

A RACIALLY DIVIDED CLASS: STRIKES IN SOUTH AFRICA, 1973-2004*

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Introduction

The history of industrial relations in South Africa, especially pertaining to strikes, is to a great extent also a reflection of the country's racially divided past. The origins of the South African labour movement can be traced to a working class historically divided in terms of colour and skills. This working class was crystallized into a small, mostly skilled, elitist and exclusivist white group of trade unionists and a vast unorganized and unskilled proletariat of black workers. The white labour movement became militant relatively soon after its formation in the wake of the discovery of minerals in the 1870s. By 1924 it had achieved workers' rights through militant industrial action, after which its influence on labour issues steadily diminished. Because of factors such as discrimination and suppression, black trade unionism took a much longer period to develop and it grew in stature against many odds. Since the 1970s black unions also became a major political force that played an indispensable role in the success of the liberation struggle and the political transformation of the South African state (Visser 2000: 220).

With the discovery of minerals the demand for specialized labour increased because South Africa lacked the skills and technical expertise required for hard-rock mining. Therefore skilled experts, especially Cornish hard-rock tin miners and various other types of craftsmen, were recruited

* A version of this paper was published in S van der Velden, *et al* (eds), *Strikes Around the World, 1968-2005. Case-studies of 15 Countries*. Aksant Akademik Publishers, Amsterdam, 2007, pp.40-60.

predominantly from the English-speaking industrial world, especially the British Empire and America (Katz 1994: 49-50,63-68,75; Rowe 1974: 43,114,206). As a predominantly British labour ethos was established in South African industrial centres, the British model of industrial relations, which in the modern context is often characterised as the “adversary system” as opposed to the “conciliatory system” of the European continent, was imported into South Africa (Sachs 1952: 139; De Kiewiet 1957: 211-212; Wiehahn 1983: 171). Therefore, South African labour history in the twentieth century is characterised as an era of political turmoil as well as of large-scale and serious endemic industrial unrest, which culminated in a number of major strikes. This industrial strife formed part of a cathartic process in which the relationship between capital and the state and its subjects in the field of labour took shape (Visser 2004: 2).

Surprisingly, however, very few studies on strikes have been published in the field of South African labour history to date, notable exceptions being those by Walker & Weinbren (1961), Katz (1976) and Oberholster (1982). This is partly due to a complete lack of, or at best erratically available, strike data on South African labour disputes. Only since the 1980s have studies on labour relations begun to produce some data of strike occurrences, although none provide a complete chronological picture of South African strike incidents.

Trade Union Development

The 1973 strikes in Kwa-Zulu-Natal added impetus to the reawakened black worker consciousness. Encouraged by the post-Wiehahn Commission spirit of change, the growth of black unions since the 1970s has created a diverse and

fluid labour movement in South Africa. The best organised of the independent union federations at that stage was the Federation of South African Trade Unions (FOSATU), founded in 1979 on the principles of non-racialism and industrial unionism. Emphasis was placed on democratic decision-making and building strength through shop stewards on the factory floor. It was the first non-racial trade union federation (though it represented mainly black workers) since the decline of the South African Congress of Trade Unions in the early 1960s and its affiliates catered basically for unskilled workers.

The establishment of FOSATU was evidence of the growing confidence of the black unions. In the early 1980s its affiliates gained recognition at many factory plants in Kwa-Zulu-Natal, Gauteng and the Eastern Cape. By then the black trade union movement in South Africa was the fastest growing labour movement in the world. FOSATU's nine affiliated unions were particularly strong in the automobile, steel and engineering, transport, chemicals, textiles, paper and food industries. FOSATU initially remained aloof from factional political and community issues, to which other non-racial unions paid a great deal of attention. Instead FOSATU expressed its intention of founding its power base in a "worker movement", foreseeing that such a movement would eventually wield more socio-political power than factional or liberalising political parties or movements. During the years which followed, the FOSATU unions, most of which were by then registered, continued to grow in strength and to play a dominant role within the new labour dispensation. It was, in fact, the unions in this federation which provided the major impetus for the later formation of COSATU. Although it did not affiliate to political bodies, FOSATU did join in

protests against government actions and was one of the first union bodies to support disinvestment (MacShane 1984: 34,38; Van Niekerk 1988: 153,155; Finnemore & Van Rensburg 2002: 29; Bendix 1989: 300,321,323-324).

The Council of Unions of South Africa (CUSA) was formed in 1981. Although accepting the principle of non-racial unions, it insisted that the leadership be in the hands of black members and it can thus be regarded as a black-consciousness-orientated union. In the early years the federation was considered as less militant than the FOSATU unions and CUSA affiliates also avoided political issues. Consequently these unions were not as seriously affected by police action as some of the FOSATU and independent unions were. CUSA was strong in certain sectors such as transport, food and chemicals. It also established the influential National Union of Mineworkers (NUM). The NUM became the first black union since 1946 to penetrate the mining industry successfully and was soon to become the largest single union in South Africa (Van Niekerk 1988: 156; Bendix 1989: 326; Finnemore & Van Rensburg 2002: 29-30).

In October 1986 CUSA merged with the black-consciousness-orientated Azanian Congress of Trade Unions (AZACTU) to form the National Council of Trade Unions (NACTU). Of the two, CUSA was the stronger on the shop floor. A major consideration for CUSA to join with AZACTU was probably an attempt to boost its membership, credibility and status, which had fallen dramatically after the NUM withdrew its membership in order to join COSATU. During the 1980s NACTU developed stronger ties with the Pan African Congress (PAC). NACTU's principles entail, inter alia, worker control of the economy, leadership

by the black working class and non-affiliation to political organisations. It became involved in investment ventures with the aim of “empowering the masses economically” by increasing black control over investment decisions. NACTU’s three largest affiliates are in the chemical, food and transport industries. The federation reported 372 106 members in 18 affiliates in 2002 (Nel 1997: 129-130; Bendix 1989: 326-327,331,344; Finnemore & Van Rensburg 2002: 31,164-165).

By 1982 FOSATU declared itself willing to disband in favour of a new federation. After four years of planning, the Congress of South African Trade Unions (COSATU), was launched in November 1985 in Durban during the height of political unrest. Its formation introduced a new dynamic into political unionism in South Africa. The thirty-three unions which amalgamated to form COSATU were comprised of old FOSATU affiliates and a large number of independent unions. The new president of the federation, Elijah Barayi, was an official of the NUM, while the general-secretary, Jay Naidoo, was an ex-FOSATU member. At its inception COSATU had a total membership of 450 000. One of the first goals of the federation was to unite those affiliates operating in the same industry or sector into a single union. Indeed, the move from a powerless, atomised working class in 1970 to the 450 000 strong COSATU federation and the successful organisation and militancy of workers in key industrial and service sectors, was a remarkable success story of working-class organisation even in world terms (Baskin 1991: 34,53-58,88-90; Visser 2000: 241; Bendix 1989: 329,335; Finnemore & Van Rensburg 2002: 31,158).

COSATU set itself a dual economic and political role and identified itself with the political problems which affected its members' lives from the outset. Its aims and objectives included, inter alia, securing social and economic justice for all workers. Resolutions passed at the inaugural conference called for a condemnation of the state of emergency that had been imposed by the apartheid government, support for disinvestment and sanctions against the government, a rejection of the Bantustan policy, a one-man-one-vote system, the transformation and reform of working-class education, a stand against the migrant labour system, influx control and pass laws, a campaign for a national living wage, the need to combat unemployment, and the unconditional release of all political prisoners and detainees. COSATU also espoused a pro-socialist stance and announced its intention of becoming a pivot in the struggle against apartheid and capitalism.

When the ANC, PAC and the South African Communist Party (SACP) were unbanned in 1990, COSATU entered into negotiations with the ANC and the SACP aimed at cementing their strategic alliance, which culminated in a formally constituted new tripartite alliance in May 1990. Prior to South Africa's first democratic general election in 1994, the ANC agreed in principle to adopt COSATU's Reconstruction and Development Programme (RDP) in return for the federation's support in the elections. Thus the RDP – a programme of socio-economic redress for the poor black masses – formed the basis of the ANC's election manifesto and through the programme COSATU managed to influence the agenda of the country's transition generally. COSATU's support for the ANC in the election was a significant aspect of the overwhelming ANC

victory and a key determinant of the election result. COSATU contributed indispensable organisational capacity in devoting personnel and resources to the election campaign, conducting voter education programmes and canvassing voters for an ANC victory. A large number of COSATU unionists also secured parliamentary seats and key positions in government departments. Unionists such as Jay Naidoo and Alec Erwin were appointed to key cabinet positions in the Government of National Unity, acquiring major influence over economic policy and development. By 2002 COSATU had a membership of 1 781 668 in nineteen affiliates (Van Niekerk 1988: 159,161; Baskin 1991: 58-59,420,425,429-434; Visser 2000: 242-244; Bendix 1989: 335-336; Finnemore & Van Rensburg 2002: 36,158-161).

In a December 2005 address COSATU General Secretary Zwelinzima Vavi admitted that the federation was still a black, male-dominated organisation, despite a sizeable portion of women members. Given the size of its women membership, COSATU had the potential to form the bulwark of a mass women's movement but was still far from achieving gender parity. According to Vavi (2005: 3-4), it was an ongoing challenge to translate the mass participation of women into an organic force that could address women's rights in the workplace and in society. There are relatively few women in leadership positions or the shop steward movement and if they leave, it is hard to replace them. In the light of Vavi's remarks one can infer – from a feminist perspective - that COSATU, as the largest union federation in South Africa, still has some way to go towards including women in strike leadership positions during strike activity.

Due to budget and capacity constraints the ANC government replaced the RDP in 1996 with its more market-friendly Growth Employment and Redistribution policy (GEAR), which was not the product of consultation with COSATU and the SACP and would generate considerable disagreement and strained relations within the Tripartite Alliance (Visser 2005:7-12).

In April 1997 the Federation of Unions of South Africa (FEDUSA) was formed. The federation was created by the amalgamation of the Federation of South African Labour Unions and the Federation of Organisations Representing Civil Servants. FEDUSA is an independent non-aligned federation and its affiliates range from small craft or professionally-based associations to large sector-based trade unions. In general, FEDUSA unions are less likely to embark on strikes than the COSATU affiliates, although negotiations may be very protracted. A major role of FEDUSA unions is to protect their individual members from unfair dismissal and unfair labour practices, especially in a public sector undergoing transformation. In 2002 FEDUSA had a membership of 534 869 in twenty-seven affiliates (Finnemore & Van Rensburg 2002: 162-164).

After the demise of the all-white South African Confederation of Labour Associations, the South African Mine Workers' Union transformed and reinvented itself to form a so-called "super" trade union. While still maintaining an almost completely all-white membership, the union moved away from its previous racist and militant stance on the protection of (white) job reservation in the labour market to a more pragmatic approach towards trade unionism. Renamed Solidarity in 2000, the union maintains a good working relationship with COSATU on labour issues of common interest. Solidarity boasts a

membership total of 130 000 and from the start of the new millennium it has been the trade union with the steepest growth curve in South Africa. The union's growth was partly due to mergers and the incorporation of other unions into its ranks, as well as organic growth. It became particularly strong in the mining, steel and engineering, chemical, automobile and rubber, electrical, telecommunication and arms manufacturing industries, as well as in municipal services (Cant & Machado 2002: 43-52; Buys 2003: 30-31).

In 2001 there were altogether 485 registered unions in South Africa with a total membership of approximately 3.9 million workers. Thus the country has experienced a sharp increase in level of unionisation and unprecedented union growth since the 1970s and, at 46% of formal employment by 2002, South Africa has one of the highest levels of union density in the world (Finnemore & Van Rensburg 2002: 131,157).

The 1995 Labour Relations Act did indeed encourage union growth in previously unorganised areas, such as government and the agricultural and domestic sectors. Trade unions are likely to attempt to consolidate their position by broadening their membership base. Issues on the agenda of most trade unions and federations include: strained relationships with the government that is moving ahead with its privatisation plans, its Growth, Employment and Redistribution (GEAR) strategy and the call on the labour movement to curb its wage demands, as well as large-scale public and private sector downsizing. The unions' power might be under threat as globalisation and international competition demand high productivity, competitive wages, limited labour unrest

and a commitment to long-term industrial and political peace and stability (Grossett & Venter 1998: 541).

Industrial Relations System

As white miners and artisans became more militant and began to precipitate violent strike action, legislation was promulgated by way of the Industrial Disputes Prevention Act No. 20 of 1909, but it was unsuccessful in achieving its objectives. More militant strike action was instigated by white workers in the 1910s such as the 1913 miners' strike and the 1914 general strike. The government tried to cope with these strikes and the general industrial unrest by passing the Workmen's Compensation Act No. 25 of 1914, and the Riotous Assemblies and Criminal Law Amendment Act No. 27 of 1914, which gave it wider powers to curtail public unrest caused by individuals and trade unions (Nel 1997: 46-47). The year 1922 saw the biggest and bloodiest industrial upheaval in South African labour history, which took on the features of a civil war on the Witwatersrand. In order to maintain an entrenched industrial colour bar and to avoid retrenchments, 22 000 white workers participated in this strike, which was characterized by pitched battles between the armed forces of labour and the state (Oberholster 1982: 141).

The 1922 strike or Rand Revolt was probably the most critical turning point in South Africa's pattern of industrial relations for two reasons. It marked the final parting of the ways for black and white workers, and it produced the "conciliation system" introduced through the Industrial Conciliation Act No. 11 of 1924. This Act repealed the Industrial Disputes Act of 1909. It was the first piece of labour legislation that structured relations between employers and

unions in South Africa. The Act was modelled on the pluralist principles of promoting collective bargaining between employers and organised labour within a basic framework of rules and structures provided by the state. It aimed at making provision for the prevention and settlement of disputes between employees and employers, following the experience of the Rand Revolt.

This Act provided the necessary machinery for settling disputes in industry by establishing a system of industrial councils and the registration of white trade unions and employers' organisations. The underlying principle of the act was self-government in industrial and public utility enterprises, industries, trades and occupations. It also formed part of the overall policy of providing preferential employment opportunities to white workers as opposed to blacks in an attempt to alleviate the poor white problem. Thus black workers were excluded from the definition of "employee". As a result the promulgation of the Act gave rise to a stunted and discriminatory form of pluralist industrial relations that was to have far-reaching consequences. Black unions, instead of being supported within a pluralist system, were suppressed by the state. This allowed for unitarist management practices and the exploitation of the majority of the workforce (Nel 1997: 49; Finnemore & Van Rensburg 2002: 9,25-26).

Between 1931 and 1935 it became clear that the Industrial Conciliation Act of 1924 needed updating. This was particularly due to the fact that there were large-scale movements of labour as a result of the Great Depression from 1929 to 1933, as well as the fact that white and black trade unionism was on the increase. The Industrial Conciliation Act No. 36 of 1937 was subsequently promulgated, which repealed the Industrial Conciliation Act of 1924. The prime

objective of the 1937 Act, which heralded the next period of industrial relations in South Africa, was to create industrial peace between employers and workers, arbitration, conciliation and mediation. The Act, however, caused a great deal of confusion with regard to black workers, because certain blacks were included in the definition of an employee, while others were excluded. It also resulted in the establishment of so-called mixed trade unions, comprised of all race groups in South Africa. All other black workers were excluded from the Act (Wiehahn 1983: 179-180; Nel 1997: 50-51).

The Black Labour Relations Regulation Act No. 48 of 1953, which followed on the Industrial Conciliation Act of 1937, was intended to establish the machinery whereby the interests of black workers could be protected when agreements, which concerned blacks in terms of the 1937 Act, were considered. The Act was an attempt to avert trade unionism among black workers by allowing for the establishment of workers' committees for black employees. These committees were to be established on the initiative of the employees themselves. The Act was also intended to make provision for the resolution of disputes which might develop between black workers and their employers. It was therefore aimed at the creation of a labour relations system for blacks which was parallel to that of the 1937 Act, with the major difference being that black workers could not formally join trade unions and make use of the industrial council system (Bendix 1989: 296; Nel 1997: 53).

The National Party, which came to power in 1948, was to introduce more wide-ranging policies of apartheid. The new government made no bones about its intention of separating race groups in the work situation, and of ensuring that

trade union activities should be limited to purely industrial relations matters and that the economic security of the white worker should be protected statutorily. Thus the Industrial Conciliation Act No. 28 of 1956 was promulgated, which repealed the 1937 Act. It went further than the 1924 and 1937 Acts in that it introduced far-reaching discrimination into labour affairs and caused further polarisation. Apart from the total exclusion of black workers from registered trade unions, the act also included a prohibition on the registration of new mixed trade unions, except with ministerial permission, while placing very severe restrictions on the operation of existing mixed trade unions. Section 77 of the Act was regarded as a safeguard against inter-racial competition, which became known as statutory job reservation. The legislative reforms of 1953 and 1956 underlined the fact that South Africa practised a truly dualistic system of worker representation (Bendix 1989: 296; Wiehahn 1983: 182; Nel 1997: 53-54,56).

The unexpected strikes in Kwa-Zulu-Natal in 1973, which involved 60 000 black workers, underlined the failure of the Black Labour Relations Act of 1953 to cope with the need for representation by blacks. This Act, although amended by Act No. 70 of 1973, was still grossly inadequate and resulted in further changes in 1977. Consequently, the Black Labour Relations Amendment Act No. 84 of 1977 was promulgated, which sought to improve the position of black workers, particularly with regard to the machinery for negotiation. In terms of the Act, it became possible for many more blacks to fill jobs previously held by whites. In the same year the government appointed the so-called Wiehahn Commission of Inquiry into labour legislation. The

Commission recommended, inter alia, the granting of freedom of association to all workers irrespective of race and status as migrants or commuters, the autonomy of unions in deciding membership criteria (as a consequence mixed unions would be allowed) and that apprenticeships should be open to all races. These recommendations were encapsulated in the Labour Relations Amendment Act No. 57 of 1981, which superseded the Industrial Conciliation Act of 1956 and simultaneously repealed the Black Relations Act of 1953. The 1981 Act also provided for full trade union rights to every worker in South Africa, irrespective of origin (Nel 1997: 56-57,60; Finnemore & Van Rensburg 2002: 29-30).

After the first democratically held elections in South Africa in 1994, the new Government of National Unity introduced the Labour Relations Act (LRA) No. 66 of 1995, which aimed at normalising the relationship between politics and industrial relations. This Act has redefined South African labour relations. The Act brought about fundamental changes to employment relations and collective bargaining. It also introduced important new concepts such as workplace forums and unfair discrimination into South African workplaces, while a comprehensive system of trade union, organisational and individual workers' rights, including the all-important and fundamental right to strike, was statutorily regulated. It made provision for three dispute resolution bodies, namely the Commission for Conciliation, Mediation and Arbitration (CCMA), the bargaining council and the Labour Court (Grosset & Venter 1998: xvii,31,407-408; Nel 1997: 64,192).

A Brief Overview of Strike and Lockout Legislation

In terms of the LRA of 1995 every employee has the right to strike and every employer has recourse to lockout, provided that the issue in dispute has been referred to a bargaining council, or if no council has jurisdiction, to the CCMA. A certificate stating that the dispute has not been resolved needs to have been issued, or alternatively, a thirty-day period or any extension agreed to by the parties needs to have lapsed since the issue was referred to a bargaining council or the CCMA. In the case of a proposed strike, the employer must be given at least forty-eight hours' written notice of the strike. In the case of a proposed lockout the employer must give the representative trade union at least forty-eight hours' written notice, or if there is no union, the employees themselves. When a deadlock in negotiation arises, management may impose a so-called "offensive" lockout so that the employer controls the timing of the industrial action rather than allowing the union the advantage of choosing when to embark on a strike. So-called "defensive" lockouts may occur after a strike has already commenced. Factory gates may be locked and access only granted to scab labour or until such time as striking employees accept conditions laid down by management. Where go-slows or work-to-rules prove intractable, an employer may lock out employees until they agree to meet production norms.

South African labour legislation generally supports only offensive lockouts. Employers do not resort to lockouts frequently and the LRA prohibits employers from hiring replacement (scab) labour to do the work of employees who have been excluded from the workplace during an offensive lockout. Where the parties to a dispute are either the state or its employees, at least

seven days notice of the proposed strike or lockout must be served on the relevant parties. The right to strike is limited in the case of essential services. Such services are defined as a service the interruption of which endangers the life, personal safety or health of the population (such as medical or emergency services), the Parliamentary Service and the South African Police Service. If the issue in disputes relates to a refusal to bargain, an advisory arbitration award should be issued by a bargaining council or the CCMA before the relevant parties are given notice of strike action or lockout. Thus the Act promotes centralised bargaining and the use of official dispute-settlement machinery in so-called “protected” or “official” strikes, which tend to favour the position of certain larger unions rather than that of employers. A strike that does not comply with the procedural provisions of the LRA is defined as so-called “unprotected” or “unofficial strike”.

Protected protest strike action includes such methods as go-slows, work-to-rule, so-called “stayaways” (e.g. protests at the imposition of certain taxes, cuts in government spending and actions relating to the provision of housing), picketing and sit-ins. The right to picket in South Africa was seriously restricted during the 1980s after the enactment of a wide range of security legislation. However, the 1995 LRA states that a trade union may authorise a picket by its members and supporters for the purpose of peacefully demonstrating in support of any protected strike or in opposition to a lockout. The Act makes provision for a trade union or employer to request the CCMA to attempt to secure an agreement between the parties to the dispute on rules that should apply to any picket. Sit-ins were also used extensively as a strategy during the strike-torn

era prior to the advent of democracy in South Africa. Factory plant occupation may be even more extensive and sometimes includes sleep-ins, where the premises of the employers are not vacated until a dispute is settled. In 1990 a two-week factory occupation occurred at the Mercedes Benz plant in East London during a dispute over the negotiation on wages. Workers physically took over the factory and placed marshals at the gates. They fashioned beds from foam, upholstery and car headrests (Bendix 1996: 102-103,128,531-536,539; Finnemore & Van Rensburg 2002: 368-369,371-373,378-379,384-385; Venter 2003:476-477,479- 480).

Under the old LRA of 1981 unions were required to conduct a ballot among their members before embarking on a legal strike. This provision is not a compulsory requirement under the new 1995 Act. However, some union constitutions require that a strike ballot be taken. The failure by a union to comply with a provision in its own constitution to conduct a ballot among its members before embarking on a strike may not affect the legality or protection conferred on the strike. Nevertheless, balloting is frequently used by unions as a pressure tactic to indicate to management the seriousness of their intention to embark on strike action and places added pressure on the employer (Finnemore & Van Rensburg 2002: 372). Although workers may be replaced temporarily as a result of a strike, the permanent replacement of workers, according to the stipulations of the LRA, seem to be somewhat indecisive. An employer may dismiss strikers on the grounds that operational requirements necessitate such dismissals. Operational requirements are defined as those based on the “economic, technological, structural or similar needs of the

employer”. However, in this instance the employer would essentially be engaging in retrenchments and would then have to follow retrenchment procedure. Therefore the gist of the LRA is to encourage both parties to also utilise dispute settling mechanisms such as the CCMA or the Labour Court (Bendix 1996: 367,369,537-538).

Notes on Industrial Dispute Data Collection

As was mentioned earlier, strike data on South African industrial disputes are subject to various constraints and in many instances are either non-existent or, at best, only erratically available. One reason for this state of affairs is the fact that black trade unions were only legalised and registered with the Industrial Registrar after the promulgation of the Labour Relations Act of 1979 (see e.g. Bendix 1996: 96-98). Consequently, the only consistent strike data available date from 1979. No consistent or reliably quantified strike data for the period prior to this date could be retrieved and even data collected since reflect some inconsistencies and shortcomings. This is especially the case with unprotected strikes. Therefore the accuracy of strike statistics in South Africa is quite correctly challenged by many analysts. The incompleteness of national strike statistics collected by the old Department of Manpower was revealed by research into strikes in the Port Elizabeth/Uitenhage area: of the 142 strikes in 1990 that were researched, only 25% had been reported to the Department (Finnemore & Van Rensburg 2002: 374).

To date, for instance, the new Department of Labour (DOL, the reconstituted Department of Manpower since 1994), the official South African source on industrial dispute data collection, only provides figures pertaining to

millions of workdays lost due to industrial action up to 2003 (See DOL 2003: 6).¹ No specific information on trade union strike rules on ballots, e.g. ballot thresholds, could be obtained. Although the major South African trade union federations do provide some form of strike remuneration, such funds are limited, while the duration and magnitude of industrial disputes could also limit any strike compensation. However, no details pertaining to strike pay or membership contributions to strike funds could be procured (see e.g. NUM 2005: 30).² Neither the DOL nor any other source provides any statistics on lockouts. In the light of the unreliable and inconsistent strike data that are available, no graphs on South African strike tendencies are provided.

Strike Statistics

The latest census figures estimate the South African population at 44,8 million (Census 2001). Between 1997 and 1998 male/female unemployment rates surged from 5.4% to 25.3 due to unfavourable economic conditions such as high interest rates and the low exchange rate of the South African currency. No data on the number of informal workers could be obtained.

Nevertheless, given the limitation of the incomplete statistics of the Department of Manpower and of the DOL, some trends in strike activity may be noted. The number of strikes per year has increased steadily in South Africa since the early 1980s, both in number and in workdays lost, with only a slight drop in 1983 and 1985, owing to recessionary conditions. This was an expected trend, given the growing extent of unionisation of the workforce.

Statistics published by the Department of Manpower reveal that 1 148 strikes occurred during 1987, compared to 101 in 1979, 342 in 1981, 469 in 1984 and

793 in 1986, 1 148 in 1987, 1 025 in 1988 and 855 in 1989. Workdays 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 the average duration of strikes increased from 2.8 days in 1980 to 9.9 days in 1987. In 1988, 1989 and 1990 the average duration was 5.6, 7.0 and 8.5 days respectively. After 1987 there was a drop in 1988 and 1989, but 1990 again showed a steady increase.

A slight drop in strike activity was noted in 1991 which, being the year indicative of radical socio-political change, may be described as the Year of Expectations. Employees were adopting a “wait and see” attitude to what the negotiations for a new political order might come up with. From 1992 onwards strike actions 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 expectations and the perceived lack of any significant change at grassroots level. Overall, the number of workdays lost did not show any significant decrease from the previous decade (Bendix 1996: 540-542). The increase in workdays lost due to strikes rose from 500 000 in 2000 to 1.25 million in 2001 (Grawitzky 2002: 44).

The greatest number of workdays lost occurred in 1987, when almost 6 million workdays were lost due to a long and massive strike in the mining industry. Workdays lost continued to rise during the volatile decade of worker militancy prior to the national democratic elections in 1994. However, in the first six years after the election there was a decline in strike activity. This was

largely due to the decline in activity in the mining and manufacturing sector. However, pressing problems in the public sector came to the fore and 71% of the days lost due to strikes in 1996 were due to public sector employees embarking on strikes. In 1998 workdays lost once again surged as employees took to the streets over wage disputes in the private sector. In South Africa 235 workdays per 1000 employees were lost between 1990 and 1998. The high strike rates over the last ten years are in sharp contrast with the decline of strike activity in developed countries. In 1999 growing dissatisfaction of public sector employees resulted in twelve public unions confronting the state in a united strike over a wage dispute. Even the traditionally conservative unions joined the strike. But the new trend of concluding three-year agreements in the major industries such as the metal and auto industry has resulted in reduced volatility.

In the new millennium, while strike action declined in 2000 and 2001, the three-week strike by local government employees in 2002 was a reminder that employee dissatisfaction is still considerable in certain sectors of the economy. This illustrates that the right to strike is firmly entrenched in South Africa. It is clear that both private and public sector employees will exercise these rights when they are aggrieved. (Finnemore & Van Rensburg 2002: 374). Although 2003 saw an increase in industrial action and therefore also in time lost due to strikes and stoppages, over a four-year period workdays lost due to industrial action declined from 2.6 million in 1999 to 919 780 in 2003 (DOL 2003: 3,19). According to Kelly, 650 000 workdays were lost due to strike action in 2004 (Klein 2005: 1), while Andrew Levy & Associates estimated that the number of

workdays lost due to strikes during 2005 would be around 2.3 million

(Kobokoane 2005: 1).

A Quantitative Overview of Strike Activity

While before 1979 South Africa had, in comparison to other countries, a low strike-proneness, it is now regarded as a country with a fairly high strike intensity. The higher incidence of strike action is attributable mainly to the rise of unions representing black employees, and the greater militancy of these unions and their actions at factory plant level. Noteworthy, though, is the fact that, whereas until 1985 almost all strikes were illegal, there is now a greater tendency, also among these unions, to engage in legal industrial action.

As stated above, 1987 has, so far, been a record year in terms of strike frequency, number of man-days lost and average duration of strikes due mainly to the large-scale strikes in the mining industry, where thousands of workers were involved in industrial action. The longer duration of strikes in 1987 is a result of the lengthy actions undertaken by workers in the postal services and railways. By far the largest number of strikes occurred in the manufacturing sector. However, in the mining industry more workers are involved in each industrial action which occurs. Therefore, the number of man-days lost tends to be higher in the mining industry than in the manufacturing sector. The manufacturing sector was the first to be targeted by the newer unions, while unionisation on the mines gained momentum only at the end of 1984. Consequently, during the first half of the 1980s man-days lost were almost as high in the manufacturing sector as in the mining industry. This situation has changed as a result of increased strike action in the mining sector. A significant

increase in strike action has also occurred in the public service. Having unionised a large part of the mining and manufacturing sector, the unions turned their attention to the public service and, in particular, to the railway, postal and municipal services.

The reason most commonly furnished for strike action is a demand for higher wages. It is thus not surprising that in the statistics wages should feature as the reason for the majority of strikes which occurred during 1987, although strikes for unknown reasons feature as prominently. Strikes hinging on wages or unknown causes are often indicative of generalised dissatisfaction. By comparison, other causes such as working conditions, wages linked with other matters and disciplinary measures are all apparently of equal importance, while trade union-related matters caused only 4.7% of the total number of strikes which occurred. Although wages have always featured prominently as a reason for strike action, there have been discernable trends in demands by employees since 1980. During 1982 and 1983 numerous strikes were initiated because of the unwillingness of employers to recognize unions at factory plant level. Once recognition had become more customary, the unions shifted their attention to a demand for a higher minimum wage. This occurred at the beginning of 1983. However, at the end of that year unions were caught by the recession. The result was a general decrease in strike incidence, but an increase in industrial court actions and a greater focus on retrenchments and dismissals.

The latter have continued to feature as a reason for strike action but, of late, strikes related to dismissals and disciplinary measures appear to be on the decrease, mostly as a result of improved procedures at plant level. In the

meantime employees have seen their real earnings gradually eroding and wage-related strikes, in the light of COSATU's living wage campaign, are again on the increase (Bendix 1996: 541-542; Finnemore & Van Rensburg 2002: 382-383).

However, the right of employers to use replacement labour during strikes is a major constraint on the effectiveness of strikes in cases where the skills required are learned relatively quickly. The very high unemployment rates in South Africa make it easy for employers to find a labour source when strikes are underway. Many employers report that during strikes their productivity improves with the use of replacement labour, which is often keen to make an impression in the hope of securing jobs in the future. A strike that occurred in the automobile industry in 1998, although lasting five and a half weeks, gained only 4.5% increase in minimum wages for workers. The strike was ineffective in shifting the employers from their bargaining position. Many employers used replacement labour or found that they could manage with fewer employees. Employees, for example, working at service stations as petrol attendants were easily replaced with students and other job seekers (Finnemore & Van Rensburg 2002: 381).

According to the DOL Annual Report on Industrial Action for 2003, most industrial action (which includes strikes, lockouts, stayaways and stoppages of work) for the period 1999 to 2003 occurred in the public sector (community, social and personal services), followed by the manufacturing and mining sectors. These developments seem to indicate a shift in strike frequency from the latter two sectors to the public sector. Most disputes during 2003 arose

from collective bargaining and the common reason underlying disputes continued to be that of wages, followed by working conditions, disciplinary matters and grievances. The DOL report came to the conclusion that although there was considerable year-on-year variation in the incidence of strikes, there has been a significant decline in strike action over the above-mentioned period in South Africa (DOL 2003: 3,13,19). Retrenchments, linked to economic conditions, the crisis in the gold industry due to the marginalisation and non-profitability of low-grade mines, as well as the introduction of new technology in the manufacturing and mining sectors, seem to be the major underlying inducements to strike action since 2003. According to COSATU, most industrial disputes or strikes in 2005 have revolved around wages, privatisation, deregulation of industries and corporatisation (Klein 2005: 3).

A Qualitative Overview of Strike Activity

The mass strikes in Durban in 1973, which began on 9 January and lasted until March, can be regarded as a watershed event in the history of the black labour movement that also heralded the renaissance of black trade union organisation in South Africa (Van Niekerk 1988: 154). These widespread strikes over low wages, mounting unemployment and poverty, involved an estimated 60 000 to 100 000 black employees. The strikes, including workers from brick, textile, transport, chemical, rubber, iron, steel and electrical services industries, as well as municipal services, erupted in Durban and spread to surrounding industrial centres. Industry was brought to a near standstill. Although the strikers made no fixed demands, a general complaint seemed to be low wages. Their actions were indicative of general dissatisfaction among black employees. For the first

time the real power of black workers was demonstrated. The strikes proved that even without the backing of any formal organisation worker action was able to bring pressure to bear on a labour issue and also that it was necessary to accommodate workers' interests within the industrial relations system (Du Toit 1981: 239-244; Macshane 1984: 16-17,20-23; Luckhardt & Wall 1980: 447-453; Friedman 1987: 37-40,46-47; Finnemore & Van Rensburg 2002: 28-29; Grossett & Venter 1998: 37).

Strikes and boycotts in 1976 were inspired by political rather than labour grievances. By 1976, which became renowned for the Soweto student uprisings during that year, it had become obvious that the government had not solved the problem of black worker militancy. A general strike in Soweto was called in August and stayaways occurred in September in sympathy with the protesting students. Trade union growth coincided with the mushrooming of protest movements. Hence trade unions, as the major representatives of the black working class, increasingly found themselves in a politically prominent position (Macshane 1984: 55-56; Du Toit 1981: 304-317).

Strikes increased since the early 1980s. Since the black union movement was now the only form of opposition that was granted some recognition by the Labour Relations Act of 1956, it was at the forefront of vociferous opposition to the apartheid government's political policies. It supported the political struggle and calls for sanctions, boycotts, stayaways, recognition of public holidays such as Soweto Day (June 16), and the release of Nelson Mandela and other political prisoners. In September 1984 large-scale disturbances erupted in the black townships of the industrial complexes surrounding Johannesburg. The

economic recession of the mid-1980s, the ANC's intention to make the country ungovernable, and dissatisfaction with the constitution of 1983 that excluded blacks from South Africa's political dispensation were also issues fuelling the political and economic discontent. In June 1986 a general state of emergency was declared in anticipation of demonstrations against the government on the tenth anniversary of the Soweto uprising. Approximately 2700 unionists, including officials and members, were detained. Strikes of substantial magnitude in 1987 were preceded by an intensification of the anti-apartheid movement's struggle for political freedom. Black worker organisations, which continued to grow rapidly, became increasingly politicised as they rejected South Africa's political status quo (Finnemore & Van Rensburg 2002: 31; Liebenberg & Spies 1993: 498-499; Grossett & Venter 1998: 40).

The unions emerging in the 1980s displayed the militancy to be expected of a new movement and particularly of one attempting to establish itself in an entrenched system. Working in close co-operation with shop stewards, they took up every issue affecting their members. Strike frequency increased from 101 strikes in 1979 to 1148 in 1987 (Oberholzer 1992: 152). The greatest number of workdays lost occurred in 1987, when almost 6 million workdays were lost due to a long and massive strike in the mining industry. Nine people were killed and 500 injured. Workers in the public sector also began to mobilise. Their unions falling under the COSATU banner were heavily resisted by the government, which favoured their own in-house unions, whose leaders were co-opted by management. In 1987 a strike by 18 000 employees in the South African Transport Services, initially triggered by the dismissal of an

individual employee, escalated into a massive confrontation between the South African Railways and Harbour Workers' Union (SARHWU) and the state. As gains were made by unions in the private sector, so workers in the public sector perceived their deprivation more keenly. The strike was triggered by the dismissal of an employee following a cash irregularity. Disciplinary action was taken only five months after the irregularity had occurred and workers perceived management's action to be grossly unfair.

The issues proliferated rapidly beyond the reinstatement of the dismissed employee to including payment for wages lost during the strike, the removal of racial discrimination in management practices and ultimately the recognition of SARHWU. The incident of the dismissal was used by SARHWU to mobilise the workers against management and confront the state over its suppression of black trade unions. Management in response initiated Operation Telbord, a strategy to crush the strike with the help of the police and the Defence Force. Confrontations escalated, workers were shot and protest marches were initiated in response. Altogether eleven workers lost their lives and several unionists were subsequently charged with the murder of four railway employees, who had not supported the strike (Finnemore & Van Rensburg 2002: 33,374,376,378).

Workdays lost due to strikes remained high in the volatile decade of worker militancy prior to the national democratic elections in 1994. In the years immediately after the election, there was a decline in strike activity largely due to the decline in activity in the mining and manufacturing sectors. However, wage disputes in the public and private sector, such as the health, police and municipal services and the fishing and transport industries, led to a renewed

spate of strikes in the period 1996-1999 (Finnemore & Van Rensburg 2002: 374; Bendix 1996: 83).

Unions operating in the public, transport, mining, oil refinery, steel, electricity, automobile and clothing sectors initiated a number of strikes during 2001 mainly on issues such as wages, benefits, retrenchments and working hours. In 2002 members of the South African Municipal Workers' Union went on strike to demand a minimum living wage of R2 200 per month. This in effect amounted to an increase of 10% over the previous year. The South African Local Government Association, representing the local government employers, proposed an increase of 8%. Negotiations deadlocked and the trade union proceeded to strike. Workers demonstrated in public and in many instances trash was strewn in the streets, resulting in a loss of community support for the strikers. Finally a minimum wage of R2 100 was agreed upon. However, most strikers had received no pay during the three-week strike and many employees were already in a serious debt spiral by then (Finnemore & Van Rensburg 2002: 140-141; Grawitzky 2002: 44-45).

Conclusion

Thus, although South African strike statistics are challengeable and at best incomplete, the following conclusions can be drawn from the data analysed: In comparison with the last two decades of the twentieth century, there has been a decline in strike activity since the beginning of the new millennium. Strike frequency also seems to be shifting from the industrial and mining sectors to the public sector. In these two instances South African strike patterns seem to be in accordance with world tendencies. However, strike action is likely to continue

from time to time in the foreseeable future, especially in the light of a spate of massive retrenchments in the mining and industrial sectors since 2003. As mentioned before, COSATU spokespersons have indicated on numerous occasions that the federation would resist any actions by employers, whether the state or the private sector, that would lead to the retrenchment of workers (See e.g. Visser 2005). Such resistance is likely to materialise as protest actions by means of strikes, or stayaways, but its nature, magnitude and duration might be constrained by local and international socio-economic tendencies and variables.

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¹ All DOL calculations are made on the basis of information captured on the LRA data forms.

After capturing the data, the loss of working days is calculated by multiplying the number of workers involved in each stoppage in days lost and adding the totals for all stoppages during the reference period.

² In its constitution even the National Union of Mineworkers, the largest COSATU affiliate, does not clearly stipulate ballot rules pertaining to the intention to strike. It only states that at least 20% of members involved in any strike may request the union's executive to hold a ballot to determine whether a strike should be terminated.