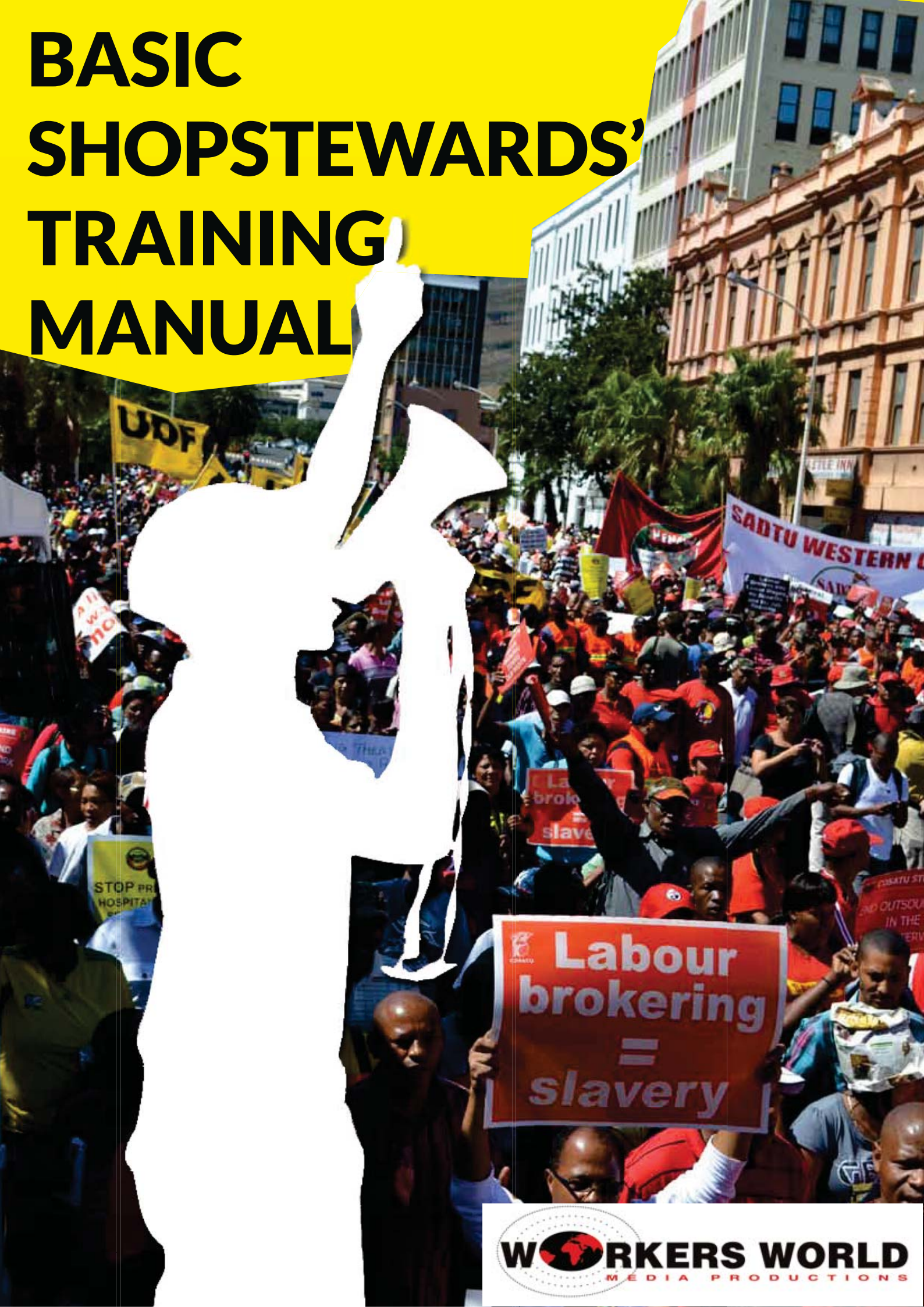


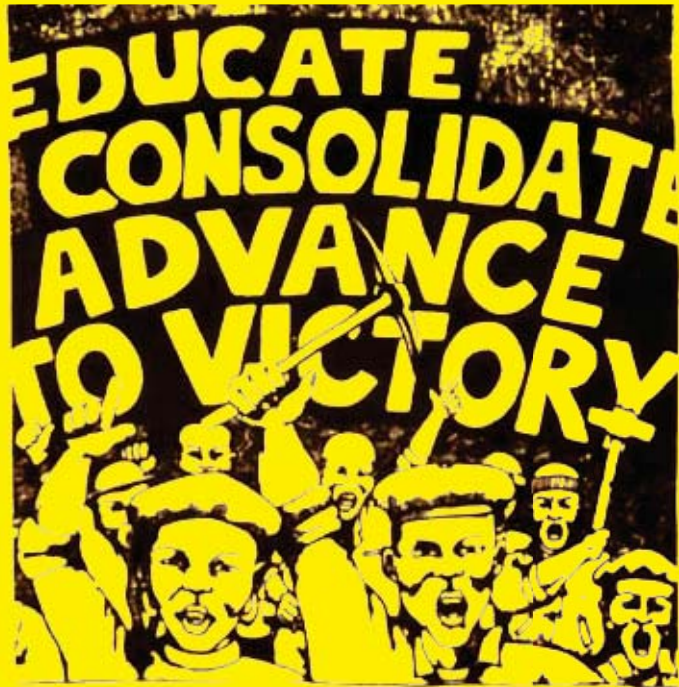
BASIC SHOPSTEWARDS' TRAINING MANUAL



BASIC SHOPSTEWARDS' TRAINING MANUAL

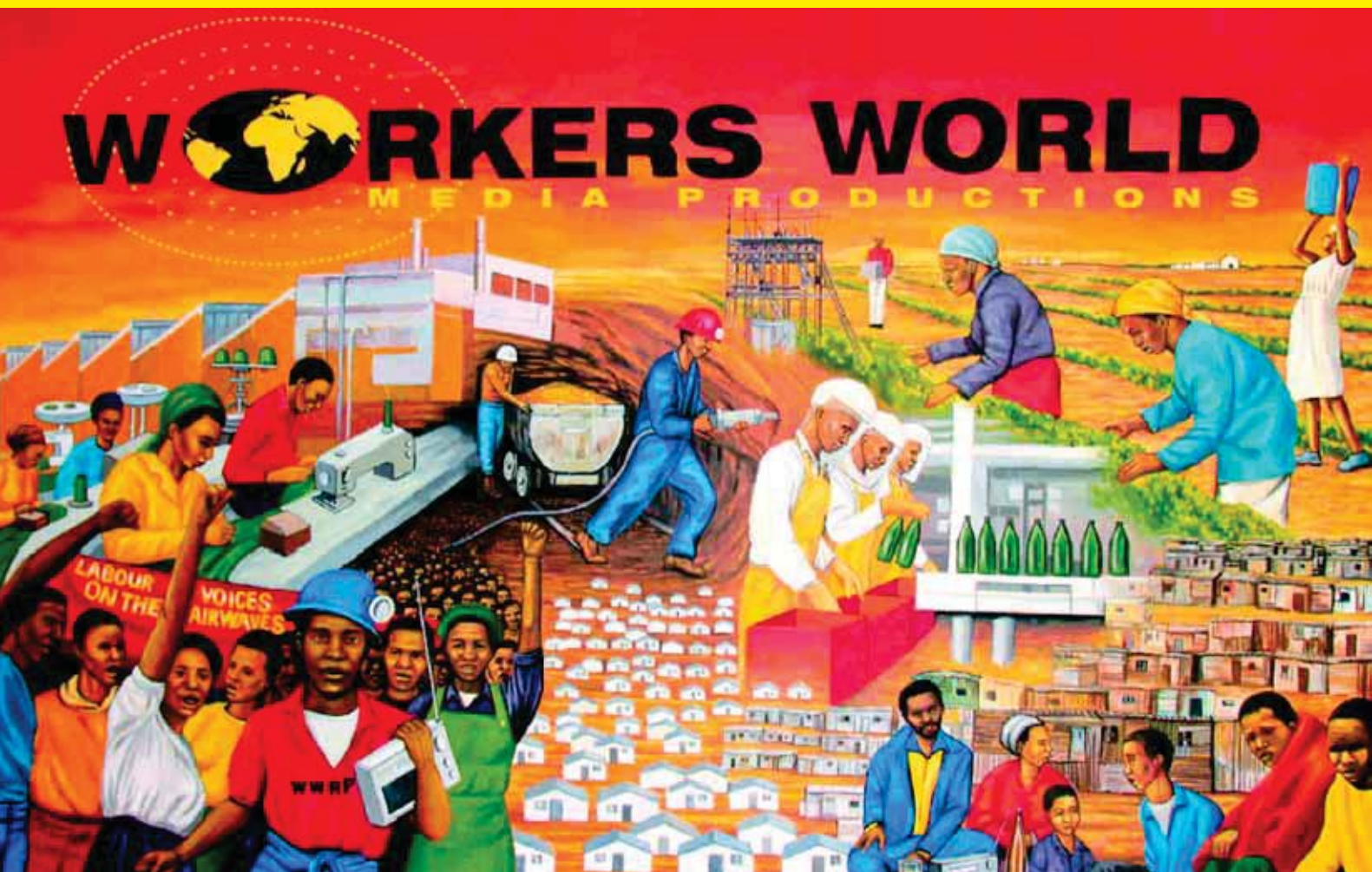
Shopstewards have been the foundation of the democratic union movement in South Africa. It is through them that unions are able to exercise democracy and workers control. Shopstewards are elected representatives of union members at workplaces. All workers in a workplace who are members of the Union will elect shop stewards according to the constitution of the union.

Shopstewards need to be committed, hard working, disciplined, progressive and literate. This manual is intended for the training of shopstewards in their roles as organisers and as worker representatives. It takes users through the practical steps a shopsteward needs to take, from the basics of recruiting members to the union to handling grievances of workers to representing union members in disputes with employers.



These roles and responsibilities of shopstewards can best be fulfilled by learning from the history of the labour movement in this country.

This manual attempts to continue the great tradition of democratic workers' struggle to better meet the new offenses by bosses against workers. It is written for collective use in training and involves group activities for users to participate in.



BASIC SHOPSTEWARDS' TRAINING MANUAL



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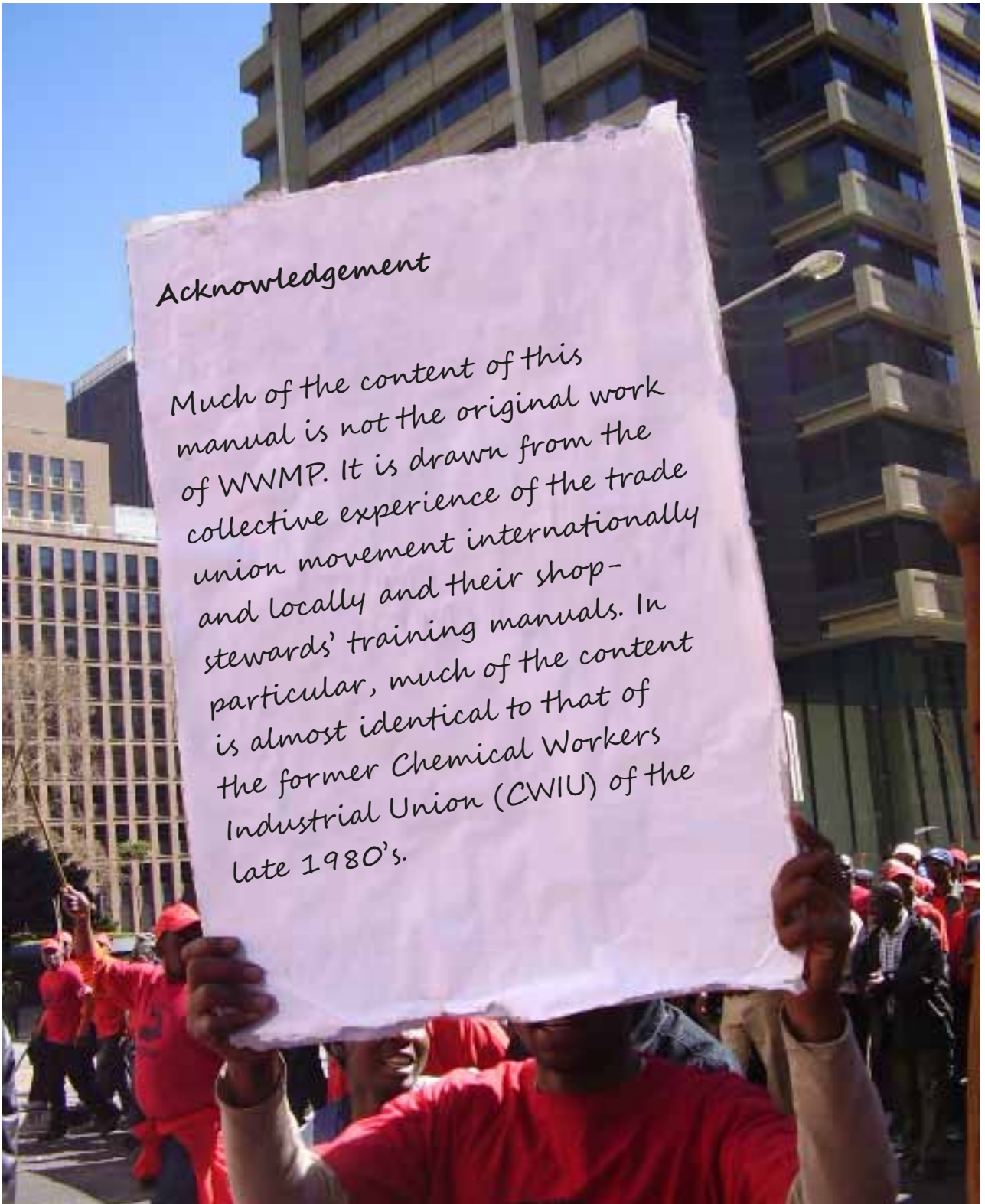
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Acknowledgement

Much of the content of this manual is not the original work of WWMP. It is drawn from the collective experience of the trade union movement internationally and locally and their shop-stewards' training manuals. In particular, much of the content is almost identical to that of the former Chemical Workers Industrial Union (CWIU) of the late 1980's.



THE TRADE UNION

Activity: Looking at the trade union

Tasks:

- Break into small groups, discuss the question
- Prepare a report

1. What is a trade union?

f) Exploitation

2. What are the aims of a trade union?

3. Most of our trade unions were born during the Apartheid era. Are trade unions still important for workers now under a democratically elected government in South Africa? WHY?

4. What should the relationship be between:

- trade unions and political parties,
- trade unions and the Government and
- trade unions and the bosses in South Africa today?

5. Explain the following terms:

- a) Democracy
- b) Capitalism
- c) Profit
- d) Collective action
- e) Worker



**A WORKING CLASS UNITED
WILL NEVER BE DEFEATED!**

WHAT IS A TRADE UNION?

A trade union is an organisation of workers. It is an independent organisation. It is run democratically by workers in the interest of workers.

A trade union is based on workplace organisation. It operates on the following levels:

- factory/mine or shop
- company
- industry
- nationally

Since the beginning of the factory system (often referred to as industrial capitalism) over 200 years ago, workers have struggled to form unions. The trade union has fought to protect and further the interests of workers all over the world.

AIMS OF THE TRADE UNION

- To organize workers and unite them into a strong and democratic trade union.
- To challenge the power of employers through collective action.

- To bargain collectively with employers for a living wage and decent conditions of work.
- To represent workers in their individual workplaces on all matters of concern for workers.
- To represent workers at industry level and national level.
- To educate workers and the community at large in trade unionism.
- To fight for workers rights in the community and country as a whole.

WHY DO WORKERS NEED TRADE UNIONS?

The Power of the Employers

Workers are in a very weak position compared to their employers.

It is important to understand where the employers' power comes from. The table below compares the powerful position of the employer with the weakness of the individual worker.

EMPLOYER	WORKER
Has access to capital (money) and resources such as machinery, buildings etc.	Has no access to capital. Has to work for an employer to earn a wage.
Is able to make profits by exploiting workers.	Struggles to earn a living wage to support him/herself and family.
Is supported by the government.	Struggles against a government which supports capital and which discriminates against workers.
Can select the workforce.	Cannot freely choose where s/he wants to work due to massive unemployment.
Has control over workers - can hire/fire; discipline; increase the pace of work; move workers around.	Struggles to fight against management power in the plants.
Has had access to education and training. Knowledge brings power.	Has generally had poor education and no skills training.

Workers standing on their own against employers are weak - employers can easily replace individual workers. BUT employers cannot do without all their workers. The only way that workers can increase their power against employers is to organise, unite and act collectively through their trade unions.

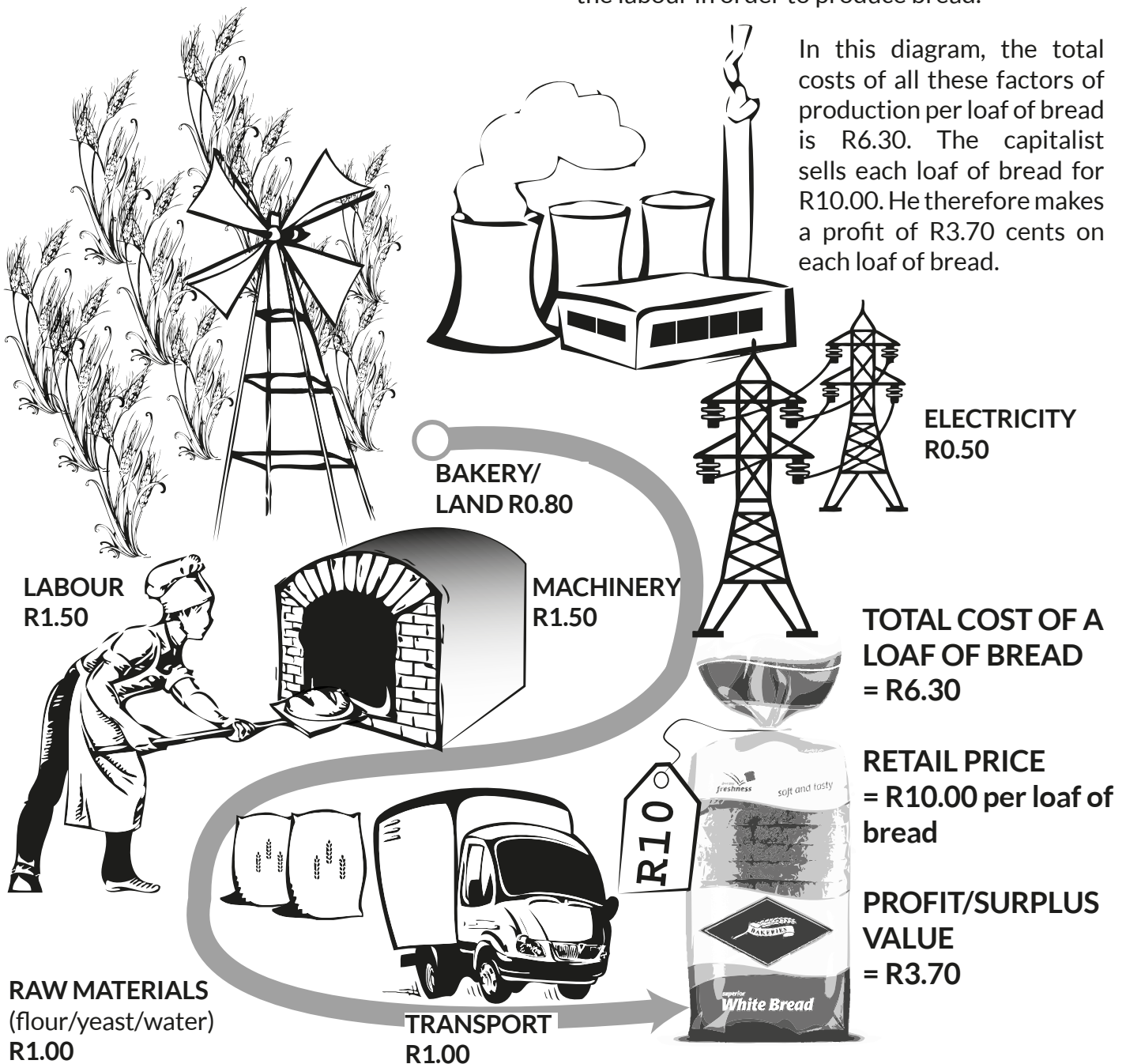
The Production Process and How workers are Exploited

Bosses use large amounts of money (capital) to start factories in order to produce goods. They sell the goods in order to make profits. We are often told that the reason that the bosses can make profits and get rich is because of their "know how" or entrepreneurial skills.

How does it really work?

Take an example of a bakery.

The capitalists invest their capital to pay for the factory, machinery, power, transport (the means of production) as well as the raw materials and the labour in order to produce bread.



Where does the profit come from?

If we look at the factors of production we see that all of them except labour have a price fixed by the market which the capitalist has to pay e.g. rent, electricity. However, the cost of labour is not fixed in the same way - it varies according to skills, organisational strength, the number of unemployed.

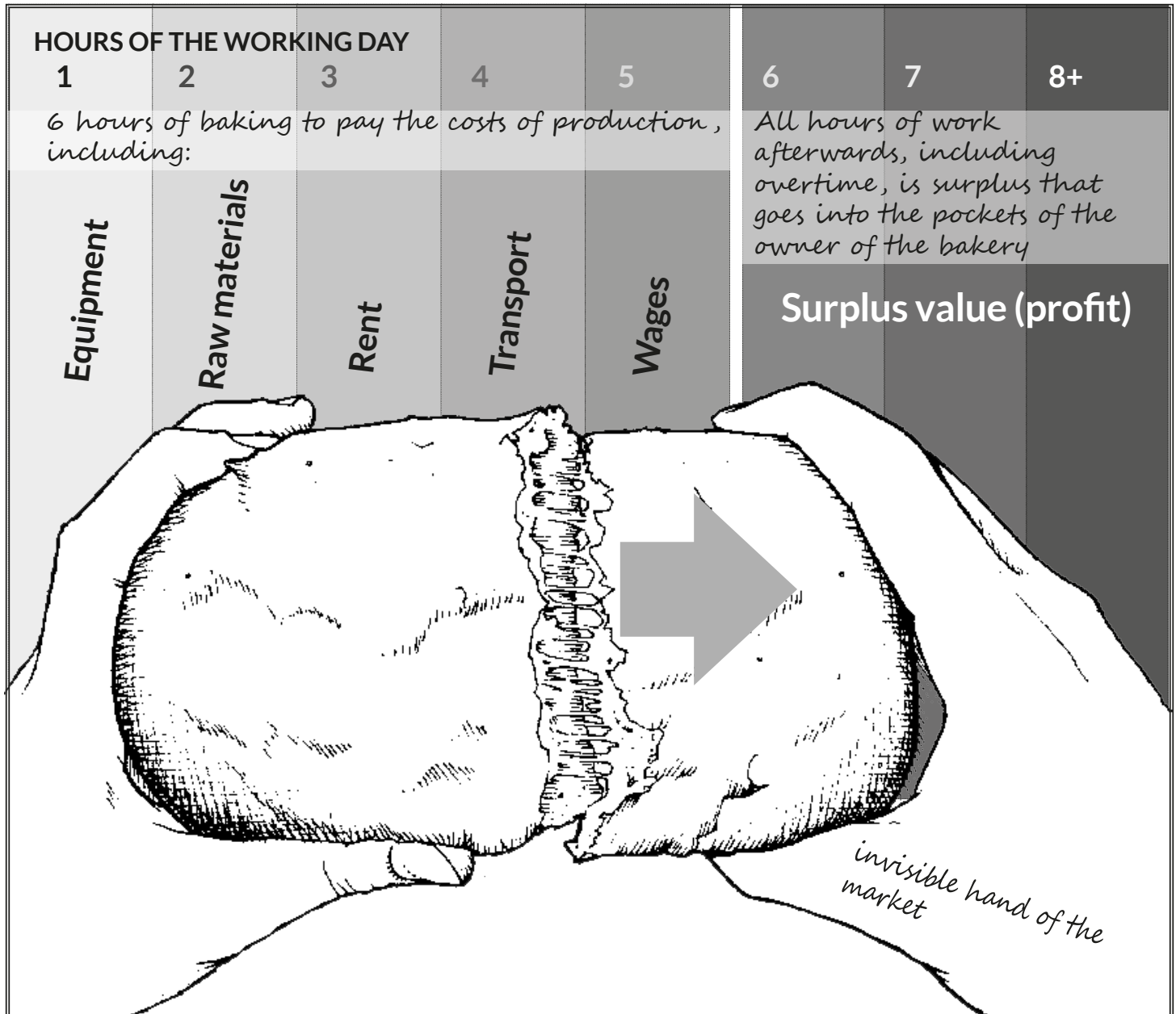
To make a profit the capitalist cannot just resell the raw material. He has to make bread - value must be added to the raw materials. The value is added by producing the bread. The production of bread is done by workers who are paid for their labour.

In the diagram - costs of production-labour is paid R1.50 cents per loaf of bread. The labour power of workers has added value to produce the bread.

The less the bosses pay on production costs, especially labour, the more profits they make.

The diagram shows how this works in a working day. By the 6th hour in the working day, enough bread has been produced to pay for all the costs of production. Production after the 5th hour is for profit. This is one reason why bosses encourage workers to work overtime. It gives more profit to them.

Diagram - Exploitation and your working day



Organising an industry

If workers organise in their workplace they can begin to challenge the rights and powers of management in that workplace.

However, capitalism is a system based on competition and profit. Capitalists are competing with other capitalists in the same industry. For workers to be strong in an industry, they must organise workers in the whole industry. Unions try to do this. It aims to challenge employers on an industry basis. Employers normally resist this.

What will capital do if the union is strong in one factory only?

Capital will:

- retrench workers and bring in machines
- make workers work harder to cheapen production costs
- move the factory to areas where there is high unemployment and labour is cheaper.
- move the profits to another company and close down the factory where the union is strong
- be pressurised by other companies to weaken the union by union bashing.

Organising in all industries

Capitalists often own and control many businesses. These businesses are in many industries. Most of the companies in South Africa are controlled by large companies or conglomerates such as Anglo-American.

Barlow World is a huge company like this. It controls more than 400 companies in the chemical, mining, packaging, food, metal industries. Companies such as Barlow World are known as **conglomerates**.

Workers need to counter the power of capital nationally and internationally across industries by organising workers in all industries. They need to unite workers in all industries through broader unity, like federations.

What will capital do if the union is strong in one industry only?

Capital will:

- move their profits to another industry, leading to retrenchments in the industry where the union is strong
- capitalists in that industry will unite to smash the union.

NATIONAL ORGANISATION FOR NATIONAL DEMANDS!!!

Organising the working class

The capitalists and their government work together to weaken and divide the working class. They work to divide the employed and unemployed, the rural and urban people, skilled and unskilled workers. Today there are many workers who are casuals, contract workers, part-timers, temporaries or work for labour brokers.

These divisions and new groups of workers have been deliberately created by capitalist bosses and the government to lower wages, cheapen labour costs and to divide workers.

Trade unions need to develop new approaches and organisational structures to enable these workers to join and unite with their members. Organised workers must also establish a close working relationship with community organisations and political organisations which serve the interests of the working class.

UNITY IS STRENGTH!

THE UNION CONSTITUTION, STRUCTURES & POLICIES

Activity: Understanding your union structures and policies

Task: - Break into small groups

- Prepare a 5 minute talk on one of the following topics

1. UNION POLICIES

The following are basic union policies. Explain what we mean by these policies and why they are important.

- Non-racialism
- Non-sexism
- Workers' Control
- Trade Union Independence
- Trade Union Unity

QUESTIONS:

Who has the most influence and power in your union? Why? Is it,

- members (workers)
- shop-stewards
- top union leaders (national office-bearers)
- union officials/organisers?

Rank them in order of influence and power from 1 – 4.

Discuss whether your union functions fully as a democratic “worker controlled” organisation and why this is so? How can it be improved?

2. UNION STRUCTURES

- 2.1 The structures of the union are built into the Constitution. What is a Constitution and why do we need a constitution?
- 2.2 Explain your union's structures and how they work.
- 2.3 How do these structures help to promote workers' control and democracy?

3. FINANCES

- 3.1 Why does our union need money and resources?
- 3.2 What are workers' subscriptions used for?
- 3.3 How is workers' money protected in your union?

Union Policies

NON RACIALISM / NON SEXISM

The union is open to workers of any race, sex and creed. We are opposed to racism in the workers' movement. It is opposed to sexism. Our unions also oppose all other forms of discrimination such as homophobia and xenophobia. We believe in the equality of all workers in the trade union and in society.

WORKERS' CONTROL AND DEMOCRACY

The union is controlled by its worker members. This control is carried out through the constitutional structures of the Union.

TRADE UNION UNITY

The main strength of workers and the working class is their labour power and organisational unity. Only through strong unity and organisation can they hope to challenge employers and governments to ensure conditions at work and in society which are more favourable towards them.

INTERNATIONAL WORKERS' UNITY

Capitalism is an international system that exploits and oppresses working class people all over the world. Today the world is dominated by monopoly-capitalist companies that operate in many countries (transnational corporations - TNCs). The union believes in the unity and solidarity of workers both in and outside of our country.

SHOP FLOOR / WORKPLACE ORGANISATION

The union believes that the strength of the Union lies in militant and strong shop floor/workplace structures. It has committed itself to building and strengthening organisation at the shop floor.

The union actively organises at the shop floor level and sets up elected Shopstewards committees in organised factories/workplaces.

TRADE UNION INDEPENDENCE

The trade union movement should be independent of the state, capital and political parties in order to ensure that workers' interests are not compromised.

TRADE UNION PRINCIPLES



Finances

Where does our money come from?

Members pay a weekly or monthly subscription to the union. The union believes that workers must pay for and control their own union. There must be financial independence and self sufficiency.

Occasionally the Union receives a donation from other organisations.

Where does the money go to?

The money from subscriptions all goes into a bank account at the Union Head Office. How is the money controlled and secured?

All money is kept in the bank. Office bearers must sign cheques and control the payments of accounts.

Once a year the Union's finances must be audited.

QUESTION: How do we prevent corruption and theft of union money and property?

FACTS AND FIGURES

WHAT DO YOU KNOW ABOUT YOUR UNION?

Activity: Know your union - revision

Name your union: _____

Task: Quickly write the answers to the questions below (individually on your own - thereafter discuss in your group.)

When was your union formed?

Name the branches/regions of the Union?

What is the paid up membership of the union?

Name the following union office bearers:

President:

Vice President:

Treasurer:

General Secretary:

Chairperson:

Branch Vice Chairperson:

Branch Treasurer:

Branch Secretary:

Write down the following important telephone numbers;

What is your union's bargaining arrangements?

Your local office (if any):

Your Branch Office:

Head Office:

(General Secretary)

THE SHOPSTEWARD

Activity: The role of the Shopsteward

Task: Read the statement and discuss whether or not you agree with it.

Give reasons for your answer

The shopsteward is, to a certain extent, the representative of management to the members of the union and to the union itself.

Obviously, a shopsteward must always try and keep the peace between the workers and the management.



What are Shopstewards ?

Shopstewards are the **representatives** of union members in a particular workplace.

Shopstewards are members elected by union members in their department or shift, according to the union constitution. They represent that constituency.

Shopstewards are **accountable** to the workers who elected them. They do not speak for themselves. They must get mandates from the workers they represent and they must report back to workers.

Shopstewards form part of a **committee** (the Shopstewards committee). They do not work as individuals.

Shopstewards form part of a leadership team in the workplaces and in the Union.

Shopstewards can be **removed from office**.

Shopstewards can be **re elected**.

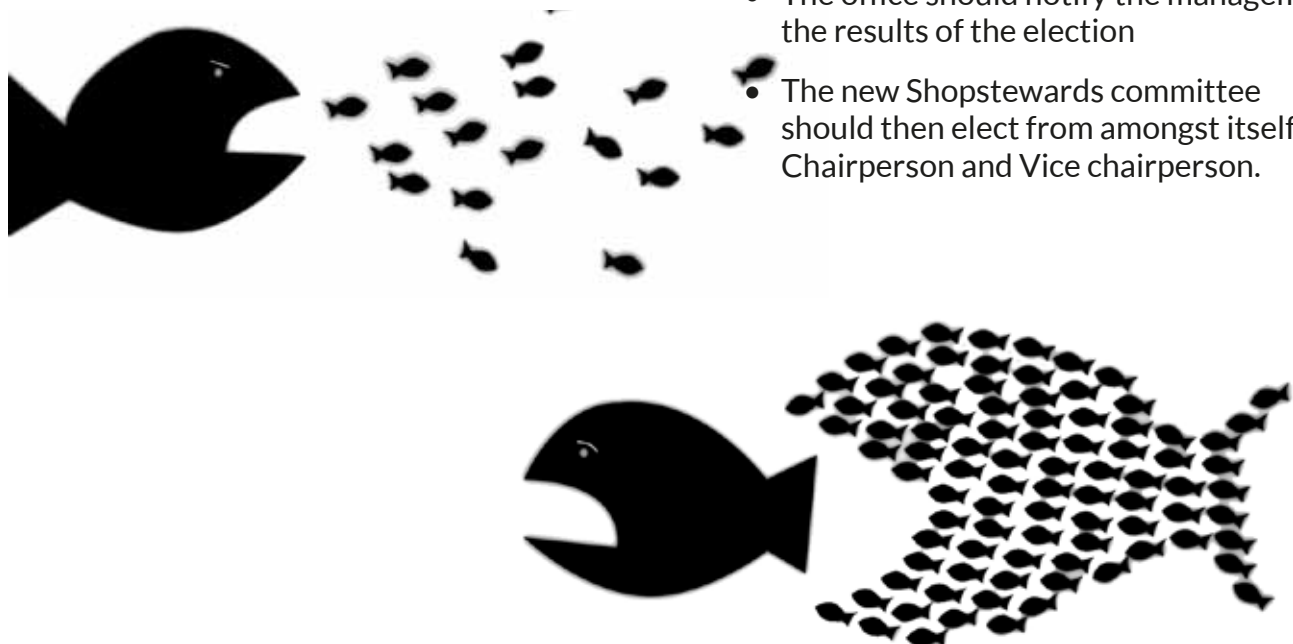
SHOPSTEWARDS FORM THE FOUNDATION OF OUR TRADE UNIONS. OUR PRINCIPLE OF WORKERS' AND DEMOCRACY WILL NOT FUNCTION WITHOUT A TEAM OF COMMITTED, HARDWORKING, DISCIPLINED, MILITANT AND KNOWLEDGEABLE SHOPSTEWARDS

How are Shopstewards Elected?

Shopstewards are formally elected as soon as recognition is gained from the company. Elections are then held every two years. This is laid down in the Union Constitution.

It is very important that elections are held every two years. It is very important that the elections are held properly. This means that the following procedure must be adopted:

- There should be a general meeting informing workers of the elections, the role of the Shopsteward, who can stand for election
- Each constituency must then put forward nominations for Shopsteward. Old Shopstewards can stand for election. Women can also stand for Shopsteward election.
- Nominations should be forwarded to the union office
- A notice should be placed on the factory notice boards listing the nominees and giving the date of election.
- Elections should be held by secret ballot. They should be conducted by an organiser or an authorised person.
- Results must be counted and the office informed in writing.
- The office should notify the management of the results of the election
- The new Shopstewards committee should then elect from amongst itself the Chairperson and Vice chairperson.



DUTIES OF SHOPSTEWARDS

Activity: Duties of the Shopsteward

Task: - Break into groups

- Quickly write down all the duties of the shopsteward. Use the five headings listed to guide you in the different types of duties.*

Members

Management

Union

Community organisations/Political Parties

Activity: Shopsteward Duties - practical suggestions

Task: Read the notes on Major Duties of Shopstewards

Break into groups

Answer the questions on the right giving practical suggestions.

1. SHOPSTEWARD AS ORGANISER

Shopstewards must organise workers in their sections of the factory. This includes recruiting new members, holding regular meetings with members, developing a spirit of unity amongst workers. All workers in every section must join the union, it is not enough to recruit 50%.

2. SHOPSTEWARD AS REPRESENTATIVE

Shopstewards represent workers to management. This means they must take up grievances of workers with the management, e.g. unfair dismissals, unfair treatment of workers and other abuses of management power. Shopstewards must negotiate on all issues of concern to workers such as wages and conditions of employment, recognition agreements and procedures, health and safety. Shopstewards must take the decisions of workers to management. They must report back to workers.

They often put forward the workers' position in community and political meetings.

3. SHOPSTEWARD AS WATCHDOG

One important job of a shopsteward is to act as "watchdog" for workers. Shopstewards must make sure that the employers stick to agreements and carry out decisions reached in negotiations. Employers will always try to avoid implementing decisions which favour workers unless Shopstewards are vigilant.

4. SHOPSTEWARD AS LEADER

Shopstewards are the central leadership core in all union negotiations with management. There is no person outside the factory who will come and improve the lives of workers. Shopstewards must take up a leadership role in all the struggles against management. Shopstewards also form the leadership in the Union and communities.

5. SHOPSTEWARD AS EDUCATOR

Shopstewards must educate the members about the workers' movement. Workers must know what is happening in other factories, in the union, in the federation. They must understand and participate in political debates. If workers are ill informed, they will not be active, united and strong.

Shopsteward as organiser

1. What practical steps will you take to make sure every member in your department/shift is a union member?
2. How often will you hold department meetings?
3. How can you mobilise and develop the spirit of unity that is needed?

Shopsteward as Representative

1. How can you make sure that you get proper mandates from workers?
2. When and how will you report back all issues to workers?
3. What kind of records will you keep as a Shopsteward?

Shopsteward as a Leader

1. How can you lead workers without becoming a dictator?
2. How can you avoid being pushed into decisions by the "noisy" few in general meetings?

Shopsteward as Watchdog

1. What information do you need as a Shopsteward in order to act as watchdog?
2. How will you get that information?
3. What facilities will you need to negotiate with management?

Shopsteward as Educator

1. How will you carry out your job as worker educator?
2. Where will you educate?
3. When will you educate?
4. What material will you use?



SHOPSTEWARD AS ORGANISER

Recruitment

Notes and Activities

The union is nothing without **MEMBERSHIP**.

We can have a wonderful Shopsteward committee, dynamic leadership etc. but without a large, well organised and solid membership in all factories, mines and shops there will be little progress in winning better conditions for the working class.

Making sure that membership constantly grows means hard work for everyone. It means good planning and strategising. It means that the recruiting job of organisers and Shopstewards never stops.

Shopstewards need to recruit:

Outside the workplace

A Shopsteward must always look for opportunities to recruit new membership into the union (and to assist other unions). This recruitment should be in terms of the branch or national union recruitment plans.

Inside the workplace

Once the initial recruitment has been carried out in a workplace, and management approached for recognition, recruitment usually slows down or stops.

Gradually, percentage union membership in the factory gets less and less. The union thus becomes weaker and weaker and management promotes and exploits divisions amongst workers.

Shopstewards must constantly recruit workers at the workplace and make sure each and every new worker becomes a union member.

REMEMBER - 50 % plus one is not enough to make a strong united factory.

BUSHRADIONEWS.BLOGSPOT.COM



Activity: Analyse workplace membership strength

Task: On your own or with Shopstewards from your workplace, fill in table 1 below and thereafter, answer the questions in table 2

Table 1

Name of Department	Workforce	Union members

Table 2

As a Shopsteward

I know my workplace very well	yes	no	partial
My workplace is very well organised	yes	no	partial
The Shopstewards committee has a proper plan to make sure every worker joins the union	yes	no	partial

RECRUITMENT

Activity 1: Draw up a recruitment plan

Task: In workplace or mixed groups draw up a recruiting plan for a workplace that does not have 100% union membership

Instructions:

Follow the “W”s

1. **What?** - Agree on the aims and objective of your plan
2. **Who?** - Identify your target group(s)
3. **How?** - Work out how you will set about recruiting

Look into the following:

- why do workers join the union
 - what can the union offer workers
 - how will you approach workers
 - where will you approach them
 - what form will your discussions take
 - what tools do you need to assist you
4. **Who** - Work out who will do the recruiting and who will coordinate
 5. **When** - Decide on when you will recruit and time frames for recruiting



Activity 2: Persuading workers to join the union

Task: Three members of the group to volunteer to be recruiters are given 10 minutes to prepare to explain why workers should join the union. They should attempt to persuade workers (the class) to join the union and must answer questions from the workers.

The rest of the class must spend this time preparing questions to “fire” at the recruiters.

SHOPSTEWARD AS REPRESENTATIVE

Planning and Record Keeping

An individual Shopsteward and the Shopsteward committee must **PLAN and KEEP PROPER RECORDS**.

Planning Check list

What you need:

- A union Year Planner
- A diary

1. **NATIONAL ACTIVITIES:** at the beginning of every year make sure you have a Union YEAR PLANNER. The Year Planner shows all the major events for the Union in that year.

2. **BRANCH ACTIVITIES:** your branch will publish a list of dates for the branch.

3. **LOCAL ACTIVITIES:** - these are not always planned for the whole year so that you must add these in when you know dates of activities. However, most locals operate on a regular basis and can be put straight onto your planner.

4. **WORKPLACE ACTIVITIES:** - your regular Shopstewards meetings and general meetings should be put onto the planner. It is very important that you have a proper schedule of these meetings. This forces the committee to meet and the factory to hold regular general meetings. There will be other meetings that you arrange as necessary. There will be meetings with management including negotiations. These should be added in too.

All these activities should also be put in your personal diary.

A copy of the Year Planner should be put up at the workplace for all workers to see.

Record Keeping - Check List

In order to keep proper records you will need:

- a small note book that fits into your pocket. This should be used to jot down information that you pick up whilst in the factory e.g. note what workers are saying about an issue; jot down examples of a particular foreman's rude behaviour; take an initial statement from a worker; jot down what you see at the scene of an accident etc.
- three files:
 - copies of grievances and disciplinary warnings/hearing records
 - minutes of meetings with management
 - information from the union e.g. Minutes of meetings; pamphlets

The Shopsteward committee should decide whether individual Shopstewards should keep all three files or whether a common file should be kept for some of the records

- a membership record book
- a safe place to keep the records

SEND COPIES OF MINUTES OF MEETINGS AND MAJOR GRIEVANCE/DISCIPLINE RECORDS TO YOUR ORGANISER

THE DEMOCRATIC SHOPSTEWARDS' COMMITTEE

Activity: The Shopsteward Committee

Task: Discuss the following questions

1. What is a Shopsteward Committee?
2. Why is a Shopsteward Committee very important?
3. Why is it important for the Shopstewards to be accountable to the membership? How is it accountable?
4. What ensures that a Shopsteward committee is democratic?

1. What is a Shopsteward Committee

The Shopsteward Committee is a committee formed from the elected Shopstewards in the workplace. The Shopsteward Committee is the body that directs and coordinates the work of all the Shopstewards in the workplace. It is the committee that brings together problems, grievances and demands of workers in the workplace.

- The Shopsteward Committee represents workers in the Union.
- The Shopsteward Committee brings together the views of workers in the workplace. These views are taken to union forums.
- The Shopsteward Committee reports back to workers the decisions, debates and activities of the union.

2. The Importance of the Shopsteward Committee

The Shopsteward Committee unites workers in a workplace:

- The Shopsteward Committee forms a permanent structure in the workplace through which the views of workers are brought together.
- The Shopsteward Committee maintains, consolidates and advances this unity.

The Shopsteward Committee is the foundation on which workers' democracy rests:

- Workers exercise their control of the union through their Shopsteward Committee.

The Shopsteward Committee is the bedrock of the Union's fighting capacity:

- The Shopsteward Committee forms the line of defence between the workers and employers.
- The Shopsteward Committee is the planning committee of the workers in their struggle against the divisive tactics and exploitation by the employers.
- The Shopsteward Committee leads the struggle in the workplaces to extend worker rights.

The strength of the Union depends on the strength of its Shopsteward committees. Weak and ineffective Shopsteward committees means a weak union. Strong and dynamic Shopsteward committees mean a strong union.

3. Why is it important for the Shopstewards' committee to be accountable to the membership?

The Shopsteward committee is elected by workers. It does not represent itself. All actions and demands put forward by the Shopsteward committee must be mandated by the workers. In other words the workers must express their views on all matters that the Shopstewards take up on their behalf - in the workplace and in the union.

If the Shopsteward committee does not take mandates from workers or report back to workers then the committee will become a structure separate and independent of workers.

There will then be no genuine workers' democracy in the Union and in the workplace. When this happens corruption and cooption by management of Shopstewards often takes place.

4. What will ensure that a Shopstewards' committee is democratic?

- holding regular Shopsteward meetings - at least once per week
- regular attendance and participation of all Shopstewards
- taking proper mandates from all constituencies
- proper reporting back to all constituencies
- engaging in open debate in the committee and with the membership
- good teamwork
- good preparation for all meetings
- good links with the union office
- good flow of information within the Shopsteward committee and to the membership



DEFENDING AND EXTENDING WORKERS' RIGHTS

Dealing with Workers' Problems

Individual and Collective Issues

Dealing with members' problems is probably the most important duty of a steward at the factory, shop or mine.

Winning new rights for workers, defending workers against injustices and ill-treatment are the everyday tools that:

- keep membership interested and active
- educate membership through the daily struggles
- create unity and direction
- Provide concrete benefits to union members

There are many problems every day in factories, shops and mines. Some problems can be solved quickly some will take years of struggle.

Some problems are obvious and members will bring them to you.

Some problems are not immediately obvious and you as a steward will have to look out for them.

In general, problems can be divided into two groups:

- Individual and small group problems
- Collective problems/issues

Individual Problems

These are usually complaints against management brought by an individual worker or a small group of workers.

They often are problems of **unfair treatment**. Here are some examples:

- abusive language by a foreman
- refusal to replace or install safety equipment.

They could be **disciplinary actions** against workers

- warnings
- dismissals
- victimisation

Collective issues

A collective issue affects many workers. It may arise out of a complaint or problem, e.g. "wages are too low", "women are fired when they become pregnant"

OR

It may be an issue where workers see an opportunity to extend their rights, e.g.

"the right to full-time stewards", "the right to negotiate on health, safety and environment issues".

There are different ways and different procedures for dealing with different kinds of problems. You as a steward will have to decide what kind of a problem you are dealing with. Only then can you plan which course of action to take.

But is it that simple?

Clearly it is not simple. Some problems may start with a complaint from an individual worker. When you as a steward investigate the matter you may find that the problem is one which affects many workers. In other words AN INDIVIDUAL PROBLEM BECOMES A COLLECTIVE ISSUE.

An example:

A worker complains that he has been paid only time and a half for Sunday overtime. You investigate this and find all workers are being paid at this rate. The law says double time must be paid on Sundays. Therefore this becomes a collective issue.

Activity: Individual and Collective Issues

Task: In pairs, look at the list of problems below and identify what kind of problem it is.

ISSUE	Individual Grievance	Individual discipline	Individual Collective	Collective issue
Improvements of annual bonus				
Foreman swears at a worker				
50 workers are retrenched				
One worker not paid overtime				
Woman worker harassed				
Worker issued with warning for late coming				
Worker dismissed for being drunk				
Steward transferred				

How do we deal with the various kinds of problems?

The general rule is:

- Individual grievances and small group grievances lead to GRIEVANCE PROCEDURE
- Disciplinary problems lead to DISCIPLINARY PROCEDURE.
- Collective issues lead to COLLECTIVE BARGAINING (NEGOTIATIONS)

Handling Grievances and Disciplinary Cases

PREPARING TO TAKE UP A GRIEVANCE

When handling grievances or disciplinary problems there are important:-

- questions to ask
- facts and information to find out
- plans and strategies to work out

All too often stewards rush off to management with a problem without preparing themselves.



STEPS TO TAKE WHEN PREPARING A GRIEVANCE

Get the true facts

This is very important. To prepare the case you as a steward must know exactly what happened. Often the worker concerned conceals the truth - you have to dig it out tactfully.

Ask the following questions:

- WHEN? - date and time
 WHO? - people involved
 WHERE? - place of problem
 WHAT? - the nature of the problem
 WHY? - the reason for the problem.

Analyse the problem

Is it a grievance?

Sometimes it can be solved by giving advice.

Sometimes the grievance is not genuine

Sometimes the complaint is against another worker and should not be taken to management.

Is there a chance of success?

Sometimes workers come to you with impossible problems.

Sometimes the issue is complex and needs a longer term solution.

Is this an individual problem or a collective issue?

This will determine how you take up the issue.

Activity: Preparing to take up a grievance

*Task: Break into groups. Read the case study below
Work out the steps you will take in preparing to take up the grievance*

CASE STUDY - MARGARET SITHOLE

Margaret Sithole is a worker in the laundry department of Baragwanath-Chris Hani Hospital. She works regularly with washing powders and bleach. Her clock number is 25. Her Supervisor is Hilda Klopper.

On 5th April she approached her Shopsteward with a complaint. She complained that she constantly gets headaches and feels dizzy. The headaches started only after she was transferred from the ironing and packing section of the laundry department in January. She feels that the headaches and dizziness are caused by the chemical fumes in her department. She has been to the staff doctor at the hospital who gave her some headache tablets and told her it had nothing to do with her working conditions.

Make further investigations

Are there any witnesses?

Has management broken any agreement?

Are any legal rights involved?

Does the union have a policy on the issue?

Do you need to inspect the place where the problem took place.

Do you need any documentary evidence?

Get advice from other stewards

It is very useful to discuss the problems with other stewards and sometimes with your organiser. This:

- makes grievance handling a collective learning experience for stewards
- encourages team work
- ensure the spread of information to other departments.

Plan your approach

- Work out clear demands. It is no use just complaining.
- Work out your argument. Have your facts ready.
- Prepare your evidence. Do not call unprepared witnesses.
- What is the fall back position? If you do not win your demand, is there an acceptable compromise?

Involve the membership

- Keep members in touch with what is happening.
- Report back to members at every stage. It keeps the membership active and interested. It keeps the membership mobilised and ready to give practical support. It strengthens your position as a steward if management knows the membership are right behind you.

CHECKLIST

PREPARING TO TAKE A CASE

GET TRUE FACTS:

Who?
When?
What?
Where?
Why?

ANALYSE PROBLEM:

Is it a grievance OR disciplinary case?
Chance of success?
Individual OR Collective OR
Individual/Collective

INVESTIGATE:

- Witnesses
- Agreements
- Laws
- Policies
- Site Inspection
- Documents

ADVICE from:

- Other shopstewards
- Organiser
- Labour service organisation (LSO)

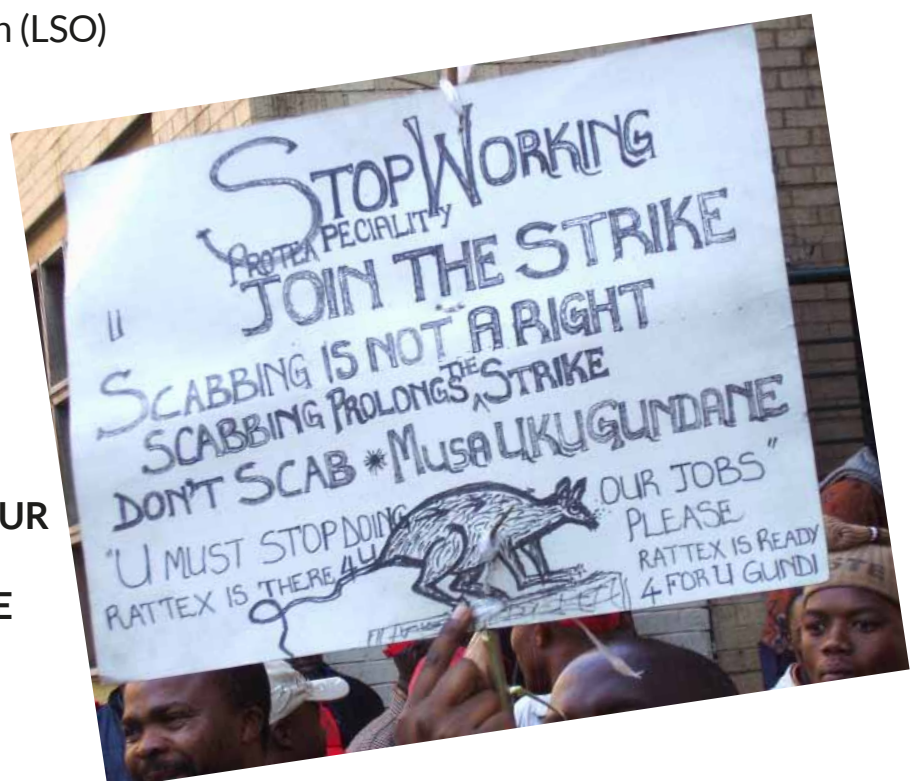
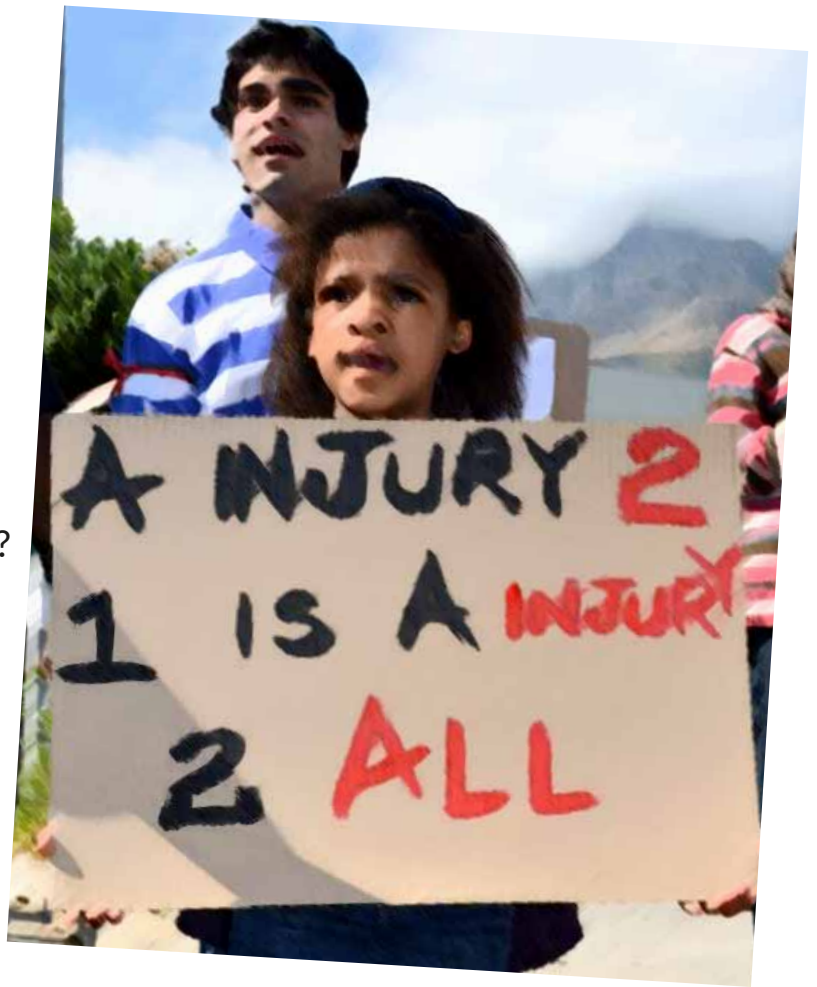
PLAN:

- Demand
- Argument
- Witnesses
- Fall back

MEMBERSHIP:

Inform members

**USE THE CHECK LIST AT YOUR
WORKPLACES TO REMIND
YOU OF THE STEPS TO TAKE**



Activity: Interviewing a worker with a grievance

Task: Role play

- one Shopsteward
- one worker with grievance
- observers

Shopsteward to interview worker and observers to evaluate

Briefing for Shopsteward

You are the Shopsteward for the Security department of Rainbow Chickens. There are 20 guards in your constituency. The manager has laid down procedures about drinking on duty. For a first offence you will be sent home and lose pay for that shift.

There is a grievance procedure which allows Shopstewards to take up grievances.

Do not read the briefing for the complainant.

Briefing for complainant - Mr.Khumalo

You are a security guard at Rainbow Chickens. On Thursday 7th June 1998 you arrived at work at 8h00 instead of 6h00. The reason was that you had been drinking the night before and could not wake up in time. However, you were not drunk when you arrived because you had slept off the effects of the liquor.

When you arrived you found the Chief Security Officer at the gate. Another security guard (Mr J Dlamini) was also present. He is a union member. The Security Officer (Mr.Coetzee) asks why you are late, but before you can answer he accuses you of being drunk.

He tells you to immediately leave work and only come back tomorrow. He says you will lose pay for the full shift. You tried to tell him that you were late because of a personal problem with your wife. You have never been accused of being drunk on duty before.

You now complain to your Shopsteward that this was unfair and that you should be paid for the day. You tell the Shopsteward:

you were late because of a personal problem with your wife but you do not want to reveal the details you deny drinking except for one beer but say that you took a lot of cough mixture during the night because of a cold

Briefing for Observers

- Did the Shopsteward ask all the relevant questions?
- Did the Shopsteward get to the true story?

APPROACHING MANAGEMENT

- GRIEVANCES

Activity: Filling in a Grievance Form

Task: Complete the Grievance Form below using the Margaret Sithole case study.

GRIEVANCE FORM

NAME OF AGGRIEVED MEMBER:

Margaret Sithole

SHOPSTEWARD:

DEPARTMENT:

SUPERVISOR:

CLOCK NUMBER:

COMPLAINT:

PROPOSED SOLUTION:

Signed by

MEMBER: _____

RECEIVED BY: _____

SHOPSTEWARD: _____

DATE: _____



PIC LISA GOLDEN

Preparing to Take Up a Disciplinary Case

When you take up a disciplinary case, you are responding to action taken by Management against a member. Your job is to defend the member against the accusations and actions of management. It is one of the most important and most difficult jobs of the Shopsteward.

Preparation before the case is very important.

Activity: Preparing to take up a disciplinary case

Task: Break into groups and read the case study below.

List all the mistakes you think the Shopsteward made in preparing to take up the case.

Outline the steps you would follow to prepare for the enquiry.

CASE STUDY - DOROTHY NKOSI

On 20th June 1998, the store manager of Cape Gate informed Peter Khumalo, the Shopsteward, that Dorothy Nkosi, a union member, is to appear in an enquiry on 27 June at 13h00.

Peter thanked the manager for informing him and proceeded with his work.

On 27th June, at 9h00, Dorothy asked Peter whether he was aware of the enquiry at 13h00. He said he was. He then asked Dorothy her name and the charge against her. The charge was THEFT.

Peter also asked her whether she took the goods or not. She answered "No". Peter said she should not worry. He will be at the enquiry to defend her. According to him the case was a piece of cake because management had nothing against her. He also told her to bring her witnesses along ten minutes before the start of the enquiry so he can get to know them.

APPROACHING MANAGEMENT

- DISCIPLINARY CASES

The Disciplinary Enquiry

When there is a major disciplinary charge against a worker, an enquiry is usually held. The Shopsteward must represent the worker at the enquiry. Handling the enquiry correctly can make a lot of difference to the outcome of the case.

Activity: The disciplinary enquiry

Task: Break into groups and read the case study below. Write down all the mistakes made by the Shopsteward as well as the mistakes in procedure you think the management made.

CASE STUDY - HARD BRICKS LTD

On 15 May 1990 an enquiry took place in the offices of Hard Bricks Ltd.

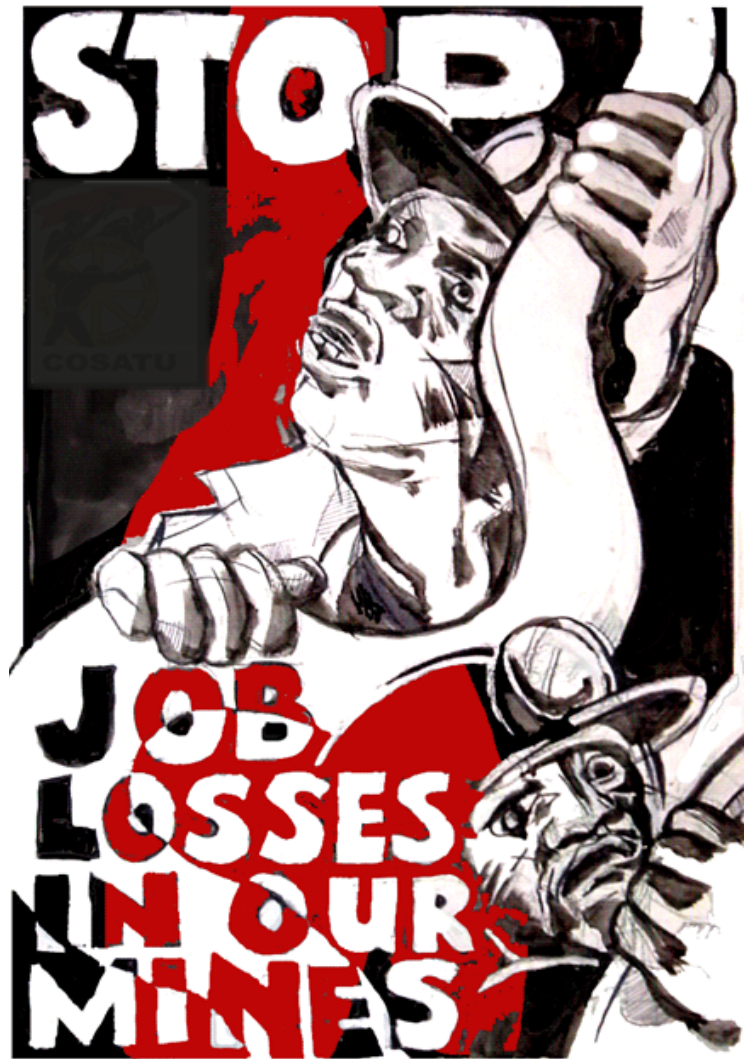
The following took place at the enquiry:

1. The Shopsteward was called in as the enquiry was about to begin. The Shopsteward shook hands with the chairperson, greeted the accused worker and sat down.
2. The chairperson read out the charge against the accused worker. He asked the Shopsteward and the accused whether they understood the charge. Both nodded their heads. The charge was assault of a foreman.
3. The chairperson then requested the Shopsteward to present the case of the accused. The Shopsteward turned to the accused and asked him whether he assaulted the foreman or not. The worker denied the charge.
4. The chairperson then presented the case of management. The chairperson was also a witness to the events. The chairperson requested the Shopsteward to translate into isiXhosa because he wanted to be absolutely sure that the worker would understand the proceedings. The Shopsteward gladly obliged and translated the chairpersons statement.
5. The Shopsteward then asked the worker what he had to say about the issues raised by management. The worker replied that he had nothing to say.
6. The chairperson then asked the Shopsteward if he had anything to say. The Shopsteward said "no".
7. The chairperson closed the enquiry and informed the shopsteward that he will give his judgement in three hours time. The Shopsteward thanked the chairperson and left with the accused.

Procedures for Taking Up Grievances and Disciplinary Cases

In most factories and mines there are procedures to be followed when handling grievances and disciplinary cases. Sometimes these procedures are informal (not written down). Often there are written procedures. These procedures are sometimes unilaterally implemented by management. Sometimes they are negotiated with the Union.

Procedures can be used effectively in the struggle for workers' rights. Procedures can also work against the interests of workers where stewards and membership are weak. They can also be used against workers if stewards do not know the procedures and do not know how to use them.



BY JUDY SEIDMAN

What are the procedures?

The procedures we are concerned about here are:

GRIEVANCE

and

DISCIPLINARY PROCEDURES

What is the difference?

GRIEVANCE PROCEDURE — WORKERS ATTACK

This is the procedure that allows workers to attack management.

- Workers start the action.
- They lay the complaint.
- They push the issue from low level management up to top management.

DISCIPLINARY PROCEDURE — WORKERS DEFEND

This is the procedure that allows workers to defend themselves against disciplinary action.

- Management starts the action.
- They lay the complaint and take action against workers.
- Workers counter attack in order to defend themselves.
- They challenge the disciplinary actions at enquiries and appeals.

THE GRIEVANCE PROCEDURE

Activity: Grievance Procedure

Task: Break into groups and discuss the grievance procedure below.

List four main problems that you see with the procedure.

GRIEVANCE PROCEDURE

STEP 1 _____

- Worker fills in grievance form
- Worker gives form to supervisor
- Time limit - 5 days if unsolved

STEP 2 _____

Worker reports matter to foreman

- Foreman gets grievance form from supervisor
- Time limit - 5 days if unsolved

STEP 3 _____

- Worker reports matter
Department Head
- Department Head gets grievance
form from foreman
- Time limit 6 days if unresolved

STEP 4 _____

- Worker reports matter to
Personnel Dept.
- Personnel Dept. gets form from
Department Head
- Time limit - 10 days If unsolved

STEP 5 _____

- Meeting between worker,
Personnel Manager and General
Manager
- General Manager's decision is final

Important points to look for in a Grievance Procedure

• **Small number of stages**

Many stages mean long delays — a management tactic.

• **Short time limits**

If there are no time limits management will definitely delay.

• **Stewards involvement at every stage.**

Every grievance is a union issue.
Management prefers to keep grievances "private".

Senior steward and union official involvement in later stages to add power to the struggle.

• **Final stage to be a dispute**

Management's word must not be final.



THE DISCIPLINARY PROCEDURE

Disciplinary procedures take different forms in different factories. Most procedures contain the following:

- A system of warnings - verbal and written
- An enquiry before anyone can be dismissed
- The right of a worker to be represented by a Shopsteward
- A system of appeal

Important points to look for in a Disciplinary Procedure.

1. Disciplinary action should aim at correction not punishment.
2. Workers must be given the full right to state their case at all stages.
3. Shopsteward representation at all formal stages.
4. No one should be dismissed, except for gross misconduct, for a first breach of discipline.
5. No issue of formal warnings without full investigation and inquiry.
6. Warnings must have a time limit and be taken off record when the time limit ends.
7. The right to appeal at every stage.
8. Authority to administer discipline at various stages to be clearly laid down.
9. "Charges" must be given well in advance of any enquiry, for warnings as well as possible dismissal.
10. All documents and evidence to be made available.
11. The right to call witnesses and cross examine them.
12. There must be an informal stage where no record is kept.
13. Breach of discipline at formal stage and possible outcome to be clearly stated in writing.
14. Worker must not be forced to sign warning
15. Final stage to be dispute.

COLLECTIVE BARGAINING

What is Collective Bargaining?

Management and workers have different interests. Management wants the workers to work as hard as possible for as little pay as possible. Workers want as much pay as possible. They do not want to be forced to work at an uncomfortable pace and in uncomfortable circumstances.



This leads to a struggle between management and workers. If workers stand **ALONE**, they have no power to bargain with to push the wages higher - because they can be replaced by another worker very easily. If workers bargain **TOGETHER** (i.e. collectively) they have more power, because it is not so easy for management to replace all the workers at once. When workers bargain collectively with management they can improve not only their wages but working lives in general.

What matters can be raised in Collective Bargaining?

There are many issues that can be raised in Collective Bargaining.

Some are basic things which are negotiated in many factories e.g.:

- Wages
- Health and safety
- Public Holidays
- Maternity
- Leave
- Provident Fund
- Hours of work
- Union facilities
- Shifts
- Bonuses
- Shopsteward facilities
- Overtime pay

There are also many new and more sophisticated demands we put forward for collective bargaining. Many of these are strongly resisted by management:

- training for all
- job security
- affirmative action
- literacy
- no discrimination
- centralised bargaining

There are many issues which managements unilaterally introduce in the workplaces or managements push into negotiations:

- worker participation schemes
- productivity schemes
e.g. green areas
- flexibility
- contracting

Be vigilant in your workplaces. Watch for management introducing new things without negotiation. Collect as much information as possible and contact your union organiser immediately.

Where can we bargain?

Collective Bargaining can take place at a number of levels.

1. Workplace BARGAINING

The workers and management at one factory or workplace can get together to discuss issues of common interest. They can negotiate wages and working conditions.

2. COMPANY BARGAINING

One company may own more than one factory, e.g. Consol Glass. A national bargaining forum can be established to negotiate on issues that affect all the workplaces.

3. SECTORAL OR INDUSTRY BARGAINING

Sectoral or industry bargaining takes place when all workers in an industry come together to bargain with all employers in the industry. The most common forum for this bargaining is the bargaining council.

A bargaining council covers workers in an industry or part of an industry. For example the Public Sector Bargaining Council (PSBC). The employers sit together and negotiate with unions on the other side.

There may be more than one union represented in a bargaining council. Bargaining Councils set minimum wages and conditions for that industry/sector/area.

4. CORPORATE BARGAINING

Some very large corporations cover many industries

e.g. Barlow World, which owns factories and mines in metal, chemical, food, paper, mining industries. Sometimes company policy can be negotiated with the parent company.

5. NATIONAL NEGOTIATIONS

These take place between national employer bodies and trade union federations. An example is the negotiation between Saccola (employers federation) and Cosatu/Nactu on the Labour Relations Act during 1989. Today there is NEDLAC - The National Economic and Development and Labour Council. It is a national tripartite body consisting of government, business and labour. They discuss and negotiate policies mainly pertaining to the economy and labour before these are submitted to parliament.



POLITICAL LANDSCAPE BY JUDY SEIDMAN

Workplace LEVEL BARGAINING

How to prepare for meetings and negotiations with management

STEP 1 Analyse the issue

Look at the issue. Is it a collective or individual issue?

STEP 2 Decide which kind of meeting

Decide in which kind of meeting you will take up the issue.

It may be an issue which you will take to a regular Shopsteward/management meeting. It may need to go to a special emergency meeting. It may be an issue for formal negotiations.

STEP 3 Get a clear mandate

Make sure you get a clear mandate from workers. You will have to arrange a general meeting with the workforce. This meeting will need to be carefully planned.

For smaller issues, Shopstewards can obtain mandates from constituency or departmental meetings.

STEP 4 Shopstewards meet to plan

Hold a shopstewards' meeting to work out a detailed plans:

What is the main point of the complaint/proposal.

Make a clear demand/proposal. In major issues the proposal often goes to management in writing.

- Do research and collect the facts and figures.
- Plan tactics for the meeting e.g.
- What will you say?
- Who will say which point?
- What evidence will you put forward?
- What is the fall back action?

STEP 5 Prepare proposal/agenda

Prepare an agenda for the Shopsteward/management meeting and any written documentation. Prepare a written proposal for any major negotiations such as wages and working conditions negotiations.



How to handle a meeting/negotiations with management

- Make a clear demand, do not complain.
- Give clear motivations. There must be reasons and facts.
- Stick to the point. Don't let management take you off the point.
- Do not disagree in front of management.
- If shopstewards are divided or unclear call for caucus.
- Take notes. If management is taking official minutes be **careful**. Have your own minutes.
- Remind management that you are representing workers. You cannot take decisions.
- Bring the issue to a clear conclusion.

Don't allow management to escape without giving a clear answer to workers.

How to Report Back to Workers

Plan your report with shopstewards.

- Pick out the main points from the meeting. Write them down.
- Make sure you are clear what management's answer or proposal is.
- Put the points in order. Do not jump around from one unconnected point to another.
- Think what questions workers might ask you. Prepare answers.
- Prepare suggestions for workers for the next step.

When reporting to workers:

- Make sure all shopstewards have a chance. Do not leave it to the chairperson every time.
- Look at workers, make sure they are following you.
- Allow questions but control the meeting.
- Steer the meeting to a conclusion.

Negotiating Wages and Working Conditions at Workplace or Company Level

Wage bargaining is a tough issue for the union.

The reasons for this are fairly clear - for the employers higher wages means lower profits. So wage increase are not lightly given by employers. This is important to remember because it makes it clear that wage increase are not won by clever arguments and skilled negotiators.

Wage increases are won by strong and disciplined organisation.

This does not mean that we must ignore information and bargaining skills. However, we must avoid the trap of believing that more skilled negotiations will get better wage increases. The truth is that good organisation and planning will get the increase.

Planning

Wage bargaining must be carefully planned. The main job of planning rests with the shopstewards and the organisers. Good shopstewards will know what workers are talking about and expecting. Planning means asking the following:-

- a) What are workers expectations?
- b) What is the company likely to pay?
- c) Should our main demands be wages or should we look at other benefits also?
- d) If a dispute seems likely what ways are we going to use to settle it?
- e) Who should sit on the negotiating team?

What information do we need from the company?

Getting a Mandate

This means holding general meetings so that workers can give the negotiating

team their ideas. Such meetings will always be a discussion between

shopstewards and workers as different possible alternatives are looked at.

Shopstewards must plan the general meeting very carefully.

Preparing Proposal

Before drawing up the proposal you should make sure that you have the information you want from the company. The following are things that we have to look at before preparing a proposal.

- a) Consumer Price Index (CPI)
- b) Standard of living of workers and their situation.
- c) Differentials - Grades; merit systems; women workers wages; rate for the different jobs.
- d) Allowances and benefits - shifts; service; attendance; bonuses; housing; food or living out expenses; overtime.
- e) Percentage increase or money increase.
- f) Number of employees at each rate of pay in each grade.
- g) Company information - type of company, financial situation.

Meetings

The negotiating committee will then meet with the company. At the end of the meeting(s) different things can happen but remember:

- a) The negotiating committee never accepts the offer unless members can accept it.
- b) The negotiating committee may agree to support or recommend a proposal when it reports back to membership.
- c) It may agree to report back the company's proposal.
- d) It may agree to report back but recommending that the company offer be refused.
- e) It may be agreed that another meeting will be held soon and then after that there will be a report back.
- f) If after many meetings there is no agreement then the negotiating committee may declare a dispute.

Report Back

The negotiating committee must report back to members explaining fully what

happened. In these meetings they will either be told to go back again or be given

a new mandate. There must also be full discussion of all alternatives.

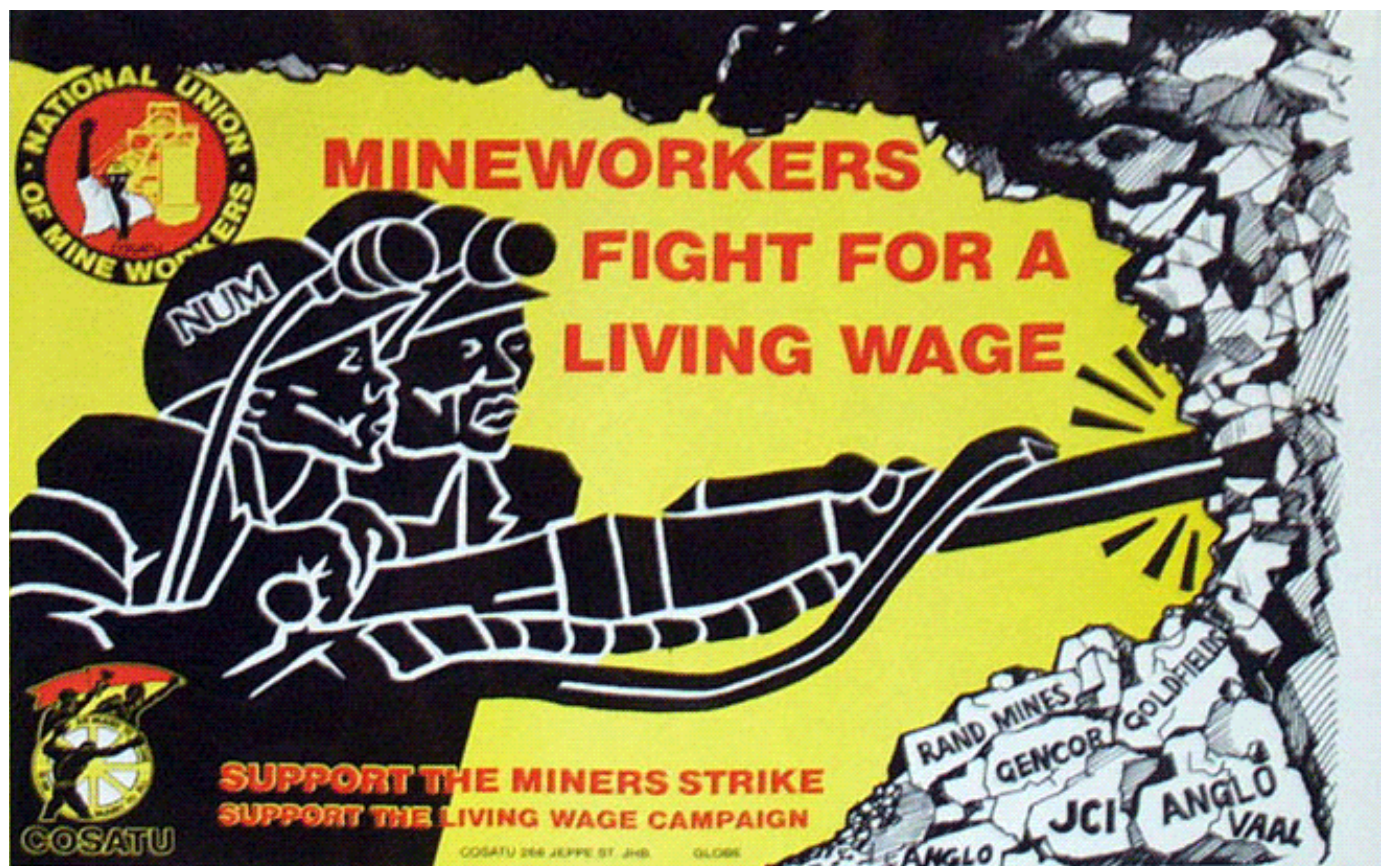
Remember that shopstewards must make clear plans between meetings. The shopsteward will be in a position to see whether it is likely that the negotiations are heading for a deadlock or not. If they are then tactics will have to be planned either to strengthen the organisation or to avoid a deadlock depending on the situation at the time. Clearly throughout the negotiations shopstewards must be talking and listening so that they bring back proper information when reporting.

Agreement

The following items will usually appear in an agreement:-

- a) Period of operation
- b) Hours of work
- c) Overtime rate
- d) Public Holidays
- e) Sick leave
- f) Annual leave
- g) Acting allowance and other allowances e.g service, living out etc.
- h) Annual bonus and other bonuses
- i) Wages per grade
- j) Personal increase.

The Union can also democratically develop **CORE DEMANDS** to be presented and adopted by each factory as part of a Wage Campaign. In this way members from different companies build unity with each other around common demands and struggles.



BY JUDY SEIDMAN, 1987

Wage Proposal

Activity: Drawing up a wage proposal

Task: Break into small groups

Read the information below

Look at the example of a wage proposal on the next page.

Draw up a suitable wage proposal

Plan how you will motivate each demand

Prepare a report back

You are working in a multi national company which employs 500 workers. 100 of them are women workers.

The company has provided you with the following information on wages and working conditions.

1. Wages (hourly rates)

Grade 1	R20 (all women)
Grade 2	R25
Grade 3	R30
Grade 4	R35
Grade 5	R50

2. Annual Leave:

15 working days per annum.

3. Shift Allowance: (3 shift workers)

10% for night shift

5% for day shift

4. Annual Bonus:

2 weeks

5. Hours of Work:

3 shift workers - 42 hours average per week

Straight Day shift - 45 hours per week

6. Long service Allowance:

No long service rewards

7. Maternity benefits:

A woman employee will be given first preference if she returns to work within 3 months.

8. Company Pension Fund:

Compulsory pension fund for all employees.

Additional Information

1. Inflation is 10 %

2. The company retrenched 20 workers last month.



EXAMPLE OF WAGE PROPOSAL

Attention: H. Meyer

Robertson's Wine Farms

12 July 2013

Dear Sir

PROPOSALS ON WAGES AND WORKING CONDITIONS

1. Period of operation

1st September 2013 to 1 July 2014.
Thereafter the period of agreement will be
July 1 to June 30 every year.

2. Scope

Grades 1 to 7

3. Hours of work

40 hours per week, Monday to Friday with
no loss of pay.

4. Annual Leave

One to four years service: 3 weeks
Over five years: 4 weeks

5. Annual Bonus

4.3 weeks pay.

6. Parental Rights

Minimum 12 months maternity leave on
full pay.

7. Provident Fund

The Company agrees to jointly set up and
participate in a democratically controlled
provident fund.

8. Job Security

8.1 The Company agrees that there will be
no retrenchments during the period of
operation of this agreement.

8.2 The Company agrees that it will not
contract out any jobs nor employ
temporary workers.

9. No Discrimination/Affirmative Action

The Company agrees that there will
be no discrimination on the grounds of
race, gender practised in the Company.
It also commits itself to a programme of
affirmative action which will be negotiated
with the union.

10. Wages

10.1 Grades 1 to 4 guaranteed
personal increase of R5,00 per hour or
25% whichever is the greater.

Proposed weekly minimum wage rates per
grade:

Grade 1	R820.00
Grade 2	R745.00
Grade 3	R660.00
Grade 4	R595.00

Activity: Negotiating on a wages/working conditions proposal roleplay

Task: Break into three groups:

- * Union team
- * Management team
- * Observers

Each group read the briefing and prepare for the role play

After the role play evaluate the negotiations

Briefing for the Union

- Choose 5 demands from the report back of the previous activity.
- Prepare motivations and arguments for the 5 demands.
- Prepare your speakers and your tactics for this opening session.

Briefing for Management

- Prepare your speakers and your tactics
 - Be ready to attack the workers on issues and then give counter demands:
1. Wage increase only 4.5%. If not acceptable then the company will consider further retrenchment.
 2. Compulsory overtime to be introduced to finish urgent contracts.
 3. Workers are abusing sick leave and the Union must agree to monitor absenteeism
 4. Annual bonus is a privilege and not a right
 5. In future increases and bonuses will be linked to productivity targets set by management

Briefing for Observers

You are going to watch the union very carefully and then give your assessment of the union's performance.

Work out what you think a good negotiation team will do at the table.

Here are some questions for you to ask when watching. Add your own to the list:

- Did the union put forward its demands clearly?
- Did the union put forward good motivations/reasons?
- Did all the Shopstewards participate?
- Did any one person dominate the negotiations?
- Did the Union keep minutes?

DISPUTES

This section serves as an introduction to dispute handling. In the next course we will look at the topic in much more detail.

Activity: Disputes

Task: Discuss the questions listed below

1. What is a dispute?
2. What causes disputes between workers and management?
3. List some of the ways you know of trying to resolve disputes

WHAT IS A DISPUTE?

When there are conflicts or differences which cannot be resolved then we say that a dispute exists between the workers and management. There are many causes of disputes. Many disputes arise from wage negotiations. Others arise from unfair disciplinary action or retrenchments.

WHAT HAPPENS WHEN WE ARE IN DISPUTE WITH MANAGEMENT?

In most cases we try to settle the dispute internally, that is through company/workplace negotiations.

The following steps are usually followed and form part of the **DISPUTES PROCEDURE**.

1. Declare a dispute in writing

A dispute must be declared in writing to the Company. The letter is sent from the office. We must state the nature of the dispute and what we need to settle the dispute.

2. Hold a dispute meeting

A meeting is held with the Company to try and settle the dispute.

3. Refer to outside methods

Should no settlement be reached in a disputes meeting, then the dispute is referred for settlement outside the Company. The Union and the Company may agree to try and settle by a particular method such as **mediation or arbitration**. If there is no agreement as to the method then either party may use the provisions of the Labour Relations Act. This involves applying the Commission for Conciliation, Mediation and Arbitration (CCMA). Depending on the nature of the dispute it might be referred to the Labour Court.

4. Strike

If the disputes procedure has been followed and all the steps under the Labour Relations Act have been taken, then workers are entitled to go on a legal (protected) strike.

UNPROCEDURAL METHODS

Sometimes we do not follow any of the procedures agreed upon, either internal or legal. Workers take what is known as unprocedural action. Workers strike or carry out an overtime ban or a go slow "spontaneously". Sometimes this forces management to resolve the dispute. At other times it causes management to take a hard line.

SUMMARY

Disputes can be solved through:

- use of internal disputes procedures
- use of outside methods such as mediation or arbitration
- use of the procedures in the Labour Relations Act
- industrial action e.g. strikes, stoppages, overtime bans etc. - procedural (legal) or unprocedural.
- by a combination of the above methods.



BY JUDY SEIDMAN, 2007



THE #FEESMUSTFALL MOVEMENT REACHES THE UNION BUILDINGS IN TSHWANE, 23 OCTOBER 2015

CAMPAIGNS

What is a Campaign?

- It is an activity focussed around a particular issue
- The issue is always one that is very important and needing special attention
- A campaign has a clear goal - it can be either a long-term goal like a living wage for all or a short term goal like the reinstatement of dismissed workers
- It usually has a beginning, a climax and an end (or a fading out)
- It draws mass membership into collective activity and action
- It often draws in other grouping outside the immediate membership
- It uses mass publicity techniques

Why do we have campaigns?

- To mobilise workers to take action in support of demands and goals.
- To generate enthusiasm and energy amongst members.
- To bring to the attention of the bosses, the government, the political parties and the public in general the demands of workers and the working class .

Starting a Campaign

Work out the following:

AIMS	<p>What are the aims of the campaign?</p> <p>Why do you need a campaign?</p>
DEMANDS	What are the demands?
TIMING	<p>When will the campaign start?</p> <p>What ground work will be needed before starting?</p> <p>When will the campaign reach its high point?</p> <p>How long is the campaign expected to last?</p>
TASKS	<p>What jobs are there to be done?</p> <p>Who will do the work?</p> <p>How will it be coordinated?</p> <p>Which structures are responsible?</p>