge. Bruce *et al.* (1991:104) states that collective bargaining is essentially a process of communication and therefore reflects all the normal problems associated with communication as well as those involved in collective bargaining. As a communication process, collective bargaining is dependant on the vehicle of language to be effective. This language dependency refers not only to the spoken language. Especially in the case of non-verbal communications, culture plays an important role because it has a direct bearing on how the language is interpreted and this is particularly important in South Africa, with its multitude of languages.

3.11.4 Collective bargaining as an economic process

One of the major objectives of collective bargaining is to improve wages and working conditions (Oberholster, 1992:201). This has misled many people to

regard it as an economic or marketing function. This view tends to stress the following two characteristics, while ignoring many other important ones: the material or economic gain by one party at the loss of the other party; employees demand and management concedes. The problem with this view is that it implies a win-lose situation. It implies that labour is a commodity which is "sold" if the price is right. This is a false premise because normally labour is withheld (by striking) only as a coercive or persuasive measure (Hyman, 1989:223). The intention is always that labour will be sold, that withholding labour will secure greater concessions and that a compromise will always be reached. The "give-take" approach as opposed to the "win-lose" approach suggests that there is more to collective bargaining than merely securing economic advantage, and that the ultimate aim is in fact something entirely different.

3.11.5 Collective bargaining as a trade union activity

Collective bargaining almost from inception has been ultimately related to the growth and development of trade unionism (Mullins, 1980:77). This fact has led to the misconception that it is the exclusive domain of trade unions. In many instances, *collective bargaining has become synonymous with trade unionism*. It is a fact that where a union represents a worker and acts on his behalf, it will, of necessity, become the collective bargaining agent (Bruce *et al.*, 1991:104). It is important to realise that the existence of a union does not preclude management bargaining collectively with its workers or any other association representing them.

3.11.6 Collective bargaining and conflict

It is generally accepted that conflict is generally generated by economic, ideological, socio-cultural and personal differences between parties (Bruce & Carby-Hall, 1991:105). The modern approach is to see conflict as potentially healthy and even as beneficial. The view is taken that conflict is a prerequisite

for growth and development, and without it the individual would stagnate. Conflict is therefore seen as the underlying change.

3.12 STRIKE STATISTICS

According to Bendix (1996:540), during the then years until 1990 the number of strikes per year increased steadily, with only a slight drop in 1993 and 1985, owing to recessionary conditions. Statistics published by the Department of Manpower revealed that 948 strikes occurred during 1990, compared with 101 in 1979, 342 469 in 1984, 793 in 1986, 1 148 in 1987, 1 025 in 1988 and 855 in 1989. Man-days lost per strike rose from 678 000 in 1985, 1 309 000 in 1986, 5 825 000 in 1987, and 914 380 in 1988 to 1 238 686 in 1989 and 2 973 921 in 1990, while average duration of strikes increased from 2,8 days in 1987. In 1988, 1989 and 1990 the average during the strikes was 5, 6, 7, 0 and 8,5 days respectively. As can be seen from the figures, a peak was reached in 1987, where after there was a drop in 1988 and 1989; but 1990 again showed a steady increase.

Table 3.12: Strike Statistics (Bendix, 1996:540)

Year	Strikes and Work Stoppages	Employees Involved
1972	71	9 224
1973	370	98 378
1974	384	59 244
1975	274	23 323
1976	245	28 013
1977	90	15 304
1978	106	14 160
1979	101	22 803
1980	207	61 785
1981	342	92 842
1982	394	141 571
1983	336	64 469
1984	469	181 942
1985	389	239 816
1986	793	424 390
1987	1 025	161 679
1988	1 148	591 421
1989	855	177 712
1990	948	350 938
1991	613	175 683
1992	883	149 556
1993	790	155 927
1994	804	326 549

The impact of strikes in the latter period increases. Also the participation of the employees involved increases every year. The table above reflected clearly that the impact of strikes will exist for a long period.

On the other hand, significant drop in strikes activity was noted in 1991 which, being the year indicative of radical socio-political change, may be described as the year of expectations. Employees, like others in the country, were adopting a wait and see attitude. From 1992 onwards strike again increased with only very slight decreases in 1993 and 1994. This can be ascribed firstly to the perceived need of unions to display their power base within the changing political circumstances and, of late, to higher expectation and the perceived lack of significant change at grass-roots level.

Labour dispute, their settlement and the institution of industrial action form an integrated part of any industrial relation system. They are a matter of concern for employers as well as union but, although the ideal is to achieve industrial action they may prove to be unavoidable. In more sophisticated systems the promotion of collective bargaining. The establishment of adequate insinuation for this purpose and the minimisation of employer-employee conflict through workers participation and employee ownership schemes, have served to decrease, but not completely to the incident of labour dispute and industrial archons, this however, presupposes that there is no fundamental conflict within the society itself, since such conflict will eventually have an effect also on the conduct of the labour relationship (Bendix, 1992:525).

3.13 CONCLUSION

It is quite clear that there are numerous and aggravating factors leading to strikes. For management to effectively manage strikes, these factors need to be addressed. If management understand these contributory factors, strikes could possibly be averted. However, it is not enough to just take cognisance of these facts. Management need to proactively address each contributing factor.

It has become an everyday occurrence for mine management to manage strikes. In order to do this they need carefully constructed action plans, in order to counteract any actions by striking workers. Management must also be aware of the negotiation processes available to them as tools for handling strikes.

Chapter four outlines the organisational structure used in this research.

CHAPTER FOUR

SPITZKOP COAL MINE CASE STUDY

4.1 INTRODUCTION

The purpose of this chapter is to discuss the historical background of the industry. This chapter will also discuss the hierarchical structure of the organisation and its operation. It is important to know the geographical situation of the study area.

Much emphasis lies on the relationship of the management with the Shopstewards and the employees, as well as the impact of strikes in coal mining industry. When addressing strike action, there are various participants that play an influential role during that process. Looking at the most important role-players, one should point out the management, the Shopsteward of a trade union and the employer or the worker involved in the strike action.

Spitzkop coal mining industry is one of the best industry in Mpumalanga Province. The industry produce coal and supply inland and export to other countries. The 1994 strike action was based on low salary. Workers were neglected for a long time by management. Therefore, workers decided to engage themselves to a massive strike action. The type of strike that occur was a solidarity one which was called by COSATU nationally. Since NUM members were majority as compared to NETU, MWU, and UASA. The large number of NUM members that make the strike possible and affected the economy of the industry. Management regarded time as money. If one is not available at work then the management count a great loss of production and economy.

The 1994 strike action took only a week in the industry. The industry experienced financial implications due to the decline in production. The strike action only affected the industry and townships around Mpumalanga Province and other countries.

Organisational Structure of the Spitzkop Coal Mining Industry

Duiker Mining Limited is served as the mother body of the following structure: Boschmans Colliery, Spitzkop Colliery, Strathrae Colliery, Tselentis Colliery, Strathrae Colliery, Tselentis Colliery, Waterpan Colliery and Consolidated Colliery. Much of the concentration will be based on Spitzkop Colliery at Breyten. There was a long strike action that took place in Spitzkop coal mining industry. Spitzkop consisted of 989 employees and 69 management staff, therefore, the total figure is 1 056. The researcher prefers the stratified sampling technique which uses the readily available subjects. This technique is economical in terms of spending money and there is minimal loss of data from subjects. Sample size of 100 respondents is drawn from the industry. Spitzkop coal mining industry is situated in Mpumalanga Province (Breyten) and surrounded by Hendrina, Ermelo and Carolina.

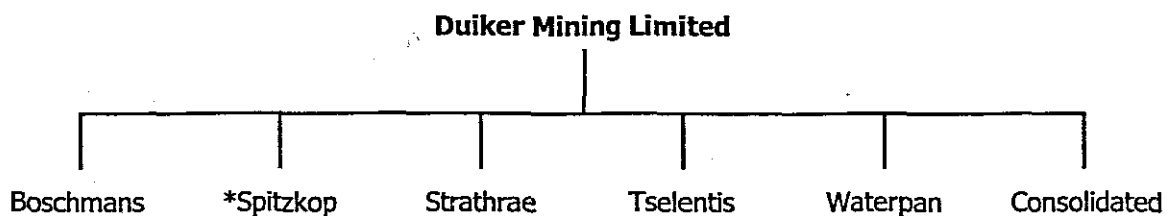


Figure 4.1: Duker Mining Limited

4.2 GEOGRAPHICAL AREA OF THE STUDY

The province of Mpumalanga is located in the North East part of South Africa, and is bordered by Mozambique to the east and the Kingdom of Swaziland to the south and east. Mpumalanga also shares common borders with the Northern Province to the north, Gauteng to the west, the Free State to the south west and KwaZulu-Natal to the south east.

The province has a land surface of 78 370km² which represents 6.4% South Africa's total land area. The population of just over 3 million people represents 7.3% of the country's population. Mpumalanga's capital city, Nelspruit, is one of the fastest growing

centres in South Africa. The economy of the region as a whole is supported principally by manufacturing, mining, agriculture, forestry, power generation and tourism.

Other principal towns include:

- ☐ Witbank – mining, steel manufacturing, industry, agriculture.
- ☐ Middelburg – stainless steel production, agriculture.
- ☐ Secunda – power generation, coal processing.
- ☐ Lydenburg – agriculture, fish farming, mining, tourism.
- ☐ Malelane – tourism, sugar production, agriculture.
- ☐ Barberton – mining town, correctional services, farming centre, home of the Barberton Daisy.

The eastern town of Komatipoort is only 100km from the port of Maputo in Mozambique. Ambitious plans are well advanced to transform the Maputo – Nelspruit corridor into an industrial giant, using the Maputo harbour as a major terminus for both exports and imports to and from the province, as well as inland, to Gauteng and the rest of South Africa.

The Mpumalanga climate and topography varies from coal Highveld grasslands at 1600m above sea level, through the Middleveld and escarpment, to the subtropical Lowveld plains towards the Kruger National Park and the private game reserves on the eastern border.

Table 4.1: Geographical Area of the Study

<i>MPUMALANGA AT A GLANCE .</i>	
<i>Surface area:</i>	<i>78 370 km²</i>
<i>Percentage of total SA area:</i>	<i>6.4%</i>
<i>Total population:</i>	<i>2 953 200</i>
<i>Percentage of SA population:</i>	<i>7.3%</i>
<i>Capital:</i>	<i>Nelspruit</i>
<i>Languages:</i>	<i>English Afrikaans SiSwati Ndebeli Tsonga Sepedi</i>
<i>Currency:</i>	<i>Rand , cent</i>
<i>Power supply:</i>	<i>220V</i>

Breyten (Kwa-Zanele)

When the railway line from Springs reached this point in 1906 the village surrounding the station was named after Nicholaas (I.J.) Breytenbach, who was the local blacksmith, and also the owner of the farm Bothasrus, on which the town was laid out. The size of the village belies its geographic significance as it lies some 1 794m above sea level, on the watershed between the Vaal River system, which flows westwards to the Atlantic Ocean and the Komati and Olifants systems which flow eastwards to the ocean. Klipstabel is the highest point on the watershed at 1 833m above sea level. The source of the Vaal River lies 2km from this town. Ruins of early stone built settlements of the Leghoya Sotho tribe have been found in the district. Also a paradise for steam locomotive enthusiasts, this town has a large variety of old steam engines and regularly

hosts exhibitions and train rides on these grand old ladies.

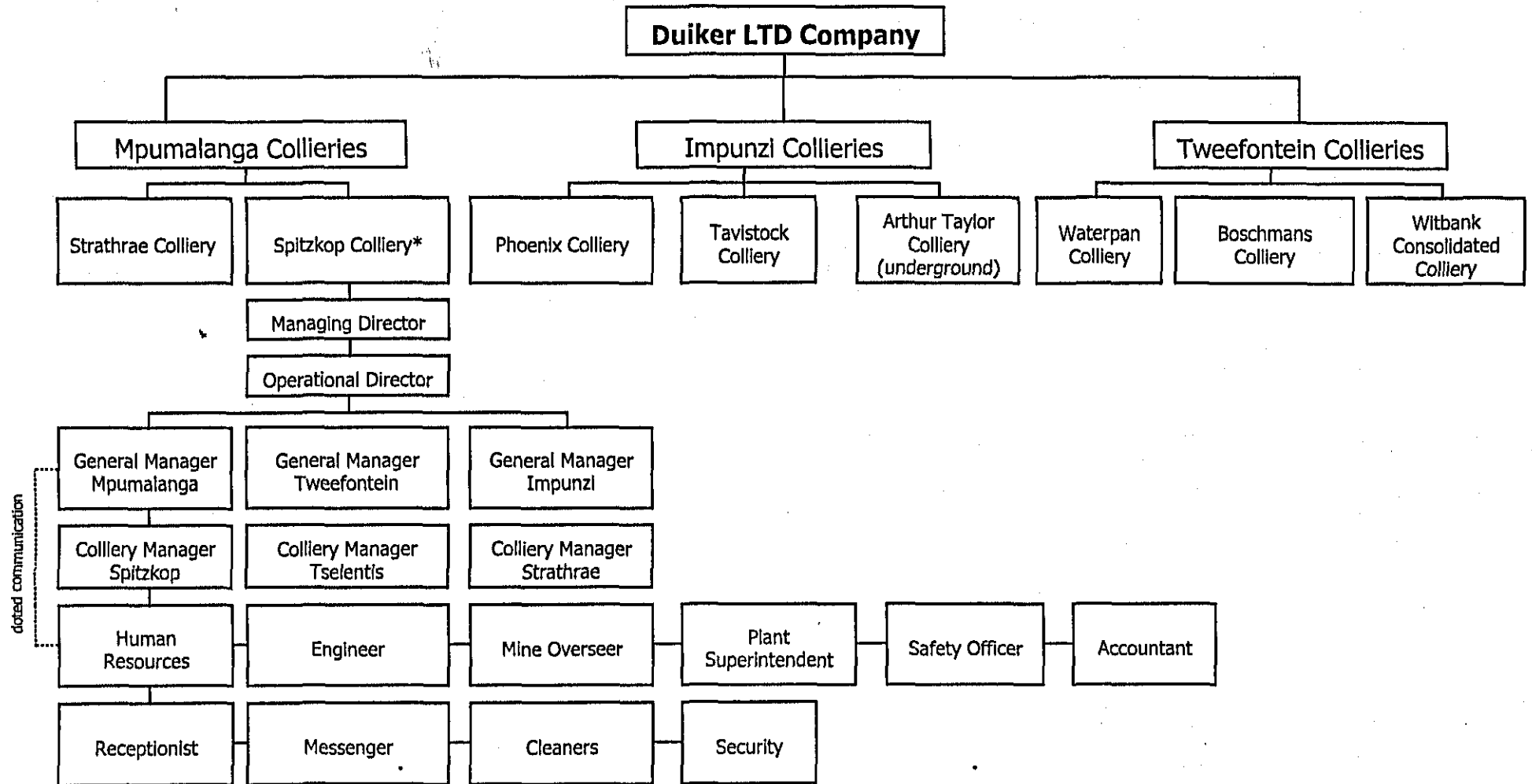
Spitzkop coal mining industry was in operation for over 50 years with different owners. In 1974 the industry was sold by "Glencore Co-operative Name" from Switzerland. Much of the concentration will be based at Spitzkop coal mining industry.

These are the company holders of Spitzkop coal mining:

Mining Director:	P Freyberg (GP)
Alternate Director:	DA Viljoen
Marketing Director:	RB Hendry and GD James
Alternate Marketing Director:	P Mckenzie (MP) and RA Lee [British]
Company Secretary:	MJ Falcorner

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FIGURE 4.2: HIERARCHICAL STRUCTURE (UNDER DUIKER-MOTHER BODY)



* This is the one we intend to study in the research

4.3 THE HIERARCHICAL STRUCTURE OF SPITZKOP COAL MINING INDUSTRY

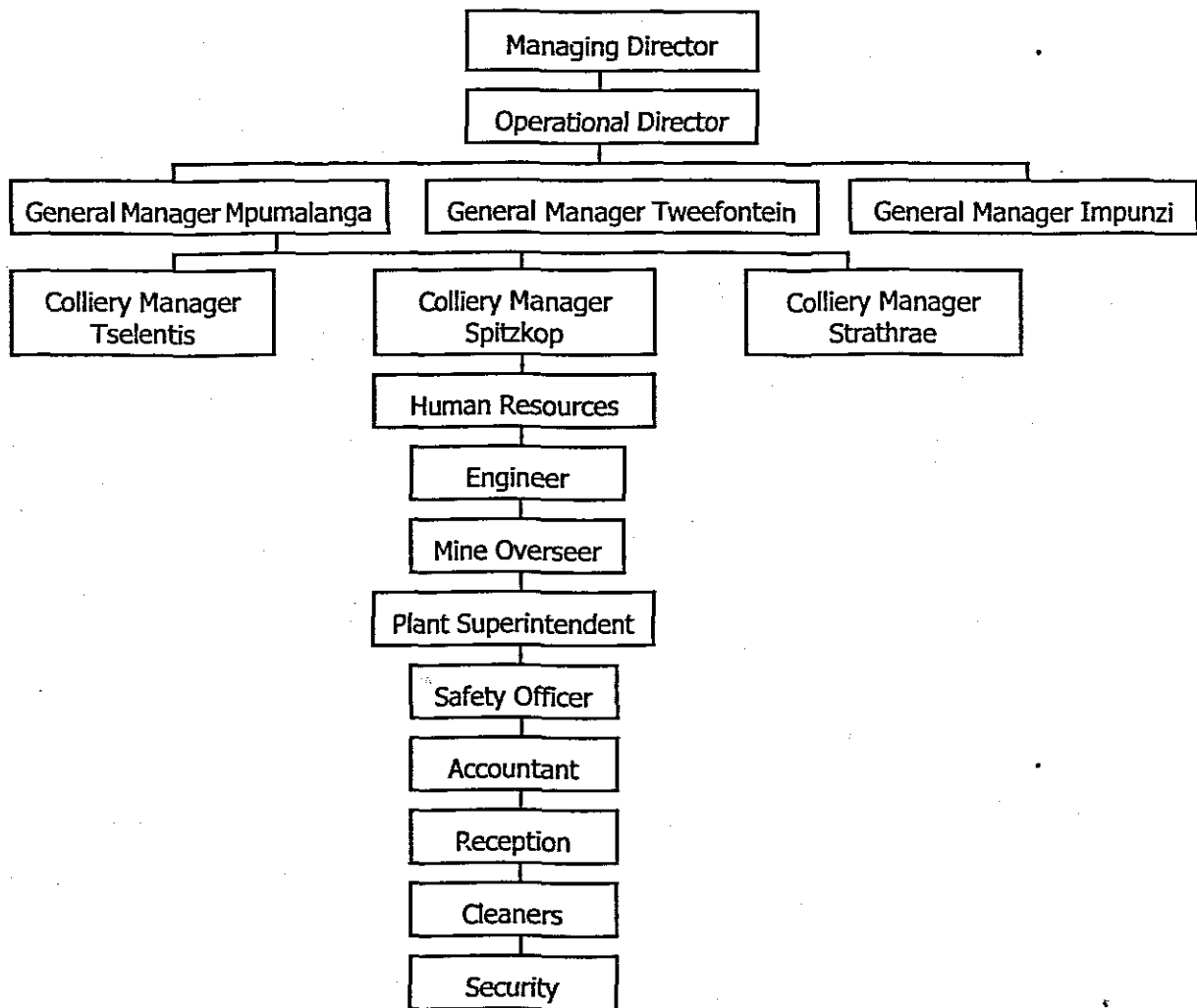


Figure 4.3: The Hierarchical Structure of Spitzkop Coal Mining Industry

The company is principle-driven and the structure is flexible and flat. The level of communication is open for every member of the organization.

The role and functions of each portfolio are discussed below. Each position plays a vital role in the industry as shown below.

4.3.1 Managing Directors

There are five functions of the *Managing Directors* and these are:

- (1) Supreme decision centre by establishing objectives, approving goals, formulating and adapting policies, selecting the manager and controlling the organization.
- (2) Advisory both for the management and for the members or shareholders. Members expect the director to advise them in areas of law or ways the organization can be run more effectively. The manager expects the director to be a sounding board where ideas can be tested. It is the manager's responsibility to seek this advice and to accept, modify or reject it accordingly.
- (3) Trustees for members, stakeholders, creditors, and the general public by assuming responsibility for the management. This function is carried out by auditing and appraising the performance of the association.
- (4) Perpetuating the organization, making sure it continues. The director accomplished this by:
 - ☐ providing a good manager
 - ☐ electing a good president and other executives
 - ☐ guiding the executives
 - ☐ assuring a good board is elected
 - ☐ reviewing the service and products of the organization, and
 - ☐ providing for the future by appraising their own performance.
- (5) Symbolic of strength and leadership capable of motivating

people toward the achievement of goals. The director uses persuasion instead of force and effectively and responsibly uses its power to change attitudes and expectations.

4.3.2 Operational Director

The *Operational Director* allocates the resources of the mineral in the country for Duiker Limited Company. Also the Operational Director must legally report at least once a year, within four months of the year ending, to an assembly of the members about which each member has been notified, usually by mail, stating the time, date, place and hour of the meeting. Any specific information regarding changes in bylaws, major changes in direction or other extraordinary circumstances are listed on the notice as well.

With dramatic increase of size and complexity of the organization in recent years many members feel that their organizations are not as responsive as they once were. While extra time required to run organizations effectively often leaves little time to inform the organizations activities, board members must recognize the need to communicate with the membership.

4.3.3 General Manager

The *General Manager* is the one who supervises the colliers of Duiker. The supervisor performs these managerial roles but with different emphasis than higher managers. Supervisory management is more focussed and short-term in outlook. The unique access to information places the manager at the centre of organizational decision-making. There are four decisional roles. In the entrepreneur role, the manager initiates change. In the disturbance handler role, the manager deals with threats to the organization. In the resource allocator role, the manager chooses where the decisions about the organization as a whole, while the supervisor makes decisions about his or her particular work

unit.

4.3.4 Collier Manager

The *Collier Manager* is the one who is in operation of the underground mine.

4.3.5 Human Resources Officer

The *Human Resources Officer* is the one who performs the following functions, namely: recruitment programs, assists in employment activities, participates in and direct some line functions for the operating department, supervises employees engaged in such work, and performs other related duties.

4.3.6 Engineer

The *Engineer* is the one who operates and maintains all the machines in the colliers. The engineering departments in the industry under investigation are involved with the following activities:

- ☐ Design engineering
- ☐ Plant engineering
- ☐ Testing engineering
- ☐ Application engineering
- ☐ Management
- ☐ Marketing / Sales
- ☐ Project engineering

The design and project-engineer working on capital projects helps to improve plant through design-drawing working areas. He/she co-ordinate planning and execution of projects and supervise and outside contractors related to that project. In addition, he/she provide engineering and management services to

the mine to minimize quality and safety performance, and reduce costs over the long term. Mechanical engineers have computer literacy, good interpersonal skills and able to relate/work with all levels of personnel.

4.3.7 Mine overseer

The *Mine Overseer* is the one who is responsible to looking at the production of the industry.

4.3.8 Plant Superintendent

The *Plant Superintendent* deals with washing and selling of coal. He/she also supervises supervisors, plant operators, skilled, unskilled and semi-skilled mechanics and labourers who keep the production system in continuous operation.

4.3.9 Safety Officer

The *Safety Officer* keeps safety and security up to standard and Department of Mineral and Energy (DME). He/she also in charge to Ambulance Section if there is an accident in the industry.

4.3.10 Accountant

The *Accountant* deals with the budget and keeps the records of the company up to date.

4.3.11 Receptionist

The *Receptionist* is a person who welcomes the visitors, recording appointments, booking stationary, transfer telephone calls, booking venues for

meetings and make the communication flow to other branches.

4.3.12 Cleaners

The *Cleaners* keep buildings in clean and orderly condition. They perform heavy cleaning duties, such as operating motor-driven cleaning equipment, mopping floors, washing walls and windows, and remove rubbish.

4.3.13 Security

The duties of the *Security* are to welcome visitors with permission of the employer and protect the goods of the industry. Security ensures that every vehicle is thoroughly checked and workers produce their job cards. Visitors also produce appointment letters. Security is also referred to as a gate-man because he/she controls everything from the entrance of the industry. Spitzkop colliery employs contractors to keep security tight, namely Tactical Risk Control (TRC).

4.4 THE OBJECTIVES OF SPITZKOP COAL MINING INDUSTRY

The objectives of Spitzkop Colliery are based on safety and health system:

4.4.1 Communication

- ☐ Newsletter
- ☐ Incident Reporting
- ☐ Personal Communication
- ☐ Induction Senior Manager
- ☐ Safety Meetings
- ☐ Job Hazard Analysis (JHA's)
- ☐ Audits
- ☐ Accident Communication

4.4.2 Commitment

- ☐ Personal Communication
- ☐ Positive Attitude
- ☐ Develop Sense of Urgency
- ☐ Recognition
- ☐ Responsibility

4.4.3 Systems control

- ☐ HH Control Sheet
- ☐ Robot Book
- ☐ Incident Reporting
- ☐ Job Hazard Analysis (JHA's)
- ☐ Planned Task Observatories (PTO's)
- ☐ Hearing Conservation
- ☐ Personal Protective Equipment (PPE)
- ☐ Planned Inspection
- ☐ Good Housekeeping
- ☐ Training

The main objective of Spitzkop Colliery is to keep safety and security, also work for profit and is competitive with other industries.

4.5 PRODUCTS

Spitzkop Colliery produces about 1.6 million-tons and 0.4-million tons of high-quality metallurgical and thermal coal for consumption in the (inland) domestic market. The remaining 1.2-million tons is destined for export mainly through Richards Bay Coal Terminal (RBCT), Swaziland paper Mills, Sasol Carbolar, Hullels Refinery, NSB Congella,

SAPPI Stanger, Tongaat Darnal, Tongaat Amathikulu, Voermol Voere and Elangeni Oil.

The report of production is stated below. This report is for the 11th December 2001.

Report on Production

Table 4.2: ROM Production from Shafts

SHAFT AREA	CALL	DAILY	MTD	PROJECTION	TRUCK LOADS	
					DAILY	PROG
Duiker 8/9	33 000	3 745.76	12 997.58	25 995.16	179	646
Duiker 11	58 932	4 637.64	22 621.02	45 242.04	155	759
Duiker 12	14 000		5 131.70	10 263.40		246
Duiker 14	7 000		6 196.28	12 392.56		274
Shaft Total	112 932	8 383.40	93 893.16			
Waterval North	11 666					189
Waterval West	17 222	1 136.34	18 786.82	37 573.64	56	638
Waterval South	11 112					
Total Opencast	40 000	1 136.34	18 786.82	37 573.64		
TOTAL MINE	152 932	9 519.74	65 733.40	131 466.80	390	2 752

Table 4.3: Plant Production

				DAILY PRODUCT		
	DAILY	PROJECTION	MTD		DAILY	PROGRES-SIVE
Plant feed tons	7 822.0	125 650.0	62 825.0	Duiker 6000	1 846	17 739
Product	4 124.0	69 264.0	34 632.0	"S" peas	948	6 219
Yield	52.7		55.1	"B" peas	546	4 899
				Small nuts	784	5 775
Railing (sales)	6 855.6	82 115.1	41 057.6			
RBCT variance				Golfview		
Closing stock	92 135.1		92 135.1	TOTAL MINE	4 124	34 632

Table 4.4: ROM Stocks

ROM Progressive	65 733.4
Opening Stock	17 670.0
MTD Total	83 406.4
Plant Feed	62 825.0
ROM Stocks at Plant	20 581.4

Table 4.5: Railings

DAILY EXPORT RAILINGS TO RBCT		WEEKLY RAILINGS	
Duiker 6000	5 900	Monday	827.81
"S" Peas		Tuesday	6 856
"B" Peas		Wednesday	
Small Nuts		Thursday	
Golfview		Friday	
TOTAL	5 900	Saturday	
		TOTAL	7 683

Table 4.6: Product Stocks

	PREV/DAY	TODAY
Duiker 6000	62 642.00	58 588.00
"S" Peas	2 028.34	2 208.59
"B" Peas	26 205.92	26 567.90
Small Nuts	3 990.49	4 770.64
Loaded forward	894.55	1 272.45
TOTAL MINE	94 866.75	92 135.13
Golfview		
TOTAL STOCKS AT MINE	94 866.75	92 135.13

Table 4.7: Plant Performance

	ACTUAL	PROGRESSIVE	TARGET
Total hours	24	168	364.8
Maint hours		13	32
Breakdown hours	5.0	27	
No coal			
Available hours	19.0	128.0	333
% Availability	79.2	76.2	100
% Maintenance	20.8	16.1	
% No coal		7.7	
Operating hours	19.0	101.0	333
Utilisation	100.0	78.9	100
Plant feed	7 822	62 825	152 932
Tons/hour	411.7	622.0	459.5
Mag. consumption	12	103	152.9
Mag. cons/ton	1.5	1.6	1.5

Table 4.8: Despatches Daily

EXPORT	DUIKER 6000	"S" PEAS	"B" PEAS	SMALL NUTS	GOLFVIEW	PROG. DAILY
RBCT AGB "B" PEAS						
RBCT AGS	5 900.00					5 900.00
RBCT DKR						
RBCT DEL						
RBCT SHL						
RBCT SLV						
TOTAL RBCT	5 900.0					5 900.00
INLAND						
ACA (MSAULI)						
Aranda Textiles						
Elangeni Oil						
Etumeni Sugar						
Mahlatini Quarters						
Hullels Refinery		767.75				767.75
Illovo Sugar						
Sasol Carbotar			49.56			49.56
NSB Congella						
Oosthuizen Transport						
Kruger Post						
SAPPI Stanger						
Standard Textiles						
OTS Volksrust						
Free State Malt						
Swazi Brewery						
Swazi Cadbury						
Swazi Cannery						
Swazi Paper Mills			134.46			134.46
Tongaat Darnal						
Tongaat Felixton						
Tongaat Maidstone						
Tongaat Amatikulu						
Voermol Voere						
Cash Sales				3.85		3.85

TOTAL DAILY EXPORT	5 900.00					5 900.00
TOTAL DAILY INLAND		767.75	184.02	3.85		955.62
TOTAL DESP DAILY	5 900.00	767.75	184.02	3.85		6 855.62

STOCKS AT MINE	DUIKER 6000	"S" PEAS	"B" PEAS	SMALL NUTS	GOLFVIEW	PROG. DAILY
	58 588	2 209	26 568	4 771		92 135

Table 4.9: Despatches Progressive

EXPORT	DUIKER 6000	"S" PEAS	"B" PEAS	SMALL NUTS	GOLFVIEW W	PROG. MTD
RBCT AGB "B" Peas						
RBCT AGS	23 100.00		4 000.00	2 000.00		29 100.00
RBCT DKR						
RBCT DEL						
RBCT SHL						
RBCT SLV	2 850.00			2 850.0		5 700.00
TOTAL RBCT	25 950.00		4 000.00	4 850.00		34 800.00
INLAND						
ACA (MSAULI)						
Aranda Textiles						
Elangeni Oil						
Etumeni Sugar			446.50			446.50
Mahlatini Quarters						
Hulleys Refinery		2 266.70				2 266.70
Illovo Sugar						
Sasol Carbotar			360.74			360.74
NSB Congella		186.62				186.62
Oosthuizen Transport						
Kruger Post						
SAPPI Stanger		1 521.33				1 521.33
Standard Textiles			94.50			94.50
OTS Volksrust						
Free State Malt			26.22			26.22
Swazi Brewery						
Swazi Cadbury						

Swazi Cannery						
Swazi Paper Mills			354.06			354.06
Tongaat Darnal						
Tongaat Felixton						
Tongaat Maidstone			610.80			610.80
Tongaat Amatikulu						
Voermol Voere		253.60				253.60
Cash Sales				136.50		136.50
TOTAL INLAND PROG	25 950.00		4 000.00	4 850.00		34 800.00
TOTAL INLAND PROG		4 228.25	1 892.82	136.50		6 257.57
TOTAL DESPATCHES	25 950.00	4 228.25	5 892.82	4 986.50		41 057.57

INLAND SPLIT	RAIL	ROAD	TOTAL	MARRIED	PROG
	5 001.65	1 255.92	6 257.57		

Key words:

Call	–	Target
MTD	–	Month to date
Projection	–	End product
Prog	–	Programme
Daily	–	Daily production
Despatches	–	Supplied places

Fortunately, the researcher are able to show the table of the production for inland and exportation process in this research. The reason for this is that management was willing to discuss this with him/her and considered other information to be confidential documents of the industry. Perhaps the reason for this confidentiality can be attributed to fear of competition with other similar industries.

4.6 DUIKER MINING LIMITED – SPITZKOP COLLIERY

4.6.1 Employment Equity Plan (EEP)

4.6.2 Preamble

Duiker Mining Limited – Spitzkop Colliery is committed to implementing effective

employment equity in order to correct the imbalances in the workforce that have resulted through past discriminatory legislation. To this end, we hereby seek to formalise our strategy to give effect to this commitment.

4.6.3 Objectives and reasons for affirmative action

- ☐ To actively engage in a process of advancing persons from sectors of South African society who have been unfairly discriminated against, in particular according to race and gender.
- ☐ To foster diversity within the organization in order to be responsive to present and future challenges.
- ☐ To ensure future organizational growth and development.
- ☐ To meet the expectations of staff.

4.7 SENIOR MANAGER RESPONSIBLE

- ☐ Duiker Mining Limited has appointed the Colliery Manager as the person for monitoring and implementing the employment equity plan.
- ☐ The Company will provide him with the necessary means to perform his functions in this regard.

4.8 UNDER REPRESENTATION

As identified in the work place audit, the following areas of under representation by designated employees have been highlighted:

☐ **An under representation of black persons in the following categories and levels:**

- Mid-management and professionals
(Paterson C5 upwards, or Categories 16 and above)
- Frontline supervisors or skilled technical staff and trade workers.
(Paterson C Bands, or Categories 12 to 15)

☐ **An under representation of women in the following categories and levels:**

- Mid-management and professionals.
(Paterson C5 upwards, or Categories 16 and above)
- Frontline supervisors or skilled technical staff and trade workers.
(Paterson C and B upper Bands, or Categories 9 to 15)
- Unskilled and defined decision-making and elementary occupations.
(Paterson A and B lower Bands, or Categories 3 to 8)

4.9 NUMERICAL GOALS

Duiker Mining Limited – Spitzkop Colliery, in consultation with its Employment Equity Steering Committee, has agreed to address the areas of under representation over a period of five years. To this end, the numerical goals identified in Appendix A have been agreed upon in order to correct the identified areas.

4.10 AFFIRMATIVE ACTION MEASURES

In order to ensure that Duiker Mining Limited – Spitzkop Colliery achieves the goals that have been set, the Company has agreed to implement the following initiatives or practices or affirmative action measures, in terms of the barriers identified:

4.10.1 Mentorship

See Training & Development Practices and Job Assignments.

4.10.2 Recruitment and selection practices

- ☐ All category 9 and above internal vacancies shall be advertised internally, that is, within the Colliery and Duiker Group Mines.
- ☐ Advertisement of positions will be placed with local, regional and national newspapers, which are popular amongst the designated groups.
- ☐ Normal career management and succession planning are exempted as they are monitored through the HR Department.

4.10.3 Recruitment practices

- ☐ Should accord with the needs and requirements of the Colliery, having regard to an assessment the race and gender balance.
- ☐ Should ensure that diversity with regard to race and gender is promoted.
- ☐ Should consider the required expertise, experience and qualifications of the job.

- ☐ Should recognise and take into account the potential of the candidates or applicants.
- ☐ Selection of applicants should have regard to the organisational policy on recruitment and selection (setting up a selection panel).

All internal advertisements should be displayed in at least the following notice boards: Main Office, Training Centre, and NUM Office and any area(s) that may be identified by the Employment Equity Steering Committee.

4.10.4 Appointment practices

- ☐ Should ensure that employees act in positions for not longer than six months.
- ☐ Should ensure that employees receive a letter of appointment detailing major conditions and terms of employment.

4.11 CLASSIFICATION, GRADING AND REMUNERATION PRACTICES

- ☐ Should comply with the Company's guidelines and as negotiated with the respective unions.
- ☐ Should endeavour to consult the Employment Equity Committee on clarifying all job classification and grading matters.
- ☐ Should not distinguish between employees or amongst employees on the basis of race, sex, religion, language, gender or any of the other discriminatory grounds mentioned in the Act and other Labour Laws.

4.12 JOB ASSIGNMENTS, WORKPLACE AND FACILITIES PRACTICES

- ☐ Should focus on preparing employees from the designated groups to do more meaningful jobs.
- ☐ Employees would be encouraged to select their own mentors in addition to those designated by management.
- ☐ Should enhance the experiential learning or life long learning more meaningful.
- ☐ Should be free from discriminatory practices as mentioned in the Act, including favouritism.
- ☐ Should endeavour to make provision for access to disabled people on Company premises.
- ☐ Should make provision for accommodating female employees in the Company.

4.13 TRAINING AND DEVELOPMENT, PERFORMANCE EVALUATION

- ☐ Should accord with the requirements or needs of the Colliery, having regard to an assessment of the race and gender balance.
- ☐ Should ensure that diversity with regard to race and gender is promoted.
- ☐ Should foster an organisational commitment to train and develop staff not only to do their own jobs more effectively within the organisation but also to do other jobs within the organisation.

- ☐ Should continually monitor and assess the need to train and develop employees.
- ☐ Should encourage employees to alert management to the need for training and development.
- ☐ Should foster the continuous use and commitment to individual performance evaluation and development plans.

4.14 **PROMOTIONS, TRANSFERS AND DEMOTIONS**

- ☐ Should ensure that diversity with regard to race and gender is promoted.
- ☐ Should consider the required expertise or potential, experience and qualifications of the job or vacancy.
- ☐ Should identify positions or levels where race and gender imbalances exist.
- ☐ Should actively create opportunities for the development and training staff having regard to race and gender balance.
- ☐ Should foster an organisational commitment to promote within the Colliery's own ranks.
- ☐ Should foster to use the key performance areas of the job as the major selection criteria.

4.15 DISCIPLINE AND DISMISSAL PRACTICES

- ☐ Should foster to revisit the disciplinary code and procedure and grievance procedure.
- ☐ Should foster and promote an organisational commitment by all stakeholders to the procedures.

4.16 HIV / AIDS

- ☐ Should encourage the employees to make use of the Employee Assistance Programme.
- ☐ Should endeavour to disseminate as much information as possible to all stakeholders.
- ☐ Should not discriminate against employees who are living with HIV/AIDS in the workplace.

4.17 MONITORING OF PROGRESS

In order to ensure ongoing monitoring of progress made by Duiker Mining Limited – Spitzkop Colliery, towards attaining the goals established, the company will report to the Employment Equity Committee or relevant stakeholder, on progress towards meeting the numerical goals for that year or period; and what problems have been experienced in attaining the said goals.

4.18 COMMUNICATIONS AND PROGRESS

In order to communicate the progress made to date in meeting the goals set in terms of this plan, the company will report back to the Employment Equity Committee on a

quarterly basis.

In addition, should any issues pertaining to the plan be raised, they can be addressed at the monthly Joint Forum Meeting, held at Spitzkop Colliery.

4.19 DISPUTE PROCEDURE

In the event of a dispute arising out of the implementation of the Employment Equity Plan, the following steps should be followed:

- Step 1:** Dispute to be raised with the Human Resources Manager, giving details of the nature of the dispute. The HR Manager is to attempt to resolve the dispute in a manner that is acceptable to both parties within (3) three days of receipt of the written dispute.
- Step 2:** If the dispute remains unresolved, the HR Manager must, within (2) two days, refer the dispute to the Colliery Manager, who must, within a further (2) two days, attempt to resolve the dispute in a manner acceptable to both parties.
- Step 3:** If the dispute is still not resolved, it should be referred for conciliation by an independent conciliator or mediator.

4.20 REVIEWS AND AMENDMENTS

In the event that it is necessary to review or amend any terms of the Employment Equity Plan, due to reasons beyond the control of either party, the following procedure will be followed:

- Step 1:** Written proposals shall be submitted to the other consulting party at least four working days or earlier, prior to the next meeting of the Employment Equity Meeting.
- Step 2:** The party proposing amendments shall motivate at the next meeting, the

reason why the amendment is seen as necessary.

Step 3: Both parties shall make reasonable efforts to reach consensus on the proposed amendments.

Step 4: If there is no agreement on the proposed amendments, the existing agreement shall remain in force.

4.21 EMPLOYMENT EQUITY ACT AWARENESS INITIATIVES

The following awareness measures shall be taken to educate employees on Employment Equity Act:

- ☐ Formal training / meeting
- ☐ Discrimination awareness programs
- ☐ Diversity management programs
- ☐ Display of the Act on notice boards.

DUIKER MINING LIMITED – SPITZKOP COLLIERY

Table 4.10: Numerical Goals

WORKFORCE PROFILE BY OCCUPATIONAL CATEGORIES								
IDEAL / FORECAST ANALYSIS	MALE				FEMALE			
	A	C	I	W	A	C	I	W
professionals (6)	(2) 1	-	-	(1) 4	(2) -	-	-	(1)1
Technicians and Associate Professionals (14)	(6)4	-	-	(1)10	(5)-	-	-	(1)-
Clerks (14)	(6)13	-	-	(1)-	(5)-	-	-	(1)1
Craft and Related Trades Workers (62)	(29)7		()2	(4)53	(25)-	-	-	(2)-
Plant and Machine Operators and Assemblers (380)	(182)376	-	-	(28)4	(153)-			(15)-
Elementary Occupations (204)=680	(97)199	-	-	(15)1	(82)4	-	-	(8)-

EMPLOYEE TYPES AND CATEGORIES								
IDEAL / FORECAST	MALE				FEMALE			
	A	C	I	W	A	C	I	W
Categories 2 – 5 (204)	(97)199			(15)1	(82)4			(8)
Categories 6 – 8 (390)	(139)389			(22)1	(117)			(11)
Categories 9 and above (86)	(41)12		2	(6)70	(34)			(3)2
Total (680)	(326)600		2	(51)72	(274)4			(27)2

GOALS FOR 0 TO 5 YEARS								
GOALS	MALE				FEMALE			
	A	C	I	W	A	C	I	W
Professionals (17 and above)	1				1			
Technicians and Associate Professionals (14 to 16)	4				1			
Clerks (4 to 10)	0				6			
Craft and Related Trades Workers (13 to 14)	17				2			
Plant and Machine Operators and Assemblers (5 to 8)	1			5	5			
Elementary Occupations (3 to 4)	0				15			5
Sub-total	23	-	-	5	30	-	-	5
GRAND TOTAL	63							

X: () – goal (actual). This is the goal in terms of regional demographics.

Y: outside () – actual strength.

Table 4.11: Key to Colliers

Colliery No.	Mark	Name & Section	Mine Type Production Methods	Production / Seam	Trace Exp.	Trade Esk.	Trade Gen.	Coal Field No.
		Tavistock Collieries Limited						
T.1	O	Arthur Taylor Colliery						
		50% Tavistock & Management, 50% TESA						
1/1	O	Underground Section	Ug/Bp-M	SC/2,4	X			1
1/2	O	Opencast Section	OC/DL	SC/1,2,4	X			1
T.2	O	Phoenix Colliery	Ug/Bp-M	SC/Met/1	X		X	1
T.3	O	South Witbank Colliery	Ug/Bp-M	SC/4			X	1
T.4	O	Tavistock Colliery	Ug/Bp-M	SC/2	X		X	1
		Duiker Exploration Limited						
D.1	O	Tweefontein Colliery						
1/1	O	New Boschmans Section	Ug/Bp/St-M	SC2,4	X			1
½	O	Waterpan Section	Ug/Bp-M	SC/4	X		X	1
D.2	O	Witbank Consolidated Colliery	Ug/Bp-M	SC/2,4	X		X	1
D.3	O	Piet Retief Colliery	Ug/Bp-M	Anth/Alf	X			3
D.4	O	Alpha Anthracite Colliery Nyembe Section	OC/TC	Anth/Alf	X		X	6
		Duiker Coal (Pty) Ltd						
D.5	O	Spitzkop Colliery	Ug/Bp-M/OC/TS	SC/B.C	X		X	3
D.6	O	Strathrae Colliery Section	Ug/Bp-M	SC/Z	X		X	1
		Tselentis Mining (Pty) Ltd			X		X	6
V.1	O	Heritage Section Ami Colliery	Ug/Bp-M	Anth/LC/Dundas				
V.2	O	Pipe Colliery	Ug/Bp-M	Anth/LC/Alf/Gus	X		X	6
V.3	O	Tselentis Colliery Bothasrus	OC.TS/Ug/Bp-M	SC/B,C Seam	X		X	6

Footnotes	Trade	Operating Staff
Mining Methods (where supplied) SA Coal Report, Minerals Bureau, Department of Mineral and Energy Affairs, Barker & Associated, The Companies on the map	Exp - X - All exports by ship from Richards Bay Coal Terminal, Durban, Maputo	O - Operating
Ug - Underground	ESK - X - Tied or 50% to Eskom PS	Cm - Temporarily Closed, Care + Maintenance
OC - Opencast or Surface Strip Mining	GEN - X - Inland Coal Trade, includes metallurgical coal, steam coal (sized coal generally) + petro chemical feed stock	O - closed with reserves
Bp - Bard & Pillar	SSF - Sasol Synthetic Fuels	p - Planned Mine
M - Conventional Mechanised (cutting, drilling, blasting, loading)	SCI - Sasol Chemical Industries	O - Mine location uncertain
LW - Long Wall		Other
LWL - Long Wall (Handgot)		S - Seam Correlation Uncertain
Hg - Handgot (mainly loading) (Scraper & Tub [Hlobane])	Coal Types	-- New TCOA Consortium (AMCOAL, GFCOAL, INGWE Coal Corp.)
CM - Continuous Miner	SC - Steam Coal Medium to High Volatile (non-swelling)	+ - Coal Resources Utilisation Project (16% Tavistock + 84% INGWE)
RH - Road Header	Met - Metallurgical Coal, incl. Blend Coking + Coking Coal & Bituminous Coals used for Metallurgical purposes	- (CRU)
St - Pilla Extraction (Specified)	Ln - Lean Coal, Low Volatile (where specified)	\$ - Side Group (Pty) Ltd up for sale May 1995
Rp - Rip Pillar Extraction	Ant - Anthracite	
TS - Truck & Shovel	LAC - Low Ash Coal (Japanese Contract, TCOA)	
DL - Drag Line		
RP - Ram Plough		
Data Sources		
SA Coal Report, Minerals Bureau, Department of Mineral and Energy Affairs, Barker & Associated, The Companies on the map		

In Appendix B is a map of Spitzkop Coal Mining Industry and other branches at Mpumalanga Province.

4.22 CAUSE AND EFFECT: 1994 – 2000

The researcher prefers to look in depth at the causes and effects as from 1994 – 2000. The reason being is because it is during the new democratic era and where a long strike action occurred in the studied industry. This was the period of growth in mining without concomitant pay increases. Further discussions will be attempted under the following sub-headings.

4.22.1 Strikes and wage increases

The question arises as to whether strikes were in some way responsible for the pay rises of the mid-to-late 1990s. In other words, whether the relationship between wages and strikes might be a two-way one. On the one hand, the increases may be explained by the growth of the mining sector. For example, a 1995 survey of mining industries revealed a capacity and willingness to increase wages without resorting to staffing cutbacks. However, record profits alone cannot explain a willingness to grant increases.

For example, the years 1994 – 1995 represented a period of growth in mining without concomitant pay increases. Yet the effects on wage levels of major instances of strike action, underestimated. In both cases, many employers, when confronted with an unexpected challenge from the underground floor, were slow to grant increases. In other words, in contrast to the 1980 – 1989, the 1994 – 2001 period represented a totally new era, or discontinuity, where, for the first time, the collective action of workers had a major effect on overall wage levels.

Successful strikes would not only result in further pay increases (in itself fuelling

aspirations), but also increase the number of workers who had been exposed to successful collective action. Such workers would have a more favourable view of strike action. Thus, pay rises gained through striking might not only have objective effects, but also change the more subjective perceptions of workers concerning striking.

Many employers seem to have chosen to incur the greater expense of a strike, and of hiring and training an entire new workforce, rather than grant any concessions. However, this would prove an increasingly costly option, owing to the strength of the unions, changes in industrial relations, legislation as well as the potential threat of community action and consumer boycotts.

Even before 1990, the overwhelming majority of strikes were of wages. However, in the years where fewer strikes took place, in 1994, 1998, 1999 and 2001, whilst wages remained the major cause of strikes, other factors (e.g. pertaining to payment, working conditions) seem to have played almost as important a role. It is possible that strikes not directly over wages could have been not so much a product of wage aspirations, as perhaps a more defensive form of action, opposing changes in the manner of payment or working conditions.

In this millennium the type of strike action that occur is the solidarity one. Since the type of unions that are found in Spitzkop Coal Mining Industry fall under COSATU. The slogan of COSATU "injury to one is an injury to all", that is why in most cases solidarity strike is occurring. After 1994 up to date the majority of employees are literate and the number of strike action is minimal since all workers preferred the negotiation process rather than toyi-toyi (strike action).

4.23 REMUNERATION OF THE SPITZKOP COLLIERY UNDER STUDY

The wage category is divided according to their profession and occupation. This is the

sample of monthly pay-slip salary at Spitzkop Coal Mining Industry. The salary adjustment is based on production. If there is a high production of coal that reaches and exceeds the target, and increase in remuneration occurs.

From 1994 after the strike action Spitzkop Coal Mining Industry preferred to employ skilled labourers, while semi-skilled labourers are exiting. The reason to employ skilled labourers is because it's hard to explain. The figures or numerical of production to unskilled workers in the industry.

As the researcher mentioned in chapter one, the limitations. Since the study was based on one industry because of financial restriction, it's hard to find wage levels of other coal mines.

Before the adjustment of monthly pay salary, all the stakeholders should participate in negotiation processes.

Table 4.12: Occupation and Monthly Standard Rate

OCCUPATION	MONTHLY STANDARD RATE
Miner	R6 701
Artisan:	
With gas testing certificate	R6 701
Without gas testing certificate	R6 609
Charge hand:	
With gas testing certificate	R6 835
Without gas testing certificate	R6 741
Platelayer	R5 416
Loco driver	R5 273
Washing Plant Operator:	
With certificate	R6 609
Without certificate	R5 873
Lamps man	R4 640

4.24 THE UNIONS INVOLVED IN SPITZKOP COLLIERY

The structure of the industry is divided into three categories, that is, Staff – NUM, union men – NETU/MWU and Officials – UASA. There are four unions that exist at Spitzkop Coal Mining industry which are National Union of Mineworkers (NUM), United Association of South Africa (UASA), National Employees Trade Union (NETU) and Mine Workers Union (MWA). There are a few members of the white unions compared to blacks – NUM. Each union operates differently from each other, but for common purposes they all work together because they are all affiliated to COSATU. Normally the unions for whites engage in negotiation and are also seriously attended by the employers. But union(s) for blacks participate in negotiations and are also seriously attended too, that means unions are the same. NUM consists of 578 members while NETU has got 8 members, MWU, 4 members and UASA consists of 8 members.

The management play a vital role when the differences of unions are exposed, by capitalizing on the exploitation of labour for their own benefits (production). The management as structure of high working class that have power to detect subordinates to do what is required, and this structure normally abuse the power by forgetting workers conditions. The management pays much focus on production and competition with other surrounding industries. The union is served as the structure that can possess power to fight with management. The existence of unions at Spitzkop Coal Mining industry plays a vital role to minimize strike action and solving worker's problems.

4.25 THE ORGANIZATIONAL STRUCTURE OF THE FOUR UNIONS

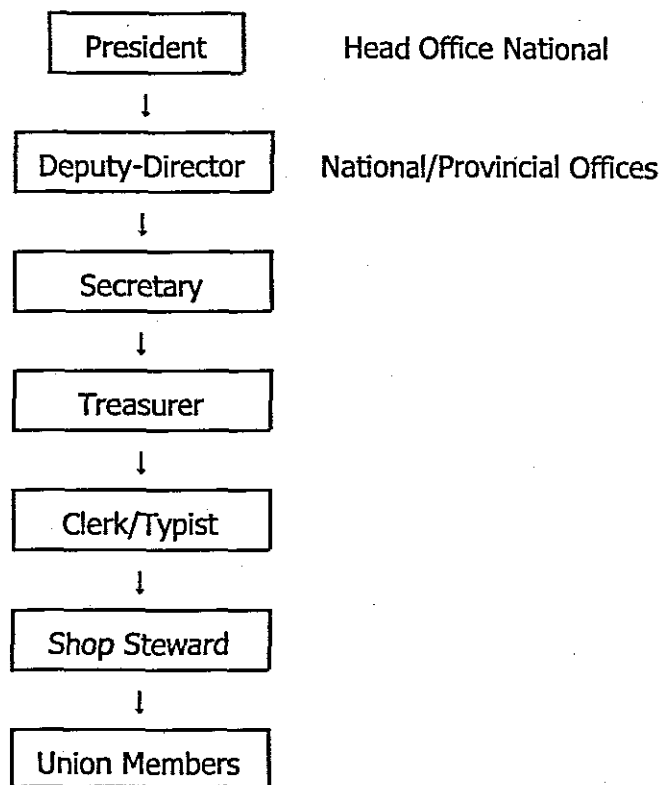


Figure 4.4: Organizational Structure of Trade Unions

From the above structure the four unions here have similar organization structures. Each of the unions has a president, Deputy-President, Secretary, Treasurer, Clerk, Typist, Shop Steward and union members. This shows that they have the same organizational structure. But in terms of membership, NUM has a larger number of members and they are predominantly blacks.

In terms of financial position, NETU, UASA and MWA are more buoyant than NUM. Perhaps the reason for this is that NETU, MWA and UASA members are better paid in terms of the remuneration than members of NUM whose members are mainly employed on menial jobs in the industry.

4.26 GUIDING PRINCIPLES

- ☐ The programme shall have realistic and agreed upon targets but not rigid quotas or a short term quest for demographic equilibrium.
- ☐ The programme shall be implemented urgently and be measured against agreed upon targets.
- ☐ The programme shall remain in operation for one year whereupon all the parties may review their continued participation in the programme.
- ☐ The programme shall not be designed to punish the advantaged but uplift the disadvantaged.
- ☐ the programme shall be sensitive to the needs, concerns, expectations and aspirations of all employees and shall particularly manage and address high expectations and negative perceptions.
- ☐ The programme shall ensure that affirmed persons are given and made accountable for real responsibility.
- ☐ The programme shall seek to avoid polarisation and ensure that there are in place, effective mechanisms to deal with employee concerns about the implementation of affirmative action.
- ☐ The programme shall not be dependant on immediate economic growth within the country and company.
- ☐ Other initiatives within the company shall in so far as they are incompatible with the spirit of these objectives and guiding

principles be made compatible with them. In particular, affirmative action needs to be meaningful for all workers and thus initiatives concerning closure of the wage gap and broad banding should be sensitive to the concept of affirmative action as described in this document.

- ☐ The programme shall be sensitive to its location in South Africa.
- ☐ The programme shall give priority to internal recruitment and promotion before considering external options.
- ☐ Any stakeholder may challenge appointments and promotions made by the company which that party believes are in conflict with the spirit of these objectives repetitions and guiding principles.
- ☐ The programme shall require that the company makes full disclosure of all relevant information concerning affirmative action.

4.27 IMPLEMENTATION

In order to give practical effect to the objectives and guiding principles of this programme the following implementation procedure shall apply:

- ☐ A joint national implementation committee shall be established from among the members of the working group.
- ☐ Joint local committees may be constituted by agreement at the head office and at each mining operation. Failing agreement by a date stipulated by the National Implementation Committee, the mine forum (established in terms of the Health and Safety, participation and Communication Agreement of 6-7-95) at each

mining operation shall be deemed to constitute such committee.

□ The functions of the National Committee shall be to implement the programme in accordance with the objectives and guiding principles set out above and in particular to carry out the following functions:—

- to agree on operating procedures and rules for the National and Local Implementation Committee;
- to obtain and monitor all relevant information;
- to obtain and monitor all relevant research;
- to set appropriate targets;
- to establish guidelines and monitor the implementation of appropriate recruitment election, appointment and support, training and retraining, and performance feedback and review;
- to establish and implement appropriate monitoring measures to ensure both qualitative and quantitative assessment of the programme;
- to effectively communicate and market this programme to all employees at the mine;
- to establish measures to counteract negative networking which retards the programme;

- to perform first level problem solving and dispute resolution functions;
- to establish appropriate time off for committee members to carry out their functions including reporting back;
- to ensure that insofar as practical the programme is implemented in cooperation with existing structures on the mine;
- to delegate all or part of these functions to the local committees;
- to deal with challenges contemplated in clause 3.12.

- ☐ The working group shall obtain the necessary authorisation from the Leadership Summit for the implementation of this programme as soon as possible.

4.28 CONFLICT MANAGEMENT

Conflict concerning Affirmative Action shall be processed through the following steps:

- Step 1:** That a four-person conflict handling team be established by the mine forum on each mine. That it be composed of 1 management delegate and 3 union delegates who represent the spectrum of bargaining units on the mine. The function of the team shall be to endeavour to resolve by consensus any conflict concerning affirmative action within 7 days of receiving a written grievance. Failing settlement the dispute shall be referred to Step 2.

- Step 2:** That an 8 person national conflict handling team be established by the National Implementation Committee at company level. That it be composed of 2 management delegates and 6 union delegates who represent the spectrum of bargaining units in the company. The function of the team shall be to endeavour to resolve by consensus any conflict concerning affirmative action within 10 days of receiving a written grievance from the team at Step 1. Failing settlement the dispute shall be referred to Step 3.
- Step 3:** Mediation by a single dedicated independent mediator agreed to by the National Implementation Committee and appointed on a periodic basis. The function of the mediator shall be to endeavour to resolve by consensus any conflict concerning affirmative action within 10 days of receiving a written grievance from the team at Step 2. Failing settlement the dispute may be referred by agreement of the disputing parties to arbitration.
- Step 4:** Agreed arbitration shall take place before a single dedicated independent arbitrator agreed to be the National Implementation Committee and appointed on a periodic basis. Failing agreement to arbitrate any party shall be free to pursue any legal remedy open to it.

- ☐ Any party to a dispute shall be entitled, unless agreed otherwise, to be represented at Step 1 by his or her shop steward and at Step 2 – 4 by his or her union representative and, or a union official.
- ☐ No dispute shall be considered resolved unless the actual disputing parties agree to the resolution.
- ☐ Nothing in this procedure shall prevent a party from simultaneously seeking urgent relief in the Courts, if such relief is competent.

- ☐ The parties may, by agreement, amend any time limit prescribed herein.
- ☐ A 4-day conflict handling and peer mediation skills course shall be held for the conflict management teams.

4.29 ACTION PLAN

The parties agreed to the following action plan:

- ☐ That the national implementation committee consist of one representative and one alternate per union and management, that is, 9 representatives and 9 alternates.
- ☐ The parties shall name their national implementation committee representative at their meeting on 8 march 1996.
- ☐ Management will circulate to each union a list of the names and union affiliations of persons serving on each mine forum at the meeting on 8 March 1996.
- ☐ The unions shall name the persons they want to serve on the local committees at the first meeting of the national co-ordinating committee.
- ☐ The working group shall present and seek approval for the affirmative action proposal and this action plan from the next leadership summit.

- ☐ The national implementation committee shall convene a meeting with all local committees as soon as it is practically possible to brief the local committees on the intention and purpose of the proposal.
- ☐ That the national implementation committee shall arrange for all persons who will handle conflict under clause 5 of the Affirmative Action Proposal to undergo conflict handling skill training. Such training shall take place under expert tuition and as soon as is practically possible.
- ☐ The local committee shall, in consultation with the national implementation committee, supply to that committee all the information it needs to commence designing a programme of action for each mine.
- ☐ The national implementation committee shall commence designing programmes of action as soon as practically possible and shall, unless agreed otherwise, meet at least monthly until that task is completed.
- ☐ At the first meeting of the national implementation committee, the company shall make a presentation on training and development and on the present employee profile.

4.30 CONCLUSION

The mine has got branches throughout Mpumalanga Province. All branches operate autonomously in some aspect but report to Duiker Limited Company as the umbrella of the following collieries:

- ☐ **TwEEfontein:** Waterpan Colliery, Boschmans Colliery, and Witbank Consolidated Colliery;
- ☐ **iMpunzi:** Phoenix Colliery, Tavistock Colliery, and Arthur Taylor Colliery (underground);
- ☐ **Mpumalanga:** Strathrae Colliery, and Spitzkop Colliery.

Spitzkop Coal mine mostly preferred to export more coal than supplying inland market. Fortunately, the researcher was able to show a table of the production of inland and export in this chapter.

The mine after the 1994 strike action, took resolutions of training unskilled labourers through ABET. It also implemented a new system of recruitment by considering qualified people. The major reason the mine run to a great loss of production workers if engage in strike action without consulting the relevant stakeholders. It is difficult to explain the increase and decline of production process to unskilled labourers.

Having discussed the organizational structure of the four trade unions and the method of conflict management, we shall discuss the research methodology in the next chapter.

CHAPTER FIVE

RESEARCH METHODOLOGY

5.1 INTRODUCTION

The researcher saw the following as relevant to the study. The researcher used research design that guided him in collecting data as well as in engaging in analysis and interpretation of observations. The stratified sample research method was used to collect information from the respondents, that is, using close-ended and open-ended questions.

5.2 RESEARCH DESIGN

The research design is an overall plan or strategy by which questions are answered or hypotheses tested. In this study the research described the strategies that must be used in handling strike action, with specific reference to the type of strike that exists in Spitzkop coal mining industry. It was also intended in this study to identify workers' interest to participate in strike action and develop a disciplinary action in the industry.

The researcher sampled and stratified the questionnaires using a small set of cases and, divided them into groups. The researcher used a more manageable sample and cost effective work other than working with the entire pool, but for purposes of convenience decided to divide them into groups.

Notably stratified sampling is a process of systematic selection process, which permits inferences about characteristics of the population from which the sample is drawn. In addition, stratified sampling involves taking a group (stratum) sampling directly from the population. This approach was limited by the fact that some of the respondents who were

supposedly available for participation as reflected in the complete list of the population could not be found when they were needed.

Sampling is a subject or portion of the total population. The sample was always viewed as an approximation of the whole rather than the whole in the true sense of the word.

5.3 RESEARCH POPULATION

A sample was drawn from employers and employees of Spitzkop Coal Mining industry from the different work positions. The reason for looking at different occupational categories was informed by the realization that employers have the power to control the workers. The employers enjoy privileges and benefits at the expense of workers' production. As a consequence workers were deprived of enjoying their benefits and earned low salaries. This state of affairs then resulted in the strike phenomenon being enhanced.

5.4 QUESTIONNAIRES (SELF-ADMINISTERED)

Employers and employees were expected to fill in a self-administered questionnaire. A questionnaire was generally handed to the respondents and filled in by that particular respondent with no help from the interviewer. The items on the questionnaire were based on personal data of the participant, covering the following: gender, age, race, and marital status, level of education, monthly income and work position.

5.5 PROCEDURE

The researcher distributed one hundred (100) questionnaires to respondents (employers and employees) to make sure that the sampling method suited the study. On analysis of data from the study the researcher assumed that there were no pitfalls from the respondents.

5.6 AREA OF THE STUDY

This study was conducted at Spitzkop Coal Mining industry. This is an industry situated at Breyten in the Eastern Mpumalanga Province. It is one of the smallest industries in Eastern Mpumalanga province, which provide employment for the people from around the country.

5.7 PILOT OF THE STUDY

The researcher visited the industry prior to getting the information from the primary sources. The stratified sampling instrument was tested through a pilot study. This was done with the view of identifying its validity and reliability.

The information gathered in the pilot study was used to fine-tune and modify the questionnaire. After completion of the pilot study the research planning, the logistics of fieldwork, and research timetable was finalized.

The pilot study was conducted to:

- ☐ Fine-tune the interview questionnaire
- ☐ Establish survey logistics
- ☐ Uncover any hidden agendas
- ☐ Launch the research implementation
- ☐ Prepare the research timetable.

5.8 RESEARCH INSTRUMENT/TOOL

Research instrument refers to the method that the researcher used in order to collect information from respondents (Bailey, 1982:iii). In this study the researcher distributed

questionnaires to the respondents also using stratified sampling techniques, which falls under the probability sampling type. The questionnaire was distributed in a group according to their shift in Spitzkop coal mining industry.

The researcher used interview schedule to collect data from the subjects. Even illiterate respondents were able to respond to questions. The interview schedule consisted of both close-ended and open-ended questions in all the respondents.

The researcher's use of closed and open-ended questions was aimed at balancing the questions thus preventing the ensuing of bias on the part of respondents. The questionnaire consisted of 51 questions and covered the following range of topics and theme. **Appendix A**

- ☐ Section A: Biographical data
- ☐ Section B: Recruitment and selection
- ☐ Section C: Training and development
- ☐ Section D: Promotions
- ☐ Section E: Benefits
- ☐ Section F: Disciplinary action
- ☐ Section G: Future

Care was taken to keep the questionnaire as short as possible, to allow for both the volunteering of information and the answering of forced questions. The questionnaire was pre-coded and presented in a user-friendly format. It was structured to elicit the open-ended response on an issue before the respondents were given a choice to choose from the same issue.

5.9 ETHICAL CONSIDERATION

Consent to undertake the study from the institution was sought in writing from the management. Again consent was sought from the respondents to participate in the study. The respondents were made aware of how confidentiality and privacy were maintained. Again they were made aware of the fact that information was only required for study purposes.

5.10 SAMPLING

According to Bailey (1982:84), sampling refers to the selection of the subset predetermined size of the population from a large population of interest by a researcher. There are other technical terms that are involved in the sampling process. They are as follows: The objects of the study are called the units of analysis. The unit of analysis most often is the individual person, but it may also be a club, an industry, a city or state.

The sum total of all the units of analysis is called the population or universe. Each entity from the population that is the ultimate sampling object is called a sampling element. A sampling unit is either a single sampling element or collection of elements.

A sampling frame is the complete list of all units from which the sample is drawn. The unit of analysis of this study is the impact of strike actions in South African Coal Mining industries with special reference to Spitzkop Coal Mine industry in Breyten.

5.10.1 Advantages of sampling

Bailey (1982) argues that if sampling is done with care, it can be highly accurate. Also, it saves time and money. He further argues that surveying an entire population will take much longer than a sample study, and time is often very

important. In a survey, unlike an observation or document study, at least theoretically, the research is conducted at a single point in time so that the opinions of all respondents are comparable.

If a total population is to be surveyed, it is difficult to conduct the interview in a short period of time without using an enormous number of interviewers.

5.11 STRATIFIED SAMPLING TECHNIQUE

The researcher used the stratified sampling technique. He divided both the employees and employers into groups. Even though the questions in the questionnaire are standardised to all respondents, it was easy and quick to gather information and this was made possible by the fact that the respondents participated in a group form. This type of sampling encourages all groups to participate in answering all the questions in the questionnaire.

The stratified sampling technique is the sampling technique, which was used in this study, and falls under the probability sampling type.

According to Menden-hall and Scheaffer (1971:53), a stratified sample is obtained by separating the population elements into non overlapping groups, called strata, and then selecting a simple random from within each stratum.

Nachmias (1976:263) says that, stratified sampling is used primarily to ensure that different groups of a population are adequately repressed in the sample, so that the level of accuracy in estimating parameters is increased. Furthermore, all other things being equal stratified sampling reduces the cost of execution considerably. The underlying idea in stratified sampling is that already existing knowledge of the population is used "to divide it into groups such that the elements within each group are more alike than the elements in the population as a whole" (Hansen, Hurwitz & Madan, 1953:40).

5.11.1 Advantages of stratified sampling techniques

Ackoff (1953:124) cites the following as the advantages of the stratified sampling technique.

- (1) Assures representatives with respect to property which forms basis of classifying units; therefore yields less variability than others.
- (2) Decreases chance of failing to include members of population because of classification process.
- (3) Characteristics of each stratum can be estimated and hence comparisons can be made.

5.11.2 Disadvantages of stratified sampling techniques

- (1) Requires accurate information on proportion of population in each stratum, otherwise increases error.
- (2) If stratified lists are not available, it may be costly to prepare them; possibility of faulty classification and hence increase in variability.

5.12 THE DIFFERENCES BETWEEN QUALITATIVE AND QUANTITATIVE RESEARCH TECHNIQUES (NEUMAN, 1997:329)

Quantitative	Qualitative
→ Test hypothesis that the researcher begins with	→ Capture and discover meaning once the researcher becomes immersed in the data
→ Concepts are in the form of distant variables	→ Concepts are in the form of themes, motifs, generalisations, taxonomies
→ Measures are systematically created before data collection and are standardised	→ Measures are created in an ad hoc manner and are often specific to the individual setting or researcher
→ Data are in the form of numbers from precise measurement	→ Data are in the form of words from documents, observations, transcription
→ Theory is largely causal and is deductive	→ Theory can be causal or noncausal and is often inductive
→ Procedures are standard and replication is assumed	→ Research procedures are particular, and replication is very rare
→ Analysis proceeds by using statistics, tables, or charts and discussing how what they show relates to hypothesis	→ Analysis proceeds by extracting themes or generalizations from evidence and organizing data to present a coherent picture

5.13 CONCLUSION

In conclusion therefore it needs to be reiterated that in respect of the research methodology, the researcher saw that the methods used were very important. As indicated earlier on the questionnaires were handed to the respondents and filled in without the aid (by some of the respondents) of the interviewer. Sampling was also very important. The researcher used sampling method in the selection of population to avoid the large number or the whole population being involved in the study. He (the researcher) chose the stratified samples technique to ensure that the groups were represented in the sample.

Chapter six provides a full analysis and interpretation of data in this study.

CHAPTER SIX

DATA ANALYSIS AND INTERPRETATION

6.1 INTRODUCTION

The study focused on the evaluation of the impact of strikes in South Africa, and in particular in the selected case study – Spitzkop Coal mine. The researcher's main aim in this chapter was to analyze the research findings. In view of this control and influence, all the unions were considered in this research as one unit in terms of their roles in influencing the Industrial Relations System especially in terms of negotiation of wages for the workers. All the unions spoke with one voice in the various negotiation processes. This collective behavior of the unions has helped to improve the general working conditions for the workers and this will be discussed later in this chapter. The majority of the employees are union members. But the management (employers) seems not be part of any union because of their role of taking decisions for employees in Spitzkop coal mining industry.

In terms of trade union activities at the Spitzkop Coal Mining Industry, it was observed that the various unions that exist at the micro-level in the industry are all affiliated to the Congress of South African Trade Unions (COSATU). Generally, there are found unions in the industry, namely National Union of Mineworkers (NUM), United Association of South Africa (UASA), National Employees Trade Union (NETU) and MineWorkers Union (MWA). Although the various unions have similar structures in terms of their composition, they hold different ideological beliefs. But however, the different beliefs notwithstanding, they have similar goals. They are also influenced and controlled by the goals and objectives of the Congress of South African Trade Unions (COSATU).

There are four unions in the industry. NUM normally dominated by blacks, therefore, other race groups preferred NETU, UASA and MWU, since we know that other race groups are not willing to associate themselves with blacks. But the common goal of the unions is to fight for workers rights. It was necessary to look for the respondents' personal details, because personal details can have a great contribution towards the respondents' perception towards strike action and its management. Particulars of the respondents were identified to various aspects, that is, gender, age, educational level, marital status, race and monthly income.

Tables were used for presenting research findings. Percentages were used for further interpretation with the aid of the following statistical formula:

$$\% = \frac{a \times 100}{n}$$

The number of the respondents was 100, therefore the "N" value is 100.

The characteristics of the respondents interviewed in this research were discussed in the following terms.

6.2 GENDER

Table 6.1: Distribution of respondents according to gender

Gender	Number of Respondents	Percentage
Male	68	68
Female	32	32
Total	100	100

The above table 6.1 reflects that 68% of the respondents were males that indicated the

majority of the respondents, while 32% of the respondents were females and are the minority in the industry. Both males and females were represented in the study, although males were in the majority.

It can also be confirmed from the above table that females are not well represented in Spitzkop Coal Mining Industry. The number of male employees out numbered the female employees. This can be attributed to the discrimination against female employees in the past years.

However, a critical observation of the statistical distribution of gender and race, shows that more white females are employed than black females. This, on the other hand, can be attributed to the apartheid policy of the past.

Some of the black females are only employed to do menial jobs like sweeping and preparing tea for senior members of the management. This is contrary to the position of the white females most of whom are in the management class. The inference we can draw from this analysis is that the management of Spitzkop Coal Mining Industry has not fully implemented the new Labour Relations Act of 1995, where racial discrimination is vehemently rejected. It also appears that as from 1994 the affirmative action has not been fully implemented as is expected. In view of the above situation, it could be argued that the negotiation process between management and workers could solve the above problem.

However, in this study my critical focus is on the main reason why many industries are reluctant to implement the Industrial Relations Act in terms of equal employment opportunities, the Employment Equity Plan (EEP). It would seem therefore that further research is needed to investigate the above problem.

6.3 AGE DISTRIBUTION

Table 6.2: Age distribution of the respondents and their interest to participate in strike action

Age of Respondents	Interest to Participate in Strike Action	Percentage
18 – 25	16	16
25 – 30	21	21
30 – 40	36	36
40 – 50	23	23
50 – over	4	4
Total	100	100

Table 6.2 above reveals that 36 out of 100 respondents that participated fully in strike action activities were between the 30 – 40 age category at the time of this study. 23 were aged between 40 – 50, while 21 are between the 25 – 30 age category. Sixteen percent of the respondents were between the 18 – 25 age category and 4 respondents in the age category of 50 and above.

The inference drawn from the above table was that individuals in the thirty's and forty's were more likely to participate in strike action. As individuals move towards the fifty's and above, their interest to participate in strike action declines. Perhaps the reasons we can attribute to this is that they are moving towards their retirement and they are only counting their days to leave the industry. With regard to those in their twenty's and early fifty's their interest to participate in strike action is also high while those in eighteen and twenty five years their interest to participate in strike is also not high. This could be attributed to the fact that they have not made up their minds on whether or not they would remain in the industry since the industry recruit only skilled labourers. Many of them are still looking forward to furthering their education and this means they may leave

the industry any time.

6.4 RACE

Table 6.3: Distribution of respondents according to race

Race Group	Number of Respondents	Percentage
Black	90	90
Coloured	4	4
White	5	5
Indian	1	1
Total	100	100

Table 6.3 above reflects that the majority of the respondents, that is, 90 (90%) were blacks, 5 (5%) were Whites, 4 (4%) were Coloured and 1 (1%) was Indian.

The above findings revealed that most of the respondents were blacks then followed by Whites and Coloureds. This reflects that black workers dominate Spitzkop Coal Mining Industry. Since blacks are in large numbers they also play a very big role in strike action in the industry.

Black workers were initially employed only as unskilled labourers and were paid a wage between 8-10 times less than that of their white skilled colleagues (Roux, 1978). This racially based wage differential became the norm for industry and commerce in general. Subsequent to this, one of the major aims of white craft unions became that of maintaining and reinforcing this wage gap to increase the job security of their members. This differentiation was not restricted to wages only, but also extended to other working conditions. This was evident in the first documented strike in South Africa which occurred on the Kimberly diamond fields in 1884, when white workers refused to strip and be searched for illegal diamonds, a practice that was customary for black workers when

leaving the mine. This was South Africa's first taste of violence in industrial action, as four men were killed and 40 injured by armed mine officials and scab labour (Grey-Coetzee, 1976).

In 1904, because mine owners were unable to obtain sufficient low-paid black workers, they imported indentured Chinese. Relevant legislation prohibited the Chinese from certain scheduled white occupations, but the fear that black and Chinese indentured labour would be permitted to perform skilled work, led to a strike in 1907 by white miners. The Transvaal government did not step in to intervene on behalf of the miners, but troops were deployed to protect mine property, indicating the state's alignment with the mine owners.

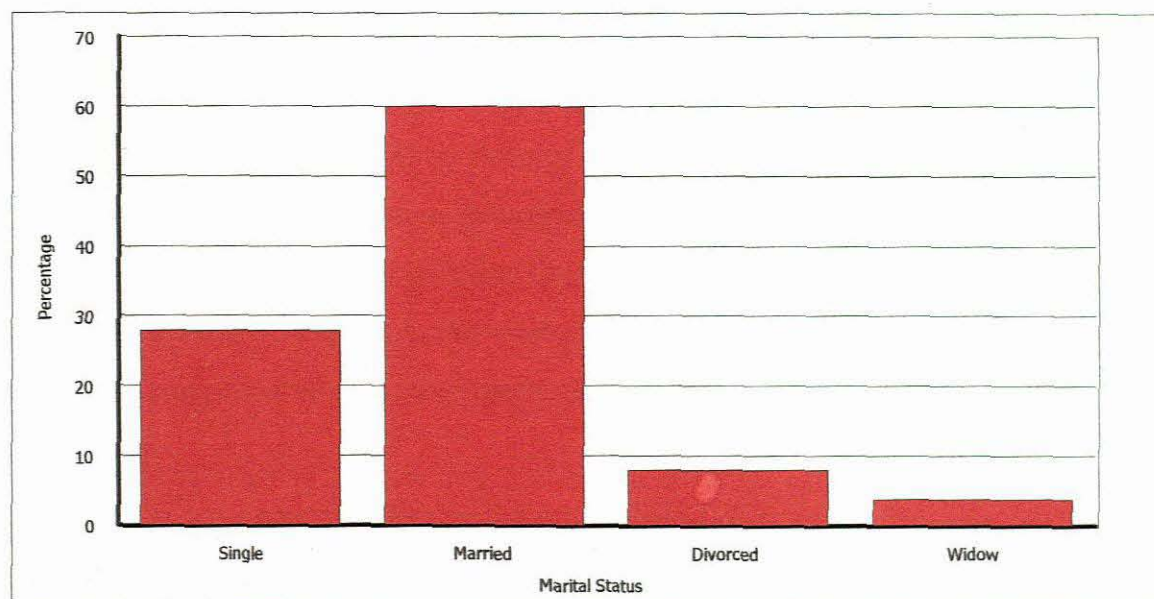
Sociologically speaking, blacks have been placed under the apartheid policy where many of them have been marginalised, ill-treated and dehumanized. For this reason many of them are not afraid to strike and fight for their rights.

Secondly, the other factors why blacks play a very big role is the fact that many of them are well educated and because of this they know their rights in terms of the new Labour Relations Act.

Thirdly, many of them are employed permanently and spent many years in the industry. For the fact that they are permanent staff that is why they are actively involved in strike action.

6.5 MARITAL STATUS

Graph 6.1: Marital status of the respondents



Graph 6.1 above reveals that the majority of the respondents were married workers. Single workers constitute 28% of the respondents. Eight percent of the respondents were divorced workers while four percent of the respondents were widows.

6.6 LEVEL OF EDUCATION

Table 6.5: Level of education of the respondents

Level of Education Attained	Number of Respondents	Percentage
Below matric	15	15
Matric	32	32
Certificate	11	11
Diploma	22	22
Degree	20	20
Total	100	100

Table 6.5 above reflects that the majority of the respondents interviewed who also participated in strike action are secondary school matric holders. This simply shows that the level of education of workers who participate in strike action is very high. Degree and diploma holders are also in large numbers and are able to negotiate their demands with the management of the industry through Shopstewards. However, management should encourage those workers whose education is below matric to further their education with the view of bringing about a solution to the discrepancies in educational levels. This will then enable them to understand fully how to organize union activities and at the same time be able to negotiate with management without resulting into strike action.

However, one is optimistic that as the elements of democracy flourish blacks will be able to understand more the rights in no future distance since the majority is above matric level of education. This makes them to participate more in strike action and to be more vocal in the industry.

6.7 MONTHLY INCOME

Table 6.6: Distribution of respondents according to monthly income

Monthly Income	Number of Respondents	Percentage
R1 000 – R2 000	2	2
R2 001 – R3 000	15	15
R3 001 – R4 000	27	27
R4 001 – R5 000	32	32
R5 001 – above	24	24
Total	100	100

Table 6.6 above reflects that 32 (32%) of the respondents earn between R4001 – R5000

monthly income. Twenty-seven percent (27%) earn between R3 001 – R4 000, while 24 (24%) are between the R5 001 and above income bracket. Fifteen percent (15%) of the respondents earn between R2 001 – R3 000, 2 (2%) earn between R1000 – R2 000 at the time of this study.

This analysis confirmed Scheiner's (1994) research findings on the relationship between finance and the ability of employees to maintain strike action. The majority of the respondents confirmed that if they continue with any prolonged strike action they may lose their monthly remuneration.

The sociological explanation of why workers have to call off the strike in fear of financial hardship can be attributed to their family responsibility. It is not unlikely that the majority of blacks would agitate for the strike to be called on in view of their family responsibilities when they are with their white counterparts. In addition to this, blacks unlike their white counterparts do not have access to banking loans or even draft facilities to sustain them during the strike action. For this reason, after 1994 blacks are not likely to support a prolonged strike.

6.8 POSITION OF RESPONDENTS

Table 6.7: Distribution of respondents according to positions

Position	Number of Respondents	Percentage
Casual staff	6	6
Permanent staff	65	65
Management staff	29	29
Total	100	100

Table 6.7 above reveals that 65 (65%) of the respondents were permanent staff, while 29

(29%) of the respondents were management staff and 6 (6%) of the respondents were casual staff.

The above analysis reflected that Spitzkop coal mining industry structure is like that of other organizations since the management staff is in the minority while permanent staff is in the majority. A casual staff member is someone employed to substitute the permanent staff while she/he is on leave (maternity leave; study leave or business leave) for a period of above three months. Casual staff members are also regarded as members of the organization and are not given full benefits as permanent and management staff. A casual staff member is in the same position as a contract staff because he/she serves certain periods in the organization.

6.9 TRAINING AND DEVELOPMENT

Table 6.8: Training and development (N=100)

	Frequency Distribution	
	n	%
- The company in which you are employed presents induction courses for both management and workers - Agree - Disagree	100 -	100 -
- The company in which you are employed conducts in-service training on a continual basis - Agree - Disagree	68 32	68 32
- The company in which you are employed conducts training in new technology that has been introduced - Agree - Disagree	64 38	64 38
Promotions		
- Promotions is on the basis of qualification - Agree - Disagree	98 2	98 2

- Promotions is on the basis of experience - Agree - Disagree	60 40	60 40
- Performance appraisals occur regularly in consultation with the employees - Agree - Disagree	53 47	53 47
Total	100	100

Table 6.8 reflects that 100% of the respondents agreed that the company does offer induction courses for both management and workers. Sixty eight percent of the respondents agreed that the company conducts in-service training on a continuous basis and sixty four percent of the respondents agreed that the company conducts training in new technology that has been introduced.

Ninety eight percent of the respondents agreed that promotion in the industry is on the basis of qualification, while sixty percent of the respondents agreed that promotion is on the basis of experience and fifty three percent of the respondents agreed that promotion is on the basis of performance appraisals.

6.10 DECISION-MAKING

Hypotheses 1

H_0 : Workers are not allowed to participate in any decision-making

H_1 : Workers are allowed to participate in any decision-making

Table 6.9: Workers are allowed to participate in any decision-making

Respondents	Yes	No	Total
Male	60 (53.2)	10 (16.8)	70
Female	16 (22.8)	14 (7.2)	30
Total	76	24	100

$$\begin{aligned}
X^2 &= \frac{n(O_{11} \times O_{22} - O_{12} \times O_{21})}{R_1 \times R_2 \times C_1 \times C_2} \\
X^2 &= \frac{100 (60 (14) - 10 (61))^2}{(70) (30) (76) (24)} \\
&= 100 (840 - 160)^2 \\
&= \frac{46\,240\,000}{3\,830\,400} \\
X^2_{\text{obs}} &= 12.0718 \\
X^2_{\text{crit}} &= 10.83 \\
Df &= 1
\end{aligned}$$

Since $X^2_{\text{obs}} \geq X^2_{\text{crit}}$, then H_0 is rejected. Therefore workers are allowed to participate in decision-making.

The contingency coefficient "C" = 0.001.

The researcher deems it fit to reiterate at this stage of the discussion that the reason for not allowing workers to participate in any decision-making was because of management hostility. But in the new democratic era the management has seen it appropriate and fair to allow workers to participate in decision-making since this is a democratic country. Before 1994 workers' participation was minimal as compared to post-1994 up to date.

The workers participated in decision-making because they are part and parcel of the industry. By so doing it becomes possible for them to render services efficiently and effectively. Therefore, the target of the management becomes maximized beyond the projected (estimated) product.

6.11 DISCIPLINARY ACTION

Table 6.10: Disciplinary action

Disciplinary Action	Yes	No	Percentage
Verbal warning	100	-	100
Written warning	100	-	100
Suspension with pay	2	98	100
Suspension without pay	100	-	100
Dismissal	80	20	100
Inquiry	100	-	100
Total			100

Table 6.10 reflects that 100 (100%) of the respondents agreed that verbal warning, written warning, suspension without pay and inquiry were applied in disciplinary action. Eighty percent (80%) of the respondents agreed that there were dismissal cases and 2 (2%) of the respondents also agreed that there were suspensions without pay.

Spitzkop Coal Mining industry was applying disciplinary action following thorough procedures. The above analysis reflected the number and percentages of respondents who agreed and disagreed about the disciplinary procedures taken by the industry.

Table 6.11: Unions role and disciplinary action (N=100)

	Frequency Distribution	
	n	%
- Do you consider past disciplinary action taken by your company - Fair - Unfair	20 80	20 80
- Are trade unions recognized by your company - Agree - Disagree	96 4	96 4
- Do you think the trade unions have been able to resolve conflict within the company - Agree - Disagree	91 9	91 9
- A trade union represents employees in cases of disciplinary action - Agree - Disagree	99 1	99 1
Total	100	100

Table 6.11 reveals that workers who served in the industry for the period of more than five years (twenty percent of the respondents) did not consider past disciplinary action that was taken by the management. The reason for that was because the majority of the disciplinary committee was predominantly white and the rules were favouring them (the whites). About ninety six percent of the respondents agreed that trade unions were recognized by the industry. Ninety one percent of the respondents agreed that the trade union was able to resolve conflict within the industry. Also ninety nine percent of the respondents agreed that the trade union represented employees in cases of disciplinary action.

Table 6.13: Future (N=100)

	Frequency Distribution	
	n	%
- Do you think that management takes enough trouble to listen to the worker's problems and the things that bother them? - Agree - Disagree	50 50	50 50
- Do you think that unions should combine to form a bigger union to fight worker's rights? - Agree - Disagree	80 20	80 20
Do you agree or disagree with the following statements:		
- Striking can help to get more jobs? - Agree - Disagree	- 100	- 100
- Do you see yourself working in the coal mine for the rest of your life? - Agree - Disagree	2 98	2 98
- Who initiated a strike? - Union - Employees	74 26	74 26
- When do workers go on strike? - Before negotiations - When negotiation reaches deadlocks	12 88	12 88
- What happens to the product during the strike period? - It declines - It improves	99 1	99 1

• Through which channels does communication occur?		
• Union representatives	95	95
• Memorandum	5	5
• Duration strike action which of the two is mostly preferred?		
• Come to work and stay inside	84	84
• Outside premises	16	16
Total	100	100

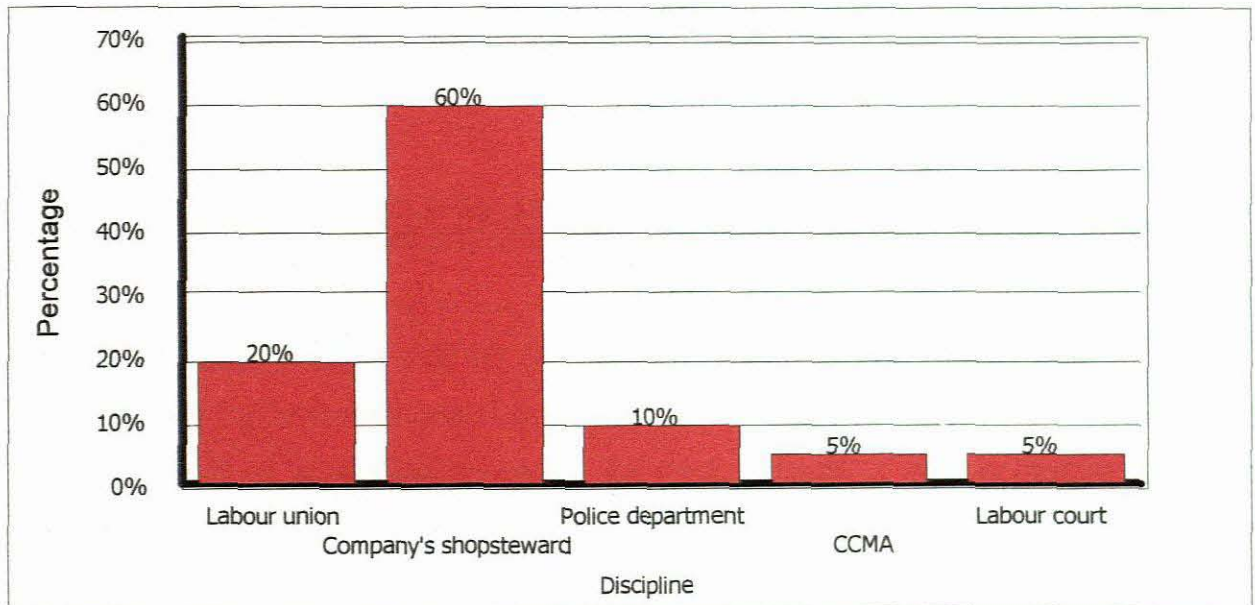
Table 6.13 reveals that 50% of the respondents agreed that the management are prepared to listen to the worker's problems and the things that bother them. Eighty percent of the respondents agreed that unions should be combined to form a bigger union to fight for the worker's rights. Hundred percent of the respondents totally disagreed that strikes can help employees to get more jobs. Ninety eight percent of the respondents disagreed that they are not prepared to be of service to the coal mine for the rest of their lives.

Seventy four percent of the respondents agreed that in most cases, unions initiated a strike action. Eighty eight percent of the respondents revealed that workers went on strike when negotiation reached deadlocks. Ninety nine percent of the respondents preferred union representatives to negotiate on behalf of the employees rather than to send a memorandum.

Eighty four percent of the respondents preferred to come to work and stay inside, so that the management could see that they want their demands to be met.

6.12.1 Order and discipline amongst strikes

Graph 6.2: Order and discipline amongst strikes



Graph 6.2 above reveals that sixty percent of the respondents agreed that the company's shopstewards were responsible for order and discipline amongst strikers. Twenty percent said that the labor union was the one responsible for order and discipline, whereas ten percent mentioned the police department and five percent mentioned the CCMA and the Labor Court that is responsible for keeping order and discipline amongst strikers.

6.13 METHOD OF RESOLVING CONFLICT

Table 6.14: Methods of resolving conflict

Methods of resolving Conflict	Number of Respondents	Percentage
Mediation	21	21
Conciliation	14	14
Arbitration	5	5
Negotiation	60	60
Total	100	100

Table 6.14 above reflects that 60 (60%) of the respondents agreed that negotiation processes are the best methods of resolving conflict, while 21 (21%) of the respondents were in favour of mediation process. Fourteen percent (14%) of the respondents recommend conciliation and 5 (5%) of the respondents were in favour of the arbitration process.

The researcher, in respect of the methods of resolving conflict, identifies with negotiation process because without negotiations there would be no harmony in the industry. The management and workers' representatives should be able to prevent industrial unrest by allowing other stakeholders to negotiate about the present grievances of workers in the industry.

6.14 CAUSES AND THE IMPACT OF STRIKE IN THE WORKPLACE

Hypotheses 2

H_0 : Salaries are not the cause of strike action in the workplace

H_1 : Salaries are the cause of strike action in the workplace

Table 6.15: Causes of strike in the workplace

Respondents	Yes	No	Total
Male	69 (61.62)	9 (16.38)	78
Female	10 (17.38)	12 (4.62)	22
Total	79	21	100

$$X^2 = \frac{n(O_{11} \times O_{22} - O_{12} \times O_{21})}{R_1 \times R_2 \times C_1 \times C_2}$$

$$X^2 = \frac{100 (60 (12) - 9 (10)^2}{(78) (22) (79) (21)}$$

$$= \frac{54\,464\,400}{2\,846\,844}$$

$$X^2_{\text{obs}} = 19.1315$$

$$X^2_{\text{crit}} = 10.83 \rightarrow$$

$$Df = 1$$

Level of significance $\alpha = 0.001$

Since $X^2_{\text{obs}} \geq X^2_{\text{crit}}$, then H_1 is accepted. Therefore salaries are the cause of strike action in the workplace.

In many industries the cause of strike action is occasioned, among other things, by low salaries and other related issues. Notably salary dispute is not a new problem. It happens national, international, provincial and local industries.

The contingency coefficient "C" = 0.001.

In chapter two reference was made to Frisby who cited Simmel (1987:38) as having been one of the first social theorists to articulate a dialectical understanding of the relationship between broader social trends and localized and individual struggles for autonomy. In other words, Simmel insinuates that there is an ongoing dialectical relationship between broader socio-economic forces and subjective understandings and interpretations.

This conception can readily be applied to developing a broader understanding of strikes, although it can be argued that the relationship need not necessarily be dialectical, and that subjective and objective forces combined might trigger strike action. A certain level of inflation may, for example, place pressure on workers to resort to strike action, but the ultimate decision to strike and the duration thereof may be determined by the more subjective factors, such as the previous experiences of the parties to the dispute.

Indeed, the distinction between subjective and objective factors may not always be clear-cut, especially when factors such as the economic effects of informal networks of support are considered. Not always identical to the subjective/objective distinction, is the relationship between broader trends and local circumstances. However, it can be argued that both may contribute to strike action, whilst specific sets of regional and local circumstances may also contribute to determining the nature and incidence of this form of industrial conflict. It should therefore be stressed emphatically that the arguments as outlined above typifies, to a very large extent, the trend that obtains at Spitzkop coal mine.

Sociologically speaking, causes of strike in the workplace are a socio-economic problem that cannot be terminated and eliminated. The best that we can do is to minimize them, because of social transition that involves culture, religion, economy and other institutions. Strike action reflected a negative impact in the case study- Spitzkop coal mine because the

production decline rapidly, and also failed to meet the target as it was expected.

6.15 TYPES OF STRIKE ACTION

Table 6.16: Types of strike action

Types of Strike Action	Number of Respondents	Percentage
Stay-aways	12	12
Expected strike	4	4
"Wild-cat" strike	0	0
Solidarity strike	62	62
Sympathy strike	10	10
Go-slow strike	6	6
Sit-in strike	11	11
Intermittent strike	0	0
Strategic strike	0	0
Rotating strike	6	6
Overtime-bans	0	0
Black-listing	0	0
Total	100	100

Table 6.16 above reflects that 62 (62%) of the respondents were solidarity strikers, while 6 (6%) of the respondents were rotating strikers. Twelve percent (12%) of the respondents were stay-aways strikers, 11 (11%) of the respondents were sit-in strikers. Ten percent (10%) of the respondents were sympathy strikers and 4 (4%) of the respondents were expected strikers.

The above scenario reflected that the majority of strike actions that occur in Spitzkop Coal Mining industry are solidarity strikes, of which solidarity strike normally occurs nationally called by COSATU. In consequence of this, NUM and other trade unions also engaged in

solidarity strike.

This research confirms the analysis of Carrel (1995:63) that power is used to increase take-home wages, to ensure job protection, to improve working conditions or simply sit across the bargaining table with the employer. Members believe that in a union there is strength. The most common means of demonstrating strength by the union has been strikes. Also in the survey conducted by Torres (1995:77), it was found that among 429 black union members, 60% stated that a major reason for joining a union was "to improve wages and working conditions". Again, in a social attitude survey conducted in South Africa in 1959, 80% of workers gave economic reasons as the major reason for joining trade unions.

In addition to the above discussion, the issue of wage increase is central to trade unions' objective in all countries of the world. For example, in our literature review it was established that the issue of increase in wages cut across the various demands in all the countries in terms of workers demand and trade union activities. In South Africa for example, periodization of union activity is closely associated to increase in wages. When workers were poorly paid in the early industrialisation period in South Africa (during the time gold and other valuable minerals were discovered) trade unions were at the forefront to fight for wage increase for the workers. Even today we still witness the activity of COSATU fighting for better pay and working conditions for the workers. This has therefore confirmed that one of the principal role(s) of a trade union is to fight or agitate for better pay (increase in wages) for the worker.

6.15.1 Strike action

Table 6.17: Strike action (N=100)

	Frequency Distribution	
	n	%
- Does the company hire back-up assistance in times of a strike? - Yes - No	61 49	61 49
- What happen to those handful of workers who are reluctant to strike? - They are ill-treated - They are persecuted - They are protected by the company - They are paid more - Other (specify)	88 12 - - -	88 12 - - -
- Does the labour union consider any of the following consequences of the strike? - Loss of product on the market - Country's economy in general - Family of persons on strike and possibility of him being retrenched - Effects on the related industry - Effects on the economy of the region	12 18 38 12 20	12 18 38 12 20
- What could the management of the workers do to avoid strike in the work place? - Management could listen to the workers - Workers should be involved in decision-making - Relationships between workers and management should be improved - A company could improve the working conditions of workers	12 44 21 21	12 44 21 21
Total	100	100

Table 6.17 above reflects that sixty one percent of the respondents agreed that the company hires back-up assistance in times of a strike while forty nine percent of the respondents disagreed.

Eighty eight percent of the respondents revealed that workers who were reluctant to strike were ill-treated and twelve percent of the respondents were persecuted.

Thirty eight percent of the respondents agreed that the labor union does consider the family of the person on strike and the possibility of him/her being retrenched. Twenty percent of the respondents consider the effect on the economy of the region while eighteen percent focuses on the country's economy in general and twelve percent of the respondents consider loss of product on the market, and effect on other issues related to the industry.

Forty-four percent of the respondents suggested that workers should be allowed in any decision-making because they are part and parcel of the industry, while twenty one percent of the respondents suggested that the relationship between workers and management should be improved, and also a company could improve the working conditions of workers. Twelve percent of the respondents considered that management could listen to the worker's to avoid strike.

6.16 LEVEL OF DECISION-MAKING ABILITY

Table 6.18: Distribution of respondents according to level of decision-making

Level of Decision-making	Number of Respondents	Percentage
Top Management	18	18
Middle Management	12	12
Union Representative	22	22
Supervisor	15	15
Shop Floor	33	33
Other (specify)	0	0
Total	100	100

Table 6.18 above reflects that 33 (33%) of the respondents were shop-floor, while 22 (22%) of the respondents were union representatives. Eighteen percent (18%) of the respondents were top management, while 15 (15%) of the respondents were union supervisors and 12 (12%) of the respondents middle management.

The above analysis reflected that all stakeholders are responsible for decision-making but in different degrees. The shop- floor and union representatives were in the majority also taking part in deciding about the workers' performance in the industry. This simply shows that strike action would continue even in the future if top and middle management were dominant in decision-making. In order to eliminate the events that lead to strike action, all the levels of management, such as union representatives and shop- floor, should participate fully and equally in decision-making process.

6.17 STRIKE ACTION CAN BE TERMINATED / ELIMINATED

Hypotheses 3

H_1 : Strike action can be terminated

H_0 : Strike action cannot be terminated

Table 6.19: Strike action can be terminated / eliminated

Respondents	Yes	No	Total
Male	66 (58.52)	11 (18.48)	77
Female	10 (17.48)	13 (5.52)	23
Total	76	24	100

$$\chi^2 = \frac{n(O_{11} \times O_{22} - O_{12} \times O_{21})}{R_1 \times R_2 \times C_1 \times C_2}$$

$$\begin{aligned}
X^2 &= \frac{100 (66 (13) - 11 (10))^2}{(77) (23) (76) (24)} \\
&= 100 (858 - 110)^2 \\
&= \frac{55\,950\,400}{3\,230\,304} \\
X^2_{\text{obs}} &= 17.32 \\
X^2_{\text{crit}} &= 10.83 \rightarrow \\
Df &= 1
\end{aligned}$$

Level of significance $\alpha = 0.001$

Since $X^2_{\text{obs}} \geq X^2_{\text{crit}}$, then H_0 is rejected. Therefore strike can be terminated or eliminated.

The majority of the respondents agreed that strike action could be terminated or eliminated entirely.

In view of the above analysis management desire to respond to workers' demand as a result of strike action that has assumed the status of generality. This issue of general strike action is corroborated by the strike incident in Nigeria (as earlier discussed in our literature review) that occurred in 1964. It became evident in our literature review that the general strike of 1964 in Nigeria paralysed the economy. History shows that not until the strike action was carried out that the management met with the various demands of the workers. The researcher in his field trip to Spitzkop Coal Mining industry also observed a similar occurrence. From the respondents the researcher also gathered that most of the worker's demands were not met until strike action. One of the basic questions the researcher would like to ask is why the management in most organisations is reluctant to meet worker's demands when there is no strike action. Perhaps the reason why management only respond to workers' demands during strike action could be associated to huge loss in profit to the organisation during the strike action. If profit made by management could be adversely affected by strike action, it becomes a puzzle why the

management does not avoid such industrial unrest or action through peaceful negotiation before it rekindles. Our suggestion is that management should learn to negotiate with workers and show concern for their well-being so that strike action could be minimized or totally eliminated if possible.

6.18 MONTHLY INCOME FOR WORKERS

Hypotheses 4

H_0 : There is insufficient monthly income for workers

H_1 : There is sufficient monthly income for workers

Table 6.20: Monthly Income for Workers

Respondents	Yes	No	Total
Male	67 (66.22)	10 (10.78)	77
Female	19 (19.87)	4 (3.22)	23
Total	86	14	100

$$\chi^2 = \frac{n(O_{11} \times O_{22} - O_{12} \times O_{21})}{R_1 \times R_2 \times C_1 \times C_2}$$

$$\chi^2 = \frac{100 (67 \times 4 - 10 \times 19)^2}{77 \times 23 \times 86 \times 14}$$

$$= \frac{608\,400}{232\,284}$$

$$\chi^2_{\text{obs}} = 0.2853$$

$$\chi^2_{\text{crit}} = 10.83$$

$$\text{Df} = 1$$

Level of significance $\alpha = 0.001$

Since $\chi^2_{\text{obs}} \geq \chi^2_{\text{crit}}$, then H_0 is accepted. Therefore there is insufficient monthly income

for workers.

In view of the above analysis workers went on strike because of low wages. Eighty-six percent of the respondents agreed that there is insufficient monthly income.

The contingency coefficient "C" = 0.05. This therefore shows that although there is relationship, the relationship is a weak relationship.

6.19 TRADE UNIONS IN CONFLICT RESOLUTIONS

Hypotheses 5

H_0 : Trade unions does not play a pivotal role in conflict resolution

H_1 : Trade unions play a pivotal role in conflict resolution

Table 6.21: Trade Unions in Conflict Resolutions

Respondents	Yes	No	Total
Male	70 (61.62)	9 (17.38)	79
Female	8 (16.38)	13 (4.62)	21
Total	78	22	100

$$\chi^2 = \frac{n(O_{11} \times O_{22} - O_{12} \times O_{21})}{R_1 \times R_2 \times C_1 \times C_2}$$

$$\chi^2 = \frac{100 (70 \times 13 - 8 \times 9)^2}{79 \times 21 \times 78 \times 22}$$

$$= 100 (910 - 72)^2$$

$$= \frac{70\,224\,400}{2\,846\,844}$$

$$\begin{array}{rcl}
 X^2 \text{ obs} & = & 24.667 \\
 X^2 \text{ crit} & = & 10.83 \\
 \text{Df} & = & 1
 \end{array}
 \rightarrow$$

Level of significance $\alpha = 0.001$

Since $X^2_{\text{obs}} \geq X^2_{\text{crit}}$, then H_0 is rejected. This therefore confirmed that trade unions play a pivotal role in conflict resolution.

There are four unions in Spitzkop coal mining industry. All of them have got a common goal of fighting for workers' rights in the industry. After drawing the inferences in the above table 6.21, seventy-eight percent of the respondents agreed that trade unions play a pivotal role in conflict resolution.

The contingency coefficient " C " = 0.05.

6.20 TYPES AND NUMBER OF STRIKES

Figure 6.3: Types and number of strikes

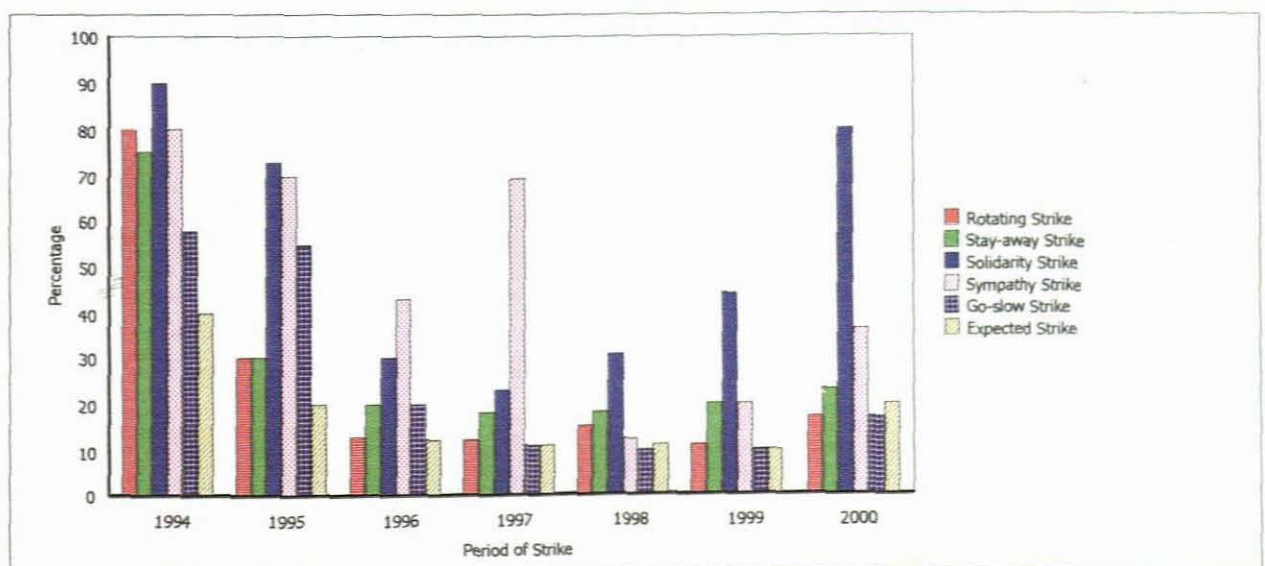


Figure 6.3 above reflects that in 1994 there was a high percentage of various types of strikes that occurred in the industry. This simply means the projection of the industry was very low and that led to the financial crisis. The survey that was conducted by management after this strike action revealed that strike action could possibly be reduced if not totally eradicated by reducing the level of illiteracy among the workers. Management and workers should avoid strike action and engage in negotiation process. Before the application of the new Labour Relations Act of 1995 the industry resorted to a new policy of recruitment. Spitzkop coal mining industry recruiting only educated or skilled labourers to avoid unnecessary industrial unrest. It is desirable that Management sees the need to compete with other industries to increase production. Also the industry need less workers with knowledge of technology. The reason for fewer workers in respect of technology is to avoid paying more on wages. But the 1994 strike action was a break-through to many offices and industrial transition in terms of wages and other benefits of workers.

Many South Africans believed that the industry was going to shut down. Some white miners resigned and took their package because they had less confidence in the black government to resolve the strike action. They were also scared to be substituted and supervised by black workers. The strike action of 1994 was in parallel with new black government (new dispensation) that is why the production of the industry declined.

As shown in figure 6.3 the old trend with regard to strike action took a new turn after changing the recruitment standards or policy. A number of strike actions declined rapidly up to this period. This shows to the researcher that management is able to manage or minimise industrial unrest (strike action).

6.21 DISTRIBUTION OF RESPONDENTS ACCORDING TO THE VARIOUS UNIONS

Figure 6.4: Distribution of respondents according to the various unions

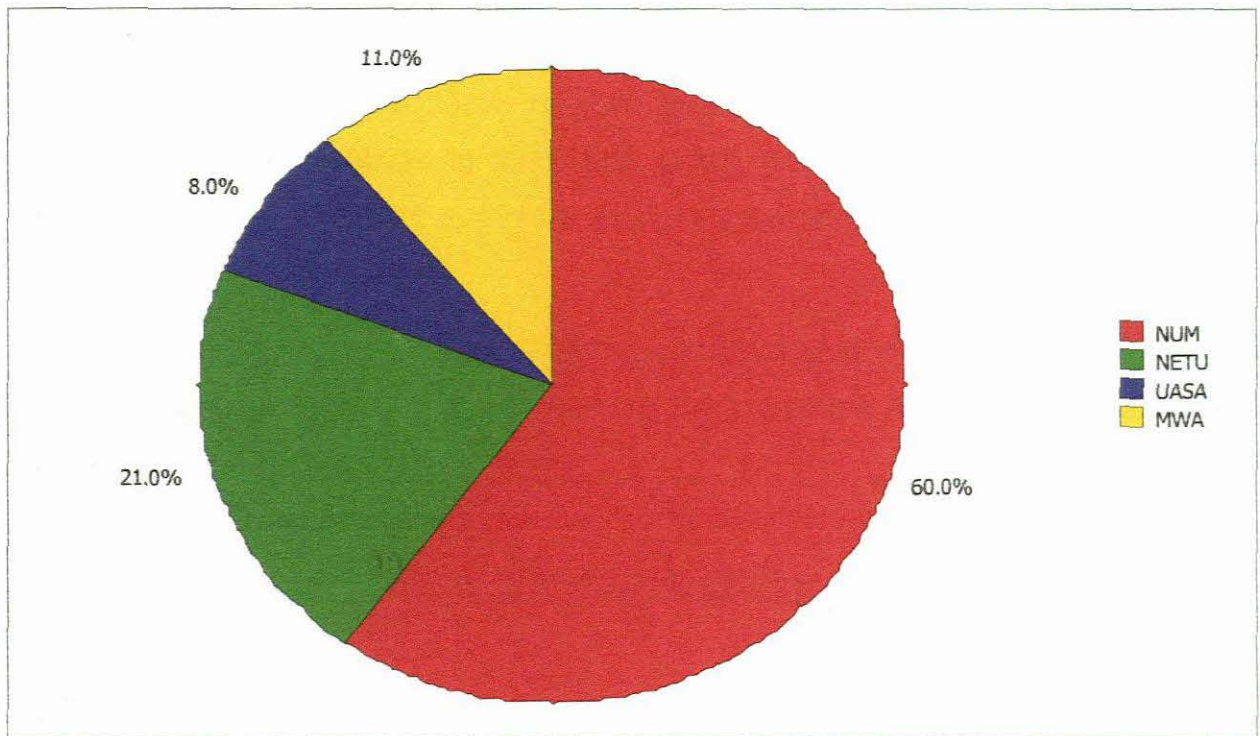


Figure 6.4 above reflects that the respondents, that is, 60% belong to the National Union of Mineworkers (NUM), 21% of the respondents belong to the National Employee Trade Union (NETU), while 11% of the respondents belong to the Mine Workers' Union (MWU) and 8% of the respondents belong to the United Association of South Africa (UASA).

In terms of race distribution among the various unions, most of the blacks belong to NUM while the majority of the other race groups, namely Coloured, Indian and White belong to NETU, UASA and MWU respectively. In this research it was observed that although differences exist among the different ethnic groups in terms of their affiliation with the unions, they all speak with one voice on common issues affecting them. This is illustrated

when it comes to union members' demand for increase in wages and other fringe benefits.

Earlier blacks were totally excluded from trade union activities. In our literature review, it was shown how blacks in South Africa were totally excluded from the early trade union movement. This phenomenon is also partially observed in Spitzkop Coal Mining industry. Blacks or Africans in the early part of the establishment of this industry were not encouraged to join or participate in union activities. As a matter of fact, the few opportunities given to blacks to form trade unions were like the case of "a reluctant Godfather leading a reluctant son into a reluctant manhood".

It should be noted that it was also observed in Spitzkop Coal mining industry that the unions are general unions. Any employee of the industry is allowed to join any of the unions.

6.22 THE ROLE OF TRADE UNIONS IN CONFLICT RESOLUTION

Since the industry engaged in a (strike) concerted and temporary withholding of employee services from the employer for the purpose of extracting greater concessions in the employment relationship than the employer is willing to grant at the bargaining table. In the research findings, it was observed in the field that trade unions in the industry intervene to resolve the conflict between the workers and management. The most common methods used in conflict resolution are mediation, conciliation and negotiation. The unions never get involved in the arbitration process. All the cases that involve arbitration process are referred to the Commission of Conciliation, Mediation and Arbitration (CCMA). The trade unions have been very useful in implementing the following:

- ☐ Organisational rights of the employees.

- ☐ Collective agreements where the agreement does not provide for a procedure or the procedure is inoperative or any part frustrates the resolution of dispute.
- ☐ Promote proposals that are the subject of joint decision-making in work place forums.
- ☐ Disclosure of information to workplace forums.
- ☐ Agency shop and closed shop.
- ☐ Negotiation process.

It was also observed that in implementing the above findings, the trade unions, namely National Union of Mineworkers (NUM), United Association of South Africa (UASA), National Employees Trade Union (NETU) and Mine Workers' Union (MWU) have not been very successful mainly because of the hostile attitude by the management towards the trade unions and partly because of the quasi-co-operation of the union members.

One of the shopstewards that were interviewed had this to say:

"Strike action can be eliminated or terminated entirely if all reliable members show up and attend meetings, and also participate fully since they are the ones affected at the end. In achieving goals that need unity and speak with one voice."

6.23 **CONCLUSION**

The researcher in this chapter concluded by analysing and interpreting all the tables and figures. Hypotheses were presented and tested in numbers and percentages of the respondents. In addition, the following were also attended to in the foregoing discussion: the level of education, monthly income, workers' participation in decision-making, disciplinary action, causes of strike action in the workplace, types of strike action and types of unions that are existing in the industry. The above information was discussed clearly and precisely.

The next chapter is a summary of the study and recommendations will be made.

CHAPTER SEVEN

CONCLUSIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

The importance of labour and specifically labour relations has been highlighted in previous chapters. Labour relations cannot be regarded in isolation. Rather, there are a number of external factors which influence labour relations and have to be brought into consideration when reviewing the labour relations climate.

The aim of this study was to investigate the impact of strikes in South African coal mining industries. Identify areas of improvement such as training and to development a model that can be adopted to minimize adverse effects of strikes. Identify strategies that mine management to follow when handling strike situations, so as to resolve the situation at the least possible cost to the mine. Chapter two and three provided an appropriate environmental literature study, concentrating on factors influencing the labour relation climate. Included were the various types of strikes experienced in the mining industry, and the identification of various forms of conflict.

Chapter four focused on structural organisation of the coal mining industry. The main intention in this chapter was to view the role of each structure. Chapter five focused on the methodology of obtaining and analysing information pertaining to the mining industry's labour relations climate. Chapter six considered the analysis of the results obtained from the study. The findings of the study have been previously given and this chapter outlines the conclusions which may be drawn from these findings.

In terms of gender distribution 68% of males indicated the majority of the respondents, while 32% of the respondents were females and were the minority in the industry. This simply shows that males were still dominated in the industry as compared to females.

Age distribution of the respondents and their interest to participate in strike action showed that 36% out of 100 respondents participated fully in the strike action activities were between the category of age 30 – 40 at the time of this study. This meant the inference that was drawn from the table was that individuals in their thirty's and forty's were more likely to participate in strike action.

Most of the respondents, that is, 90% were blacks. The findings revealed that most of the respondents were blacks then followed by Whites and Coloureds.

Furthermore, the study indicated that 32% of the respondents were above matric level. This simply showed that the level of education of workers who participated in this research was very high. Degree and diploma holders were also in large numbers and 42% were able to negotiate their demands with the management of the industry through shopstewards.

Large number of the respondents were earning as from R2 000 – R5 000 and over. The study indicated that 98% of the respondents were earning much. But due to large responsibilities their salaries were very small to support their families. Workers were still engaged in strike action in order to earn more to support themselves and their families.

According to positions (94%) of the respondents were permanent and managerial staff and (6%) of the respondents were casual staff. In most cases, in all organizations the management staff was in the minority group while permanent staff (workers) was in majority in Spitzkop coal mining industry.

Under training and development 100% of the respondents agree that the company presents induction course for both management and workers. Sixty-eight percent of the respondents agree that the company conducts in-service training on continual basis and sixty-four percent of the respondents agree that the company conducts training in new technology that has been introduced.

Ninety-eight percent of the respondents agree that promotion in the industry is on the basis of qualification, while sixty percent of the respondents agree that promotion is on the basis of experience and fifty-three percent of the respondents agree that promotion is on the basis of performance appraisals.

Seventy-three percent of the respondents were allowed to participate in any decision-making, while 27% of the respondents were not allowed to participate in any decision-making.

Spitzkop coal mining industry was applying disciplinary action following thorough procedures. Hundred percent of the respondents agreed that verbal warning, written warning, suspension without pay and inquiry were applied in disciplinary action. Eighty percent of the respondents agreed that there were dismissal cases and 2% of the respondents also agreed that there was suspension without pay.

It was clear from the inference presented in the frequency tables that 60% of the respondents agreed that negotiation processes were the best methods of solving conflict, while 21% of the respondents were in favour of mediation process. Fourteen percent of the respondents recommended conciliation and 5% of the respondents were in favour of the arbitration process.

Pertaining to a more general conclusion of the findings, the study indicated that 80% of the respondents agreed that the causes of strike were salary dispute, while 11% of the respondents were unfairly dismissed. Five percent of the respondents were working in poor working conditions and 4% of the respondents were earning unequal share of benefits. As a result, we accepted the hypothesis that salaries were the cause of strike actions in the workplace.

Indeed, research findings of this sort often triggered further questions that provided answers. With the above realizations, there was a need for further research on the topic. This research should be viewed as a pilot investigation for further in-depth study

on the impact and management of strike action in Spitzkop coal mining industry.

There are various types of strike action that existed in the industry. About 62% of the respondents were solidarity strikers, while 6% of the respondents were rotating strikers. Twelve percent were performing stay-aways, 11% of the respondents were sit-in strikers. Ten percent of the respondents were sympathy strikers and 4% of the respondents were expected strikers. This reflected that the majority of strike action that occurred in Spitzkop coal mining industry were solidarity strikes, of which solidarity strike normally occurred nationally called by COSATU. Therefore, NUM and other trade unions were also engaged in solidarity strike.

On the level of decision-making about 55% of the respondents (union representatives and ship floor) agreed that workers should be involved in making decisions. Therefore, 45% of the respondents agreed that management should be involved in making decisions. The analysis reflected that all counterparts were responsible for decision-making but in different degrees.

Ninety-three percent of the respondents agreed that strike action can be terminated, while 7% of the respondents disagreed. The majority of the respondents agreed that strike action can be terminated or eliminated at all. As a result, we accepted the hypotheses that strike action can be terminated.

There were various unions such as NUM, NETU, UASA and MWA. Sixty percent of the respondents belonged to NUM, 21% of the respondents belonged to NETU, while 11% of the respondents belonged to the MWU and 8% of the respondents belonged to the UASA. In terms of race distribution among the various unions, most of the blacks belonged to NUM while the majority of the other race groups, namely Coloured, Indian and White belonged to NETU, UASA and MWU respectively. In this research it was observed that although differences exist among the different ethnic groups in terms of their affiliation with the unions, they all spoke with one voice on common issues affecting them.

Meredeen's findings (1988:287-294) states that industrial conflict is inevitable. After the researcher conducted the fieldwork, some of the researcher's findings was different from that of Greater Britain industrial dispute. Due to the large number of the respondents 93% agree that strike action can be terminated or eliminated at all, only if the management co-operates and allow other stakeholders to negotiate about the present grievances of workers in the industry.

In chapter two, hypothesis "workers are allowed to participate in decision-making" this leads the reader to ask why there are still strikes. After drawing inference from the respondents, seventy-three percent confirmed that workers should be allowed to participate in decision-making because they are part and parcel of the industry. By so doing they will render their services effectively and efficiently. Therefore, strike action will be eliminated or terminated because everybody will be satisfied in the industry.

- **Recruitment and selection**

This industry normally applied application technique when recruiting employees. Ninety percent of the respondents were in favour of application because it was a fair procedure as compared to walk-ins, referrals and employment agencies. Ninety-eight percent of the respondents were employed permanently in the industry and participated in this research. Most of the workers were serving in the industry for the period of more than 2 – 5 years.

- **Training and development**

Hundred percent of the respondents agreed that the industry presented induction courses for both management and workers. Also 78% of the respondents agreed that the industry conducted in-service training on a continual basis. The industry introduced new technology to employees and train the employees to run new machines.

- **Promotions**

More than 50% of the respondents agreed that promotion was on the basis of qualification, while 67% of the respondents agreed that promotion was on the basis of experience. But performance appraisal did not occur regularly in consultation with the employees.

- **Benefits**

Ninety-eight percent of permanent staff have medical aids, maternity leave/paternity leave, pension schemes and also allowed to buy shares in the industry.

- **Disciplinary action**

For those workers who served in the industry for the period of more than five years, they did not consider past disciplinary action that was taken by the industry. The reason for that was because the majority of the disciplinary committee was predominantly whites and the rules were favouring them. About 96% of the respondents agreed that trade unions were recognized by the industry. The trade union was able to resolve conflict within the industry. A trade union represented employees in cases of disciplinary action.

- **Future**

Fifty percent of the respondents agreed that management had taken enough trouble to listen to the worker's problems and the things that bothered them. The normal causes of strikes in the work place were salary dispute, poor working conditions, unfair dismissal of workers, and unequal share of benefits between management and workers. In most cases, union initiated a strike action. Workers went on strike when negotiation reached deadlocks. The product

declined during the strike period.

The dispute in the industry was handled through negotiations. The communication between the two parties involved were promoted.

This chapter also provides a general guideline for the handling of strikes.

Against the arguments advanced in these chapters, the following conclusions were made:

- ☐ The primary aim of labour relations management should be the prevention of a strike rather than the effective management thereof. In other words, management should be pro-active in their approach to strikes, rather than reactive. Management need not only be aware of factors adversely affecting the labour climate, but also be able to accommodate these factors in the mine system. There must be a greater awareness of worker needs, values and objectives.
- ☐ Management should attempt to democratise the working environment through joint decision-making and recognition of the workers as a person instead of a production factor. There should also be a move away from the "see how little we can give away" negotiation style.
- ☐ It is important to identify the type of strike which has occurred in order to determine the best method of handling the strike negotiations.
- ☐ by effectively managing the motivators and hygiene factors, management could prevent most strikes that take place. A

satisfied worker is less likely to go on strike than one experiencing problems at work and displaying dissatisfaction.

- ☐ The diversity of cultures found in the mining industry contributes to labour unrest in various manners. The workers are frustrated by what some groups of people consider to be the norm. Management need to be aware of the cultural values of each of the groups, and they need to understand how culture actually affects the workers in the mining environment. This is required before any negotiations or proactive steps can be taken to solve any labour relations issue.
- ☐ The supervisory posts in the mines should be revised. Management need an effective link with the workers. This should be the supervisor who works with the workers each day. If management cannot keep their supervisors satisfied in their jobs, they cannot expect the workers to be satisfied and be stable.
- ☐ There should be a closer relationship between management and the various unions. Management should be able to make use of the unions when implementing new ideas and strategies. In other words there should be an alliance between management and the unions, not antagonism. The unions play a distinct and important role in the prevention of strikes. If mine management can begin to form alliances with the unions, much of the strike activity in South Africa can be avoided.
- ☐ Racial conflict is no longer an important issue in the workplace. Many of the strikes in the past were politically motivated and had racial connotations. However, this has changed. Contrary to what many believe to be a major problem, racial conflict has taken up

a minor role in strike activity. Worker demands have moved towards financial and work related issues. However, the fact that most of the supervisory positions in the mines are still occupied by Whites, could be perceived to be a problem. Management need to promote the development of all people, regardless of colour, gender or race.

Financially, management cannot afford to disregard the various factors affecting strikes. These factors play an important role in the management and prevention of strikes.

7.2 RECOMMENDATIONS

Importance and benefits of the study. It is one of the mine's prime objectives to maximise profits. Labour unrest directly influences the production and therefore the profits of the mine. It is therefore important that a research of this nature be carried out as soon as possible in order to minimise loss of production and therefore financial losses.

However, there are more far reaching effects that labour unrest have on the industry than financially crippling it. Demoralising employees and creating generally negative attitudes are amongst the more important long-term effects of labour unrest. This investigation will not guarantee the prevention of strikes. It will however, impress upon management the importance of understanding how the employees and unions feel and the implications that this may have. This benefit might allow management to respond to employee concerns and forge their own linkage between those concerns and strikes. It could also supply management with methods of handling the solving of labour unrest in such situations.

It is recommended to develop methods or strategies of handling strike. Other important aspects that can be considered:

(a) A commitment to effective negotiation

In the first place, this aspect refers to management's commitment to effective negotiations. In order to effectively negotiate with unions, the managers that will be involved must be exposed to proper training in the negotiating strategies and tactics to be used. They should know how to prepare themselves for negotiations, how to effectively open the negotiations and how to make concessions.

Secondly, this aspect refers to management's desire to endeavour to resolve grievances and dispute through the process of negotiation or collective bargaining. Management should decide whether, in handling conflict, it would use its power to make the employees or the union accept management's policy or proposals, or whether it would use its power as part of a negotiating strategy. The first approach is one of negotiation and conciliation, the second is one of domination and paternalism.

(b) Ability to handle a long strike

The management must have an ability to handle a long strike. Management will lose a great deal of credibility if it exchanges an initial strong stand for quick concessions shortly after the commencement of the strike. Management should at all times be prepared to negotiate in good faith. If the strikers or their representatives are prepared to make concessions, management should also be prepared to consider making concessions. However, concessions should not be made purely for the sake of ending the strike. That is why it is of vital importance that management should beforehand decide whether it would be able

to handle a long strike, instead of waiting until the strike has commenced.

(c) Preparedness to handle a strike

Everyone is aware that strikes are highly emotional events. The employees are emotionally charged when they down tools. Both parties may react emotionally to the subsequent events. Management should therefore be prepared to handle a strike with a cool head, if and when it occurs. This involves knowledge and thorough discussion, debate and planning, to ensure that the operations of the organisation are not completely paralyzed when the strike does take place.

During the strike situation management should pretend that everything is normal. Meetings should be well organised and controlled. Any crisis in managing the strike would probably be exploited by the strikers to increase the effect of the strike. An apparent composure and preparedness would probably be exploited by the strikers to increase the effect of the strike. An apparent composure and preparedness would create the impression amongst the strike leaders that the organisation cannot be caught on the wrong foot – also not in respect of strikes.

The model that can be adopted to minimize adverse effects of strike are as follows:

- ☐ The management could listen to the workers.
- ☐ Workers should be involved in the decision-making.
- ☐ The relationship between workers and management should be improved.
- ☐ A company could improve the working conditions of workers.

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25 September 2001

Department of Sociology

Dear Respondent

The aim of this study is to gather information about **a sociological analysis of the impact of strikes in South African coal mining industries.**

This survey is conducted by the undersigned doctoral degree student presently enrolled for Industrial Sociology and Labour Relations at the University of Zululand.

Please respond to all questions on this questionnaire. There is no wrong or right answer. Please do not write your name. Information given will be treated confidentially and you are assured of remaining anonymous (unknown).

Thanking you in anticipation

Yours faithfully

Mtwala.

M.A. TWALA

QUESTIONNAIRE

SOCIOLOGICAL ANALYSIS OF THE IMPACT OF STRIKES IN COAL MINING INDUSTRIES

SECTION A: BIOGRAPHICAL DATA

1. Age group?

18 - 25	1
25 - 30	2
30 - 40	3
40 - 50	4
50 - over	5

2. What is your gender?

Male	1
Female	2

3. What is your race group?

Black	1
Coloured	2
White	3
Indian	4

4. What is your marital status?

Single	1
Married	2
Divorced	3
Widow	4

5. What is your educational background?

Below Matric	1
Matric	2
Certificate	3
Diploma	4
Degree	5

6. What is your monthly income?

R1 000 - R2 000	1
R2 001 - R3 000	2
R3 001 - R4 000	3
R4 001 - R5 000	4
R5 001 above	5

SECTION B: RECRUITMENT AND SELECTION

7. Which recruitment technique is used by the company in which you are employed?

Employment Agencies	1
Walk-ins	2
Referrals	3
Application	4

8. What type of position do you hold in the company in which you are employed?

Casual staff	1
Permanent staff	2
Management staff	3

9. How are you employed?

Contract	1
Temporarily	2
Permanent	3

10. What type of method using to get a job?

Applying method	1
Relative method	2
Telephone method	3
Substitution method	4

11. For how long have you been serving in the industry?

Half a year	1
2 - 3 years	2
3 - 4 years	3
4 - 5 years	4
5 or more	5

12. Do you think that workers are allowed to participate in any decision making?

Yes	1
No	2

If **yes**, why? _____

If **no**, why? _____

SECTION C: TRAINING AND DEVELOPMENT

13. The company in which you are employed presents induction courses for both management and workers

Agree	1
Disagree	2

14. The company in which you are employed conducts in-service training on a continual basis

Agree	1
Disagree	2

15. The company in which you are employed conducts training in new technology that has been introduced.

Agree	1
Disagree	2

SECTION D: PROMOTIONS

16. Promotion is on the basis of qualification.

Agree	1
Disagree	2

17. Promotion is on the basis of experience.

Agree	1
Disagree	2

18. Performance appraisals occur regularly in consultation with the employees.

Agree	1
Disagree	2

SECTION E: BENEFITS

19. Do you have a medical aid?

Yes	1
No	2

20. Do you have the maternity/paternity leave?

Yes	1
No	2

21. Do you belong to a pension scheme?

Yes	1
No	2

22. Can you buy shares in your company?

Yes	1
No	2

SECTION F: DISCIPLINARY ACTION

What are the disciplinary measures taken by employers for violation of the company rules?

		Yes	No
23.	Verbal warning	1	1
24.	Written warning	2	2
25.	Suspension with pay	3	3
26.	Suspension without pay	4	4
27.	Dismissal	5	5
28.	Inquire	6	6

29. Do you consider past disciplinary action taken by your company?

Fair	1
Unfair	2

30. Are trade unions recognised by your company?

Agree	1
Disagree	2

31. Do you think the trade unions have been able to resolve conflicts within this company?

Agree	1
Disagree	2

If you **agree**, which of the following methods is used to resolve conflict?

(a) Mediation	1
(b) Conciliation	2
(c) Arbitration	3
(d) Negotiation	4

32. A trade union represents employees in cases of disciplinary action.

Agree	1
Disagree	2

SECTION G: FUTURE

33. Do you think that management takes enough trouble to listen to the worker's problems and the things that bother them?

Agree	1
Disagree	2

34. Do you think that unions should combine to form a bigger union to fight workers rights?

Agree	1
Disagree	2

35. Do you agree or disagree with the following statements:

Agree	Disagree
1	1
2	2

- 35.1 Striking can help people to get more jobs:

- 35.2 Do you see yourself working in the coal-mine for the rest of your life?

36. What normally causes strikes in the work place?

Salary dispute	1
Poor working condition	2
Unfair dismissal of workers	3
Unequal share of benefits between management and workers	4

37. What type of strike action is normally applied by employees in the company?

Stay-aways	1
Expected strike	2
"Wild cat" strike	3
Solidarity strike	4
Sympathy strike	5
Go-slow strike	6
Sit-in strike	7
Intermittent strike	8
Strategic strike	9
Rotating strike	10
Overtime-bans	11
Black-listing	12

38. Who initiated a strike action?

(a) Union	1
(b) Employees	2

39. When do workers go on strike?

Before negotiation	1
When negotiation reaches deadlocks	2

40. What happens to the product during the strike period?

It declines	1
It improves	2

41. Through which channels does communication occur?

Union representatives	1
Memorandum	2

42. Who is responsible for order and discipline amongst strikes?

Labour Union	1
Company's Shop Stewards	2
Police Department	3
CCMA	4
Labour Court	5

43. During strike action which of the two is commonly preferred?

Come to work and stay inside	1
Outside premises	2

44. Does the company hire back-up assistance in times of strike?

Yes	1
No	2

45. What happens to those handful of workers who are reluctant to strike?

They are ill-treated	1
They are persecuted	2
They are protected by the company	3
They are paid more	4
Other, specify _____	5

46. Does the labour union consider any of the following consequences of the strike?

Loss of product on the market	1
Country's economy in general	2
Family of persons on strike and possibility of him being retrenched	3
Effect on the related industries	4
Effect on the economy of the region	5

47. What could the management of workers do to avoid strike in the work place?

Management could listen to the workers	1
Workers should be involved in the decision-making	2
Relationship between workers and management should be improved	3
A company could improve the working conditions of workers	4

48. What is your level of decision-making ability?

Top Management	1
Middle Management	2
Union representative	3
Supervisor	4
Ship Floor	5
Other, specify _____	6

49. Give your opinion on how dispute actions should be handled between management and workers.

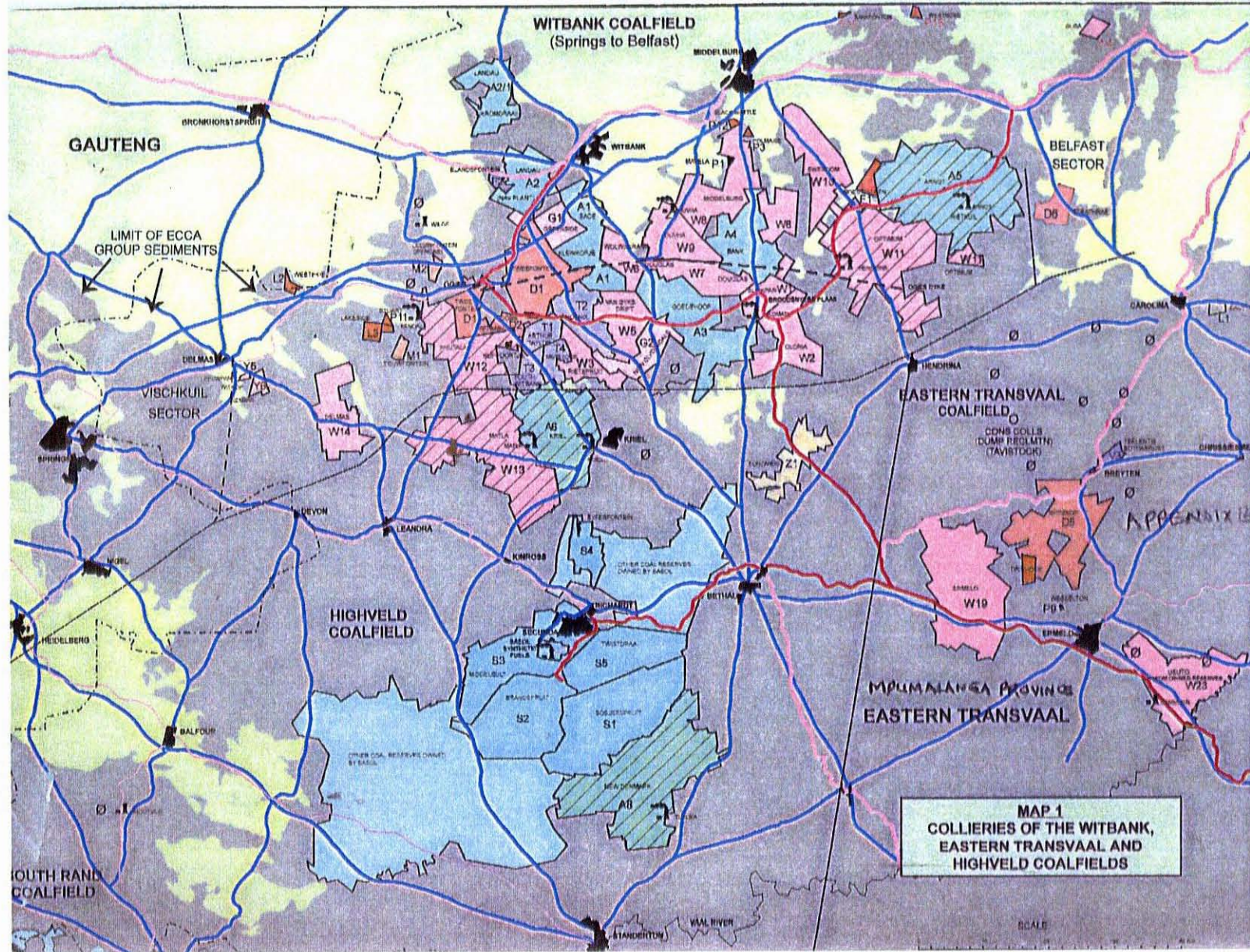
50. Do you think strike action can be terminated at all?

Yes	1
No	2

If **yes**, how? _____

If **no**, why? _____

51. Give any recommendation that you have on how strike actions should be handled by employers, employees and unions.



KEY TO COLLIERIES

INGWE COAL CORP LTD	TRIDENT
ANGLO AMERICAN COAL CORP LTD	ANGLO VAAL
SABOL MINING (PTY) LTD	OTHER SMALLER PRODUCERS
DUNKER EXPLORATION LTD	KANGSHA HOLDINGS (PTY) LTD
ISCOR LTD	METOHX
GOLDFIELDS COAL LTD	FRAZER ALEXANDER COAL
TAVISTOCK COLLIERIES LTD	BRKOM 'FIELD' COLLIERIES

COAL PRODUCTION OF THE FOUR LARGEST SOUTH AFRICAN COAL COMPANIES 1990-1995

	INGWE ¹			AMCOAL			SABOL ²			ISCOR ³		
YEAR	EXP	ESK	GEN	EXP	ESK	GEN	EXP	ESK	GEN	EXP	ESK	COKE
1990	18.1	24.7	9.8	10.5	29.9	2.8	0.0	0.0	36.4	0.0	6.1	3.9
1991	19.3	23.6	8.4	9.9	31.0	2.6	0.0	0.0	36.8	0.0	9.8	3.5
1992	21.9	25.1	8.9	10.3	29.8	2.2	0.0	0.0	36.8	0.0	10.1	3.4
1993	22.8	26.9	7.5	11.2	28.1	2.3	0.0	0.0	39.7	0.0	9.8	3.3
1994	23.2	28.2	7.4	12.1	31.3	2.1	0.0	0.0	40.4	0.5	11.4	3.2
1995*	25.0	28.6	6.0	13.4	29.8	2.5	0.0	0.0	41.0	0.0	12.7	4.0

* All 1995 figures estimated, except for AMCOAL. ** Indicated tonnages.

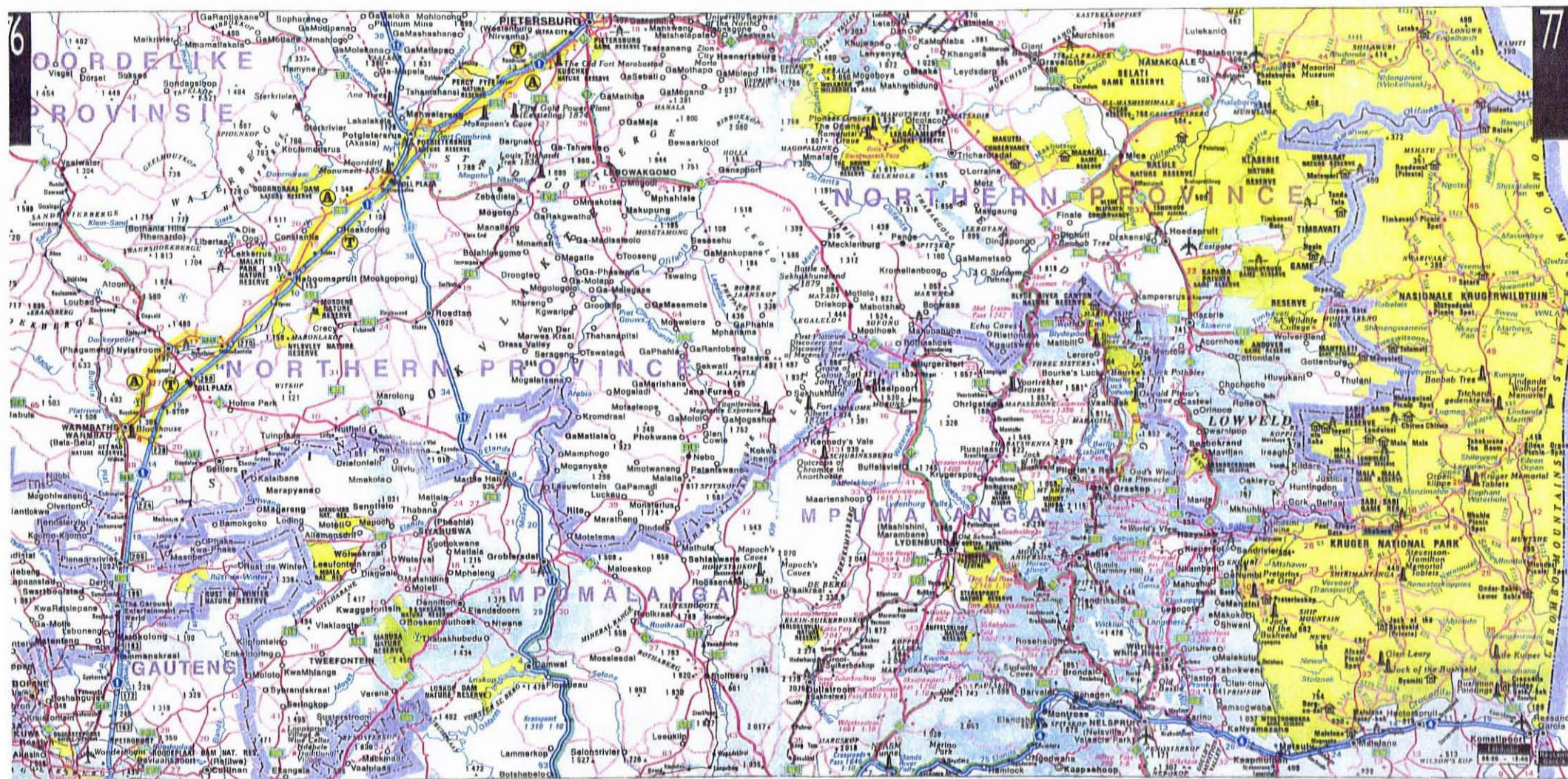
NOTES: 1. INGWE includes Trans-Natal & Randfontein.
2. SABOL includes coal to SABOL synthetic fuels (SBF) and SABOL Chemical Industries (SCI).
3. ISCOR - GEN includes exports.

Fiscal year end:
INGWE: Apr
AMCOAL: March
SABOL: Dec
ISCOR: Aug

BARKER'S COALFIELDS MAP OF SOUTH AFRICA



1995



**University of
Zululand**
**Universiteit van
Zoeloeland**

20 November 2001

Spitzkop Coal Mining Industry
Human Resources Manager
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BREYTEN
2330



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SA 631311
Fax (035) 793 3735
Fax (035) 793 3845 (Buying)
Fax (035) 793 3130 (Rectorial)
Fax (035) 793 3571 (Library)

Ref./Verw.

Dear Sir

LETTER OF IDENTIFICATION

I write to confirm that Mr Mandla Alfred Twala is a graduate student in the Department of Sociology at the University of Zululand. He is recently conducting a research about a sociological analysis of the impact of strikes in South African industries. This research is for fulfillment of his Doctorate degree.

I will be grateful if he is given the necessary assistance he needs from your establishment.

Thanks for your co-operation

Yours sincerely

PROF. HGL GLASS
HEAD: SOCIOLOGY DEPARTMENT