

21 March 2018

Honourable Jackson Mthembu
African National Congress Chief Whip
National Assembly
Cape Town

Email:

Dear Honourable Mthembu

RE: WORKERS RIGHTS ARE HUMAN RIGHTS – SCRAP THE LABOUR BILLS!

We are writing to you this letter on the day our country is celebrating Human Rights and commemorating the ruthless cold blood murder of our people in Sharpeville and KwaLanga fifty-eight years ago.

You may not be aware that Parliament Portfolio on Labour is considering Labour Bills that we believe represent an assault on the constitutional guaranteed right to strike and to collectively bargain. As you are aware these rights are enshrined in the Bill of Rights. All parties in parliament played an important role in negotiating our constitution. We believe that the Bills upsets the delicate balance that was struck between workers and employers rights is in the constitution.

It is our considered view that these Bills represent the most frontal attack on workers since the dawn of democracy. We believe that these Bills are not different to a process that was started in Britain by the late Prime Minister Margaret Thatcher and Ronald Reagan in the United States. Their project just like these Bills was designed to disarm and emasculate workers.

The intention is to impose class peace at the time when the situation workers face need more and not less protection from unions and legislation, from an overall situation that favours the ruling class – the employers. Crushing workers in favour of their class opponents will be the ultimate betrayal of the workers and the working class in general.

More worryingly, the status quo that is being defended has meant growing inequalities, poverty wages in particular for Black workers in general and Africans in particular, growing unemployment and widespread poverty that afflicts 55% of our population as well is worsening income and overall inequalities that have given our country the infamous title of being the most unequal society on earth.

These Bills are a product of an undemocratic process. They were agreed to behind workers backs at Nedlac, a forum where SAFTU, which is the second largest Federation that now represents 30 unions with nearly 800 000 workers remain locked out. There was no consultation with workers who are going to be negatively affected by these draconian Bills.

We are told that the portfolio committee intends not to open a debate or allow oral submissions. We are concerned that these Bills are being rushed

so that the can come to effect on the very day the country is supposed to celebrate international workers rights – May Day.

The key elements of the deal are:

1. A National Minimum Wage to be introduced from 1 May 2018 which will replace all the current sectoral determinations, and any benefits that they bestowed on workers, and entrench a poverty minimum wage on which nobody should be expected to live. The new minimum wages will be:
 - R20 an hour for most workers
 - R18 an hour for farmworkers
 - R15 an hour for domestic workers and
 - R11 an hour for Extended Public Works staff
2. The union leaders who signed this sell-out deal claim this is major breakthrough! They have been celebrating the introduction of the institutionalization of poverty wages through the introduction of the National Minimum Wage, which they see as part of the call “Radical Economic Transformation”. What an insult!
3. This deal says nothing about the massive salaries of the CEOs and politicians, whose representatives in Nedlac co-signed the agreement. The Deloitte accountants report revealed that the average pay of executives in the country’s top 100 companies is now R17.97 million a year, which amounts to R69 000 a day and R8 625 an hour!
4. If that is the average, there must be many who receive even more! Executives’ salaries have risen from 50 times to 500 times bigger than workers’ wages.
5. Many of the companies who are paying these grotesque amounts to their executives are the very ones, which are demanding that the unions should agree to lower wages for their workers.
6. The President of the country is reported to be earning R3, 6 million a year. That translates to R300 000 a month, R10 000 a day and R1250 per hour! We know that this all peanuts to him because as a multi billionaire, he owns much more than what government gives to him as a salary. Yet he is very happy to pay workers R20, R18, R15 and R11 per hour. It’s a shame!
7. None of those signed this deal would ever agree to subject themselves to such low salaries but are happy to impose them on workers.
8. SAFTU insists that the National Minimum Wage will do nothing except:
 - a) Entrench the apartheid wage structure
 - b) Keep millions of workers trapped in poverty and slave wages
 - c) Widen income inequalities that have made our country the most unequal in the world.

9. Whereas the idea of National Minimum Wage is a hard-won victory of worker's struggle and will understandably be celebrated by many workers scandalously earning below these figures, the proposed National Minimum Wage is a legislative attempt to pour cold water on the militant struggles of the immortal mineworkers who were massacred for demanding a R12, 500 and outsourced workers marching in the streets in demand of R10 000.
10. In addition to this minimum wage, the Nedlac parties have launched the most savage attack on the constitutional right of workers to strike. It will mean that:
 - a) Workers must be balloted secretly before they embark on a strike. This will be organised by the unions themselves and the employers given a right to monitor the process of secret balloting. This will give employers a free rein to interdict strikes based on allegations that in some part of the country there were mistakes committed during the balloting. The constitution guarantees a right of workers to manage their own affairs, now this right is being taken away. We are told by the employers and the government to amend our constitutions to give effect to the compulsory ballots or face our unions getting deregistered.
 - b) Unions must engage in a long and extended conciliation process before they can strike.
 - c) Employers will have a right to approach the CCMA and the courts to force compulsory arbitration if in their view the strike is lasting too long and is having a big impact on the economy and the company concerned.
11. This will give employers enough legal reasons to stop any strike at all, even just by claiming that it will adversely affect their business, which is precisely what a strike is intended to do. It will turn workers into virtual slaves. It will unleash a war on workers' rights, liberty and living standards.

We appeal to you to do everything in your power to get your party to stand firm on the side of the farm workers who produce our food; the security and cleaning workers who keep our buildings safe and clean; the domestic workers who help us in our homes and look after our children; the truck drivers who spend many days driving goods we need across our sub region of SADC; the workers working in the Extended Public Works who are at times build and maintain our public infrastructure.

These workers and others not mentioned require your protection as their public representatives. They are vulnerable and they are the face of untold abuse in our labour market.

Don't make their circumstance a permanent feature of our democracy.

We request that you should scrap these Labour Bills. We request that you send them back to Nedlac but a Nedlac that will not lock out important

constituencies such as SAFTU. We request that the portfolio committee allows SAFTU and others to make oral and written submissions so that we can expose our MPs to the real meaning of this attack on hard won worker rights of workers.

We are willing to come to your office for a one on one with you and your party to engage your MPs on the Bills at your convenience.

Yours faithfully

Zwelinzima Vavi
General Secretary