Strike action on the mines

and the plight of migrant mineworkers

By **Gavin Hartford**

The author is an industry strategy consultant with The Esop Shop

The migrant labour system, which has remained unaltered after apartheid, lies at the heart of the economic and social crisis in mining. This article argues that the specific conditions of migrants have led to a double economic burden, and that the collective bargaining processes have failed dismally to hear the signs of discontent and address the causes.

THE MIGRANT LABOUR SYSTEM SINCE APARTHEID

It is a well-known truth that migrant labour was not only the foundation and economic imperative of the South African mining industry, but also of the Bantustan system and the entire apartheid order. It is equally well known that, due to the geography and geology of the planet, forms of migrant labour dominate the resource extraction industry worldwide. In South Africa's mining industry, however, colonial history delivered a double blow by statutorily entrenching the edifice of apartheid to enforce the migrant labour system.

In response to post-apartheid demands from the National Union of Mineworkers (NUM) to deliver decent home ownership to mineworkers, the mining houses sought to address some of the worst features of South Africa's migrant labour legacy – the single-men's hostels – by introducing family accommodation for employees whose home area was near the mine. This initiative took the form of a bond subsidy offered to employees to purchase a family unit. To ensure equity in the distribution of employee benefits, the mining houses sought to address the needs of the migrants from afar (Mozambique, Lesotho and Eastern Cape primarily) by offering an equivalent benefit in the form of a cash allowance to "live out", that is, to exit the hostel system.

The unintended consequence of the living-out allowance was that migrants took the allowance to supplement their pay packets, and headed for the shacklands of the platinum (and, to a lesser degree, gold) belt. Today, the bulk of migrant platinum employees live in newly constructed zinc shacks in areas adjacent to the mining operations. With this exodus from the hostels, the migrants also took on responsibility for all that a human being needs for their material comfort. In a word: a secondary home, typically characterised by the acquisition of a *dinyatsi* (the second or third wives who live and care for migrants in the shacklands), the bed, the stove, the fridge, the ablutions and the new transport costs associated with "living out".

This new housing situation has added significant pressure to the lives of migrant workers. For the first time, they now support two families and households: the first in the shacklands and the second in the traditional homesteads in the Pondoland villages of Lusikisiki and Flagstaff. Notwithstanding annualised real wage adjustments, they have become significantly worse off since the end of apartheid in respect of remittances to their rural homes. It is therefore not surprising that the proletarianised urban community of the shacklands declares the miners' strike action to be "a service delivery protest", since these communities have a primary and direct beneficiary interest in the wage settlement outcome.

WORKING CONDITIONS

The hard reality is that the pattern of migrant labour super-exploitation – characterised by cycles of 12 long months, with only a Christmas and Easter break – has remained unaltered in all the years of democracy. There has been no overhaul or investment in the migrant labour system at all. There has been no attempt to find new ways to effect a more humane system akin to the best migrant labour practices in other countries. There has been no effort to create a system that would

- rebuild the migrant miner's family life through shorter (3–4 month) work cycles
- ensure the reinstatement of significant remittances home to increase cash flow to the rural poor
- significantly reduce the propensity for HIV infection
- enhance work attendance and reduce absenteeism.

These and other measures would serve to drive up productivity while ensuring that mining becomes a more attractive industry in which to work and invest.

Sadly, the mining industry has remained a prisoner of its apartheid past by retaining this core element of cheap migrant labour, with a punishing annual work cycle and all the social evils associated with that. No amount of employment equity plans and empowerment transactions have ventured to tamper with this spinal essence of the industry. And this is the Achilles heel that has inflamed and propelled the migrants – the rock drill operators (RDOs) in particular – into strike action.

Rock drill operators perform the toughest, most dangerous and most critical core mining function for production. They hold long-standing perceptions of being underpaid relative to their industry colleagues. There is typically no service increment differential in platinum (the gold sector has some incentives) or other significant cash incentives to do RDO work. In addition, there is no prospect of any career progression for RDOs, as they lack the education that is required for advancement to blasting certificate status.

> Rock drill operators epitomise all the worst features of poverty-driven migratory labour upon which apartheid was founded. As such they are a class of people who have gained the least from post-apartheid South Africa – which is a recipe for social alienation.

The demographic pattern of RDOs is an industry-wide feature across all commodity classes: they are almost entirely migrant and functionally illiterate. The 80 percent majority of the migrants are South Africans from the Eastern Cape. Of these, almost all are Amapondo people, primarily from the Lusikisiki/Flagstaff area, but including most of Pondoland from the Mthatha River in the south to the Msikaba River in the north. They have long service of 25 to 35 years and average 45 to 55 years of age. In a word: RDOs personify all the worst features of poverty-driven migratory labour upon which apartheid was founded. As such they are a class of people who have gained the least from post-apartheid South Africa – which is a recipe for social alienation.

THE IMPLATS TRIGGER STRIKE AND ESCALATION

The unilateral adjustment to miners' pay packets made by Impala Platinum (Implats), after consultation with the NUM, and during the currency of a collective agreement, was a highly unusual and ill-considered act. It sent a very clear message to every mining work team: notwithstanding the settlement of the wage agreement, the company had additional cash to spare for certain categories of workers within the bargaining unit.

The RDOs would have known full well that the NUM negotiators were, almost to a person, the most skilled employees (C band and upper), and that the chairpersons of both North and South NUM branches were both miners and would, as such, be direct beneficiaries of this additional increase. It is not at all unlikely that they would have heard that NUM negotiators were resistant to any differentiated increase that benefited RDOs directly during the wage negotiations. The RDOs would have felt the 10 percent wage settlement in their pay packets after the October settlement – and they would be working on every panel with the very miners who benefitted from the additional 18 percent adjustment within a month of the wage agreement being settled.

> There is no doubt that gross poverty and inequality in South Africa provide the social and economic context for heightened expectations of wage increases for rank-and-file union members.

There is no doubt that they would have left the mine for the Christmas shutdown deeply aggrieved by a perception of unfair treatment suffered at the hands of the management and the NUM leadership. On the hills of Lusikisiki and Flagstaff, they planned to take the law into their own hands when they returned to work in January. Not unsurprisingly, the strike committee, elected by the workers at the commencement of the industrial action, was composed almost entirely of Amapondo, with the exception of one woman. Equally unsurprisingly, management reported that the industrial action of 12 January, commencing at 14th shaft and all the shafts thereafter, had only two demands: R9 000 net pay (equivalent to the miners' net pay after the 18 percent adjustment), and no negotiations through the NUM.

Many of the underlying trends that emerged in the Implats strike rolled into the Lonmin strike. It was also unprocedural and occurred during the currency of a collective agreement. It was led by RDOs and migrants from Pondoland and Mozambique/Lesotho. The demands were inspired by the workers' successes at Implats and escalated to even greater increases. It was characterised by general dissatisfaction with the NUM leadership that failed to even secure an audience with the strikers. It was finally resolved after six weeks by direct negotiation with the strike committee, with the endorsement of the union's parties. It was deeply violent, resulting in the deaths of over 50 people. And, finally, it inspired still other miners to follow suit and take up industrial action: at Royal Bafokeng Platinum, Angloplats, and then the gold sector. While the triggers in the gold sector may have differed from those in platinum, many of the underlying trends were identical: hostility to the NUM; disrespect for collective agreement; unprocedural industrial action; and the most obvious – the R12 500 wage demand initiated by the Lonmin workers.

This is not to say that AMCU (the Association of Mineworkers and Construction Union) played no role at all, but simply to situate their role as one of riding the tail of the mass action. It has been widely reported that, soon after the strike action commenced at Implats and Lonmin, AMCU campaigned to support the strike, perhaps inflamed workers with high wage expectations, and blamed the NUM for its failure to deliver to RDOs and other workers. However, there is no evidence yet that AMCU was responsible for initiating industrial action. They simply rode the discontent and anger of the already mobilised strikers, as did Julius Malema and other political opportunists, who sought instant popularity in the face of the pain of the strikers.

There is no doubt that gross poverty and inequality in South Africa provide the social and economic context for heightened expectations of wage increases for rank-and-file union members. There is equally no doubt that the visible display of crass accumulation by union and political leaders in this specific context also fuels the fire. The vast inequity in remuneration, such that CEOs and owners earn thousands of times more than the entry-level miner, is both morally untenable and deeply insensitive to the conditions under which miners labour every day. Combined with this, the harsh reality of the migrant labour system, the double family burden carried by many migrant workers, and their physically demanding and dangerous working conditions, have further inspired migrants to the forefront of the wave of strikes.

POVERTY, INEQUITY AND THE FAILURES OF COLLECTIVE BARGAINING

Mine owners and managers had fallen into a comfortable co-dependent practice of relying on the majority union to represent the workers. Over time, this weakened the resilience of collective bargaining arrangements to respond to a revolt from below by alienated, disenfranchised and marginalised migrant RDOs. (In the industrial action in the gold sector, it should be noted, migrant workers were not as prominent as they were in platinum.)

These workers had also been the victims of a wage bargaining practice that left them deeply alienated from their union leadership and the company. It arose from the use of percentage-based wage adjustments in which senior employees in the bargaining unit got a percentage or two less than the entry-level employees. While this made "optical" sense, the actual rands-and-cents outcome was the opposite. Wage stratification inside the bargaining unit, between the top and the bottom, grew. The low-paid migrant workers were left vulnerable, angry, and ready to act to protect their interests – if necessary, against both the company and the union.

Although COSATU and its affiliates have a proud history of upholding their constitutional principle of "democratic worker control", the actual processes of this have changed significantly since the democratic transition. One of the most significant changes, in the mining industry in particular, is the collapse of real constituency-based representation of members by shop stewards. Although shop stewards are elected at shaft level, they no longer account directly to their constituencies, preferring instead to move across shafts and mines and even into union offices above ground. As pressure to account to leaders higher up has intensified, accountability to members has weakened. This is the first of a number of features that point to the emergence of a union aristocracy that promotes its own interests over those of its members.

Added to this is another, more worrying, feature: increasingly one finds that the key decision-making structures dealing with management are dominated by senior (Patterson C/B band) employees. In the NUM, the teams that negotiate conditions of employment are mostly populated by these senior employees. Representation by rank-and-file (A band) employees is either totally absent, or at best a tiny minority – even though these employees are at the core of mining operations and constitute the vast majority of the NUM's membership.

Combine these structural faults with the benefits associated with election as a full-time NUM office bearer or shop steward or mining house co-ordinator, and the picture of a defensive leadership aristocracy becomes clearer. In the mining industry, the historical practice is for the five union office-bearers of a branch to become full-time shop stewards. Upon their election to NUM office, they are graded – and paid – C1 or above. They are removed from production or underground work and join a cluster of other full-time shop stewards in air-conditioned offices. They have largely unrestricted movement across the operations and get a range of perks and benefits, including significant time off for external union duties. They have influence over everything from operational stoppages (Section 54 safety stoppages) to certain tenders and, in some instances, recruitment of new employees. They have the ability to identify and even remove unpopular managers. All of these features constitute significant authority and benefits. To become a senior full-time union representative at mine level means, at a personal level, gaining the possibility of home and/or car ownership almost overnight. In an environment of scarce resources, deep inequalities and limited opportunities for BEE, the union office is a sought-after position. And, once acquired, it is a place to defend and protect.

In the post-democratic transition, the representation process and the benefits associated with that representation have lent themselves to the development of a union aristocracy dominated by senior employees who speak on behalf of all. When material benefit is derived from union representation, and in the absence of constituency-based accountability of shop stewards and branch office-bearers, a gap opens up between the life experiences of union members and those of their leaders. It is this gap that has been tragically exposed by the strike wave sweeping across South Africa's mining industry.

The company leadership in human resources (HR) and line management functions has certainly been complicit in this failure. The solution will require a radical re-think of the future of migrant labour, of collective bargaining, and of the manager/employee interface at shaft and mine level. If we are to ensure the viability of mining, in terms of future productivity, job creation and investment, these interventions should be at the apex of the transformation strategy of the industry.