

Migrants Awake - the 1980 Johannesburg Municipality Strike

Jeremy Keenan

On July 24th about 600 Black employees at the Johannesburg Municipality's Orlando power station in Soweto stopped work as a result of a pay dispute. By Tuesday 29th July they had been joined by 10 000 black workers from almost every one of the Municipality's departments. It was the largest strike ever faced by a single employer in the history of South Africa. By the end of the week it had been ruthlessly smashed: over a thousand workers were deported to their 'homelands' (Bantustans) and the Union's leaders were taken into detention to be charged under the sabotage clause of the General Law Amendment Act which carries a maximum penalty of the death sentence.

Part I – Background to the Strike*

"In the later part of 1979 some of us heard about the recommendations of the Wiehahn and Riekert Commissions. We started doing some research and got hold of the recommendations from the Institute of Race Relations and the CNA (Central News Agency). We had almost given up hope of unions before the recommendations. But our case was even more pressing because we had to out-manoeuvre the City Council in its attempts to form an in-company union for us – the black employees of the City Council of Johannesburg."
(Committee member of the Black Municipal Workers' Union (BMWU)).

Employment Figures for Johannesburg City Council (See Appendix)

	Blacks		Coloured		Asians	
	Graded	Non-graded	Graded	Non-graded	Graded	Non-graded
Males	514	13 087	199	503	35	9
Females	217	124	91	8	23	0
TOTAL	13 942		801		67	

(Figures provided by Mr Roos of the Staff Board – December 1980)

* It has not been legally established that the work stoppage by 10 000 JM employees was a strike. At the trial of the BMWU leaders (see Part III) it was argued that the stoppage in certain of the Council's departments was a 'lock-out'. The words 'strike' and 'striker' are therefore used with caution throughout this article.

1.1 The formation of an 'in-house' union (UJMW)

The Johannesburg City Council's strategy to counter its black employees' awareness of their rights and their desire to organise themselves was to try and form an 'in-house' union by turning the existing Liaison Committees into a 'union' — the Union of Johannesburg Municipality Workers (UJMW). The organisers were all members of the existing Liaison Committee for monthly paid (graded) employees, which was 50% council nominated.

These people were given paid leave by the City Council to organise the Union as well as open access to all the Municipality's compounds and work places. They began organising on 18th October 1979 with a meeting in Soweto to which all graded staff, such as traffic inspectors, clerks, nurses, etc., were called. This was followed by a tour of the compounds through which they were conducted by a member of the Council's Staff Board. They were introduced personally to the compound managers. It has been alleged that the UJMW even used the Council's stationery!

The organisers of the UJMW attempted to organise in all the Council's compounds and departments with the exception of the transport department. Members of the UJMW steering committee only came to the transport department at the last minute, just before the UJMW's inaugural meeting on January 23rd 1980. The reason for this, they said, was because this department had its own Works Committee, while all the other departments had Liaison Committees. The real reason was because the members of the transport department's Works Committee, and other employees of the department were fully aware of the Council's strategy in attempting to set up a 'dummy' union and had actually approached some of the organisers of the UJMW.

The secretary of the Works Committee, Mr Joseph Mavi, who had had experience of trade union organisation in his capacity as president of the (parallel) African Transport Workers Union approached the UJMW organisers twice between October 18th and January 23rd. Mavi proposed that the formation of the Union should be agreed upon by all the departments, and that the constitution should be drafted and approved by all departments before the inaugural meeting of the Union. The organisers of the UJMW refused to allow the constitution to be read by workers in any department before the inaugural meeting on January 23rd.

1.2 A representative alternative to the UJMW

Following the October meeting of the UJMW 'steering committee', members of the transport department's Works Committee began discussing the possibility of an alternative union that would be genuinely representative of and concerned with the interests of the Municipality's black employees. The initiative for this attempt came primarily from Mr Philip Dlamini, a bus driver and chairman of

the Works Committee. The other members of the Committee were Messrs Mavi, Mbovane and Lechoro. In November, Dlamini called a meeting of the transport workers (running staff — drivers and conductors) at the Avenue Road bus depot. Its purpose was to discuss the possibility of forming an alternative union to the Council's UJMW.

Not everyone at the meeting was in favour of the idea of forming a union. Several of them felt that they were making good progress through their Works Committee and that a union was not really necessary for them. Some of the running staff also felt that Joseph Mavi, who was to become the president of the 'alternative' union — the Black Municipal Workers Union, was himself not overly enthusiastic about the idea. Mavi's general lack of enthusiasm was quite understandable, as at that time he was involved in particularly unpleasant court proceedings resulting from his recent actions as president of the ATWU in exposing the alleged corruption of the union executive. (see below 1.13).

Most people at the meeting, however, were more uninformed than opposed to unionism. Gatsby Mazwi, for example, who was to become one of the leaders of the BMWU and was to be charged later along with Mavi and Dlamini with sabotage under Section 21 of the General Laws Amendment Act, admits that he was not in favour of unionism at that stage primarily because he didn't know much about it. "I had the bad habit of not reading the newspapers because they made me so annoyed. Even when I was listening to the radio and it was news time I would switch to another station. I was totally uninformed then. So Dlamini had to tell me about this Wiehahn business and what its implications were. He brought me copies of critical reports on the Wiehahn commission. When I started reading them I began to grasp what he was on about."

Dlamini was widely read and informed on what was happening on the labour front and he played a major role in educating many of his colleagues such as Gatsby Mazwi in that regard. The role of Dlamini himself, as an individual, cannot be underestimated. Many members of the Union, especially those who were familiar with its early organisation, readily admit that the BMWU was his brainchild.

Dlamini was born and brought up in Soweto. His childhood was one of illness and suffering, and his education was cut short. The active involvement of certain members of his family in black political organisations made him aware of the reasons for his deprivation at an early age. His brother, for example, had played a prominent role in the Transvaal leadership of the PAC and is now serving a 12 years sentence on Robben Island. Dlamini, himself, had become actively involved in the Black Consciousness movement, and was particularly well aware of and informed on what was happening in the political and labour fields.

Dlamini's personal intervention does not however provide a complete explanation as to why it was members of the running staff of the transport department that took the initiative and provided most of the leadership of the BMWU.

1.3 The role of the transport workers

The running staff of the transport department, bus drivers and conductors, are comparatively well educated. Amongst the other employees of the JCC, including other skilled and white collar workers, they tend to be looked up to and respected for their 'organisation'. This respect stems primarily from their earlier challenge to the JCC in February 1973 when they went on strike for higher wages. Their action was successful in that it led to a virtual doubling of the running staff's wages, with the result that they are now amongst the highest paid of the JCC's black employees. As one of them commented, "our strike gave people the impression that we were standing up for our rights". Since then the running staff's Works Committee has been well organised and particularly active in looking after their interests.

The effective doubling of the bus drivers' wages after the 1973 strike widened even further the wage differential between the transport department running staff and most of the rest of the Council's black workforce. In this respect the bus drivers could be regarded as having become something of an elite amongst the JCC's black employees. Most of these drivers, however, have stated that the 1973 strike and its results made them particularly conscious of their achievement and the fact that they were very much better off than other Council workers. Rather than setting them apart from the rest of the workforce, it tended to underscore for them the conditions under which the vast majority of the JCC's black workforce were employed (see below — 1:7, 1:9, 1:10). As one member of the running staff pointed out, "Except for the very selfish type of people, we didn't use to like it. Because it was rubbed in, particularly on those pay days when our pay day coincided with the labourer's pay day. You are a little boy, and there is this old man in front of you collecting his R20. That sort of thing, unless you are exceedingly selfish, has got to touch you. You get a bit ashamed of seeing your money. It always makes you aware that things are not all right." As Dlamini stressed at the November meeting to those of his colleagues who felt that they were doing well with their Works Committee — "I am not speaking about us. I know we are having it OK — It is the other guys."

Perhaps even more important is the fact that the running staff, by the very nature of their work, are more able to organise. The Council's black workforce is physically divided between 19 compounds (some of which are more than 40km apart) and dozens of various worksites. These divisions constitute a major obstacle to any attempts to organise the entire labour force. However, the running staff, by definition of their work, are not only able to move physically between these different locations, but their very mobility puts them in a position where they are better informed and aware of activities on a broad front.

1.4 Inaugural meeting of the UJMW – Mass walk-out by workers

The inaugural meeting of the UJMW was held in the City Council's Selbourne Hall on January 23rd, 1980.

The JCC went to great lengths to make the meeting a success. It provided the hall free of charge; gave employees the afternoon off, and requested Mr Petty, general manager of the transport department, to provide transport to take workers to and from the meeting.

Although an estimated 3000 attended the meeting, it was not the success the Council had hoped for. Most employees were unhappy with the fact that they were expected to adopt a constitution which they had not seen, one clause of which stated that at least 50% of the executive should consist of salaried staff, although the latter make up a very small proportion of the black workforce.

The Chairman of the meeting also tried to stop Mavi from speaking, on the grounds that he "belonged to another organisation". Mavi nevertheless spoke, saying, in effect, that workers had had enough of attempts to force certain types of unionism on them and that they were not really inclined to stay and hear what this particular attempt was all about. Mavi and Dlamini then walked out. As they stood in the doorway, they beckoned to the workers and almost the entire hall walked out with them. 113 remained behind to adopt the constitution and elect an executive committee. 59 of those who remained voted for the chairman, Mr Ngwenya, as president of the UJMW. The other 54 abstained.

When the UJMW was granted provisional registration 6 months later it had 40 paid-up members.

1.5 The early leadership of the BMWU

The initial core that was to provide the leadership in what was to become the BMWU consisted of Dlamini, Mavi and Mazwi, all of the transport department.

Mazwi, unlike Dlamini, had no previous involvement in labour or political organisations. Having grown up and been schooled in Soweto, he worked continuously for the JCC for 10 or so years since leaving school.

Mavi, the eldest of the three, by contrast, had had a considerable amount of experience in both labour and civic organisations. He was born in the Transkei where he obtained his matric. His father died when he was born and he was brought up by his father's brother who was a headman. "He had certain books," said Mavi. "He always had cases (magisterial), and on my holidays I used to read these. I read books on Bantu Law, and I read what Dr Verwoerd was saying in parliament."

Mavi, aged 20, came to Johannesburg in 1958 and got his first job as a recorder in the JCC's water department. He soon left the JCC and obtained a heavy duty driving licence. In 1963 he went back to the JCC and in 1964 he became one of the first black drivers in the transport department. His colleagues chose him as their

'spokesman'. In 1968 Mavi resigned from the JCC and joined the Bantu Federation of S.A., involving himself in black civic issues. His first real test came in Bethlehem in the Free State where members of the Federation were having their houses demolished without compensation. Mavi, with a 21 man delegation, went to Bethlehem, confronted the town clerk and won compensation for the residents.

In 1970 he went back to work as a long distance truck driver. It was then that he was first introduced to trade unionism, after his colleagues voted him onto the executive of the ATWU. He was elected vice-president, and in 1975 he became president. In 1977 he rejoined the JCC and was elected secretary of the transport department's Works Committee. Although Mavi's concern was for 'justice', he had never joined any black political party.

After the January 23rd meeting of the UJMW, this group set out to widen its organisational base by recruiting two members from each compound and/or department. Dlamini, through his position as staff bus driver, had access to other compounds and work sites. He was therefore delegated to recruit at the Orlando power station complex where they knew that workers, both skilled and unskilled, were suffering from particularly insidious forms of victimisation and exploitation. Dlamini spoke to the workers there and asked them to elect two representatives. Ntabozuko Somdake and Martin Sere, both trainee electricians were elected. They had spent part of their five year training at the college in Pietersburg where the practical training takes the form of working on the farms of the white supervisors and doing work which their supervisors have contracted privately in Pietersburg or elsewhere. Trainees are not paid for this work. They merely provide the white supervisors with a free private labour force to exploit more or less as they please. Those who complain are victimised with dismissal.

By February, Mavi, Dlamini and Mazwi had been joined by Sere and Somdake. Sere was to become vice-president of the BMWU and Somdake an executive committee member. These five met every weekend, along with a few friends, to discuss the strategy of forming an alternative union to the UJMW. Much of their time was spent in reading, studying and discussing material on labour, particularly the recent history of black trade unionism and the 'reformist' recommendations of the Wiehahn Commission. These meetings were informal. No committee was formed and no minutes were recorded.

Some of these people, both Council employees and their friends, were closely associated with Black Consciousness organisations, with the result that the general position that emerged from these meetings and which was to characterise that of the BMWU itself bore traces of Black Consciousness ideology – although it must be emphasised that this was by no means an undisputed position. This helps explain the BMWU's more political approach to labour, its emphasis on community links and issues, and its independent position in relation to other black trade union organisations.

There was a general consensus on the need for a broadly based union that would embrace all the Council's black employees. Indeed, Dlamini, from the beginning, had been thinking about the possibility of a union that would eventually cover the black employees of all municipalities, not just that of Johannesburg.

The main question mark, however, which hung over these early meetings was the recognition that even if there was substantial support from the non-migrant workers, it would be extremely difficult to educate and gain the support of the migrant workers who made up about 12 000 of the JCC's 14 000 or so black workers.

1.6 The organisation of the BMWU

The initial strategy of the 'steering group' was to try to establish organisation in all the other Council workplaces. While Sere and Somdake organised at Orlando, Dlamini and Mazwi took it upon themselves to go into the JCC's compounds and workplaces. As Mazwi explained, "Dlamini and I had this one thing. We are able to walk up to a guy and start a conversation with him, to get him to trust us and to feel free to talk about things. Usually we would get him to speak about his job and the problems he was facing with it, and ask him what the sore point of his job was — what it was that he felt most strongly about." In this way they made contact with workers in all departments, looking all the while for potential organisers; workers who could themselves build up further organisation in each department and compound. Their strategy was to select two people from each place, who were then brought to the next weekly meeting of the steering group. There they were further enlightened, educated and informed on labour issues and unionisation. In this way the group grew to cover most of the JCC's departments and compounds and to form what effectively became the steering committee for the BMWU from which the executive committee was to be elected on June 23rd. As the group expanded it became impossible to meet in private houses in Soweto, and meetings moved to Regina Mundi or a church hall in Dube (Soweto).

From the outset, the original members of the group were conscious of the divisions in the Council's workforce which set up barriers to the formation of a general Union. The two major divisions, which tended to more or less coincide, were between migrants and townspeople, and between skilled and unskilled workers. At some of their earliest meetings members of the group expressed their fear that it would be impossible to organise effectively the migrant workers.

Dlamini and Mazwi consequently decided to leave their homes in Soweto and to live in the compounds amongst the migrants. They moved into the Selby and Nancefield compounds which housed the largest single section of the Council's workforce — the cleansing staff. Dlamini, because of the shift work involved as a staff bus driver, was given permission in January to live at Nancefield. A few of the bus drivers were migrants and lived at Selby. One of them, a friend of Mazwi, moved out to live with a girl-friend in Soweto and lent Mazwi his bed.

1.7 Control of the workers and barriers to organisation

The way in which these two were successfully able to organise a considerable proportion of the migrant workforce must be seen against the mechanisms adopted by the Council in its attempt to control workers and inhibit any such organisation.

The basis for the Council's control over the bulk of its workforce is the system of influx control, which, in effect, binds workers to their allocated jobs. The effects of such controls are concretely dealt with elsewhere in this publication*

The compound system is equally important as a mechanism of control.●Once recruited to the Council's employ, the worker's likely place of residence is a compound (referred to by the Council as 'hostels'). The control function of the compound does not need to be elaborated upon in the *SALB*. It is sufficient merely to point out that the 19 compounds used by the Municipality to house its migrant workforce are geographically scattered and tightly controlled.

The Selby compound for example, is surrounded by a high wall topped with barbed wire. It has two entrances. One is through massive steel front gates which are flanked by a permanent police guard post. The other entrance is a well-guarded and easily controlled subway. Importantly, this makes it possible for the workers to be locked inside the compounds. Indeed, as we shall see below, the compounds provided the JCC and the police with the means of easily dividing and controlling the workers during the 'strike'.

Forms of control such as exploitation of the homeland conditions, pass laws, influx control, division of the workforce, containment in compounds, use of compound police, degradation of workers through compound living conditions and various other practices relating more specifically to the work place itself (see below), provide for the most extreme form of exploitation of the workforce. These forms of control and exploitation are, however, contradictory. As we shall see below, in the case of the Johannesburg Municipal 'strike', they enabled the Council to pay exceptionally low wages to the bulk of its workforce and to keep them, for the most part, in appalling living conditions. They also provided the mechanisms for the containment and smashing of the 'strike'. But, on the other hand, it was the extremity of this control and exploitation which provided a ready and fertile basis for the organisation of the migrant workforce and which underlay the militancy of its response.

Before returning to the question of how the migrant workers in the compounds were actually organised, there is another important question which must first be raised, – namely, to what extent was the JCC aware of the potentiality for organising and mobilising the bulk of the workforce, and what action did it take, over and above the forms of control outlined above, to inhibit any such organisation?

* For detailed discussion, see LRC article, Part I

● See also article by LRC, p71

Johannesburg Municipality Compounds – June 1980

Name	Beds Available
Alexandra	11
Antea	2 800
City Deep	3 396
Cydna	12
Delta	16
Ferndale	15
Huddle Park	200
Keivin	181
Klipspruit	94
Nancefield	1 460
Northern Farm	130
Northern Works	120
Norwood	600
Olifantsvlei B and C	147
Orlando	420
Rand airport	40
Rietvlei	21
Selby	2 200
van Beek	1 341
	<hr/>
	13 204

Number of employees administered in these compounds (June 1980) = 12 220

It is difficult to answer this question. From a number of statements made by Council officials it seems that it was completely unaware and ill-informed on the degree of consciousness and the extent of the grievances of its workforce, particularly amongst the migrant workers.

This is not at all surprising when we consider the nature of the Council's management and the almost non-existent channels of communication between itself and the workforce. The Council, in a state of self-induced ignorance, seems to have felt fairly secure behind the assumption that migrant workers were uneducated country bumpkins. The fact that the Council's 'in-house' union made virtually no effort to explain 'unions' to them is evidence of this, as is the statement allegedly made by the Chairman of the Staff Board to members of the transport department's Works Committee referring to the migrant workers as 'sheep'. The alleged statement was, "Leave the sheep. They are sleeping. Don't wake them because we shall have trouble. We must just leave them. They know nothing."

And yet the JCC seems to have been very conscious of the dangers of 'waking the sheep'. This is clearly evidenced in the Council's attitude towards the BMWU.

It is important to unravel the exact nature of the JCC's attitude to the incipient union, and the degree of communication that took place between the two at this stage; that is during the first six months of 1980 prior to the BMWU's formation. Council officials both during and after the 'strike', repeatedly made statements giving the *impression* that they had not heard of the BMWU, that it had little support among workers, that it had made no effort to communicate with the JCC, and so forth. Indeed, the Chairman of the JCC's management committee, Mr F. Oberholzer, stated to the press during the strike, that he "had never laid eyes on these people". The context of his statement is such that it should be understood metaphorically.

In fact, it was not until the trial of Messrs Mavi, Dlamini and Mazwi, seven months after the strike, that the Council, through the general manager of the transport department, Mr Petty, was forced to admit that there had been considerable formal contact with the organisers of the BMWU. They also knew of their intention to form an alternative union to the UJMW a long time before the 'strike'.

As early as February 20th, the members of the transport department's Works Committee met with the Council's Staff Board to ask permission to form a union. The report of this meeting was conveyed to a meeting of the JCC's Management Committee on March 18th where permission allowing them to organise a union other than in their own transport department was refused. On March 24th the Management Committee's decision was conveyed to the transport department's Works Committee at a meeting chaired by Petty, and with the Staff Board in attendance.

The Management Committee's decision was also sent to all other heads of departments in the form of a circular. The organisers of the BMWU were thus officially denied access to the Council's workplaces and compounds other than their own (see copy of circular).

After the formation of the BMWU on June 23rd the Union's attorneys notified the town clerk of the formation of the Union and provided him with a list of the executive committee members. Moreover, the Union claims that during June it made attempts, through the executive committee, to communicate with the Municipality so that it could appraise it of the employees' grievances and obtain recognition. The Union also claims to have written letters to the Municipality (care of the Town Clerk and the Staff Board) regarding the question of recognition, and claims to have received a reply from the Staff Board. These letters can no longer be produced. It is claimed that they were amongst various documents allegedly confiscated by the SAP in a raid on the Union offices.

The organisers of the BMWU also drew themselves to the attention of the Council through a deliberate strategy of attempting to take up a number of workers' complaints. Although the BMWU was not yet formed, its organisers tried to show

the Council how it was maltreating some of its workers. On these occasions Dlamini attempted to work through the correct channels — namely the personnel department. One such case involved a black Municipality policeman ('blackjack') who was dismissed for failing to arrest a black employee who had allegedly had a fight with a white man. In another incident a labourer in the transport department was allegedly assaulted by a white supervisor. His finger was injured to the extent that he was unable to work, but he was given no compensation either in the form of cash or medical costs.

Generally, Dlamini got no further than a certain Mr George Mahlo, a personnel officer at Selby, although on at least one occasion he managed to get as far as the senior personnel officer, Mr Patten. The position of Mahlo now presents the Council with a dilemma. If the JCC is to admit that he did his job and passed these grievances on to management, then it must also admit that it was fully aware of the problems and the role being played by the organisers of the BMWU. On the other hand, if it denies any such awareness then it is confirming the inefficiency of its personnel management as well as indicting its own 'in-house' union, the UJMW, of which Mahlo was the assistant secretary. For its part the UJMW, subsequent to the 'strike', has been making a number of limp claims about having taken up workers' grievances etc.es etc.

The strategy of the JCC during and after the 'strike', as we shall see below, was to try to smear and play down the support of the BMWU. Even before the 'strike', the JCC was quite clearly trying to bypass and belittle the BMWU organisers. This was particularly evident in the transport department, the effective base of the BMWU. For example, when Petty, was approached by Dlamini in the case of the labourer's damaged finger, he is alleged to have told Dlamini that the Works Committee (of which he was chairman) represented only the running staff and not the labourers, and that the correct channel for labourers was through the personnel officer and not the Works Committee. When Dlamini and the other members of the Works Committee pointed out to him that they had come as representatives of a Union and not as a Works Committee, he allegedly replied — "F— your Union — You don't even have a Union".

The attempts to bypass the BMWU organisers and the Works Committee was also evidenced in Petty's efforts to negotiate directly with workers rather than with the Works Committee. The BMWU organisers claim that he adopted this procedure in the case of at least two specific grievances in the transport department immediately prior to the 'strike'. These grievances which related to the introduction of new pay scales and operating methods are discussed below (see I:10)

It is important to note that the Council, in spite of its attempts to give the impression of being unaware of the BMWU prior to the 'strike', was not only very much aware of the attempts to organise an alternative union, but had engaged in formal communication with both the original organisers of the BMWU and with the Union itself once it had been formed. Furthermore, the Council, as evidenced by

the decision of the Management Committee on March 18th, and the ensuing circular, was determined to prohibit and inhibit the formation of the BMWU.

The question of how the BMWU was able to organise so many migrant workers, notably in the Selby and Nancefield compounds, consequently becomes even more pertinent.

1.8 'Sitting Ducks'

The answer is one of extreme irony. It was, quite simply, that the compound police were themselves treated so badly by the JCC that they were, in the words of a BMWU organiser, "sitting ducks". They were easily won over and became supporters of the BMWU. Their major grievance was that they were frequently expected to work overtime, which was, however, paid for, not in money, but in extra time off (and at the Council's convenience). "If he is at his post and his relief doesn't show up he is forced to remain there and do a double shift. And for that second shift he feels he has worked harder and for free, because he isn't going to get paid for it, and he doesn't want a day off." Furthermore, the compound police received extremely low wages and were subject to the same sort of crude exploitation and maltreatment that seems to have characterised the Council's management of the bulk of its black workforce.

The 'normal' system of control within the compounds is such that each gate is guarded by a permanent police post. The police themselves change shifts and switch gates frequently so that there is no 'pattern' of control, and workers cannot easily become friendly or familiar with them. It also appears that police are rotated between compounds to further inhibit their being 'got at'.

At the time of the Council's circular prohibiting their access to the compounds, Dlamini and Mazwi were living and organising there. Rather than prohibiting them from the compounds, the compound police facilitated their access!

It is ironic to note that the JCC, which spent much of the time during the strike patting itself on the back for the way in which it 'managed' the 'strike', had mismanaged its labour relations to such an extent that its main method of *preventing* such organisation in the compounds was used to *facilitate* that organisation.

The JCC further assisted the BMWU in gaining support amongst the migrant workers in a number of other ways. Firstly, the Council's 'in-house' Union, the UJMW, was being given much publicity in the compounds, but nobody ever approached the workers to explain to them what it was all about. "We (members of the BMWU steering committee), on the other hand, sat down and talked with these workers and explained to them what unions were about. They soon understood that if these people (management) are afraid of black unions then they are something that we can use. They were hearing about unions from the publicity being given to the UJMW. But we sat down with them and got them to the level

where they could differentiate between our Union (BMWU) and the other one (UJMW); why we wanted to form the BMWU, and why the JCC was so keen on forming the UJMW". (BMWU organiser).

In Gatsby Mazwi's case, the task of 'educating' the migrants was made easier by the fact that the friend whose bed he had borrowed was the son of a well respected chief in his 'homeland' and had introduced Mazwi as his 'cousin' — a relationship which immediately gave him acceptance and the respect of most of the compound residents. Furthermore, Mazwi is fluent in all South African languages except Venda and was therefore able to speak to nearly all the migrants in their own language.

Secondly, the BMWU also gained a substantial amount of support from a large number of the workers who claim to have been 'forced' to fill in UJMW application forms. Many workers allege that they had to join the UJMW to get work with the JCC. What in fact appears to have been the case is that the UJMW, through squad foremen, were telling workers to fill in UJMW application forms when they arrived for work. Many of these workers were illiterate so that somebody else, usually the foreman, filled in their forms for them. As one of these workers explained, "If the squad foreman tells you to fill in a form and you don't, you know you are in trouble."

This sort of intimidation merely confirmed to the workforce that which Dlamini, Mazwi and the other organisers were explaining about the UJMW and the Council's reasons for favouring it. While the UJMW was collecting application forms, the BMWU was winning support.

Thirdly, the employment practices of the JCC were so bad, even by South African standards, that most workers, in most of the Council's departments, required little further 'education' to be able to understand and articulate their grievances.

1.9 Wage grievances

The major area of grievance concerned wages. Here the problem is threefold:

- 1) Migrant workers, because of their contracts, are not given annual service increases. This arises out of the system whereby contracts for migrants may not be attested for periods longer than one year unless special authority from the 'homelands' is given. At the end of that period of service a 'call-in' card could be issued to a worker if the employer wanted that worker to return. These regulations were designed to prohibit workers from the 'homelands' acquiring section 10.1.b. rights through 10 years continuous employment with one employer in an urban area. As such, employers, such as the JCC are able to keep workers on the minimum starting wage on the grounds that when they return to work each year after their annual holiday, they are effectively beginning a

new contract and are consequently 'new' workers.*

- 2) The minimum wage, which is the rate at which most of the JCC's employees are paid, is inadequate, being only marginally above the minimum living level for migrants living in hostels. This minimum living level, as calculated by the Bureau of Market Research at UNISA, "is the lowest sum possible on which a specific size of household (in this case a migrant) can live in our existing social set-up". It assumes rational expenditure throughout. "As it is highly unlikely that persons at this living level know very much about dietary requirements or manage to curb unnecessary spending, the sum estimated for the MLL is at best a theoretical minimum".¹

In practice the MLL is well below the breadline. It is therefore modified to make provision for certain necessities and desirable amenities not included in the MLL. This modification gives us the Supplemented Living Level (SLL) which the UNISA survey describes as "an attempt at determining a modest low-level standard of living". In practice, the SLL can be regarded as roughly approximating a 'bread-line'. People living below that level can be regarded as living in a fairly severe state of poverty. In the case of the JCC, minimum wages are a long way below the SLL for migrant workers.

- 3) Wage levels have been declining substantially in real terms since the beginning of 1977.

These grievances are clearly illustrated in Table 1, which points to a number of significant factors:—

* Initially legal opinion was that these regulations placed an effective barrier to the acquisition of section 10 1.b. rights. This is no longer the case, and it seems that the state may now be conceding that the 'call-in' system is not necessarily a break of continuous service. The employee is merely attesting a new contract with his same employer while on his annual leave. Indeed, the JCC itself, when questioned on this confirmed that it regarded the 'call-in' system as continuous service as evidenced by workers' long leave bonuses etc. (see Part III). So far the state has been reluctant to allow a test case to reach the courts. For example, at the Black Sash advice office, workers who have been continuously employed with the same employer for more than 10 years, albeit on a 'call-in' basis, are assisted in making affidavits to that effect. Although section 10 rights on the basis of these affidavits refused at the labour office, when such cases have been taken up legally with the Bantu Affairs Commission, all appeals have been granted before they have reached court.

This is particularly significant, especially in Johannesburg where the above procedure is becoming common practice. It indicates a possible shift in the nature of the exploitation of Black labour. The onus is therefore on the employer to keep his employees in ignorance of this situation. In the case of workers who are illiterate, housed in compounds, and who do not have adequate worker representation this is not difficult. In Part III it will be shown how the JCC, rather than assisting its workforce in this respect, or allowing the formation of democratically elected trade unions which could represent the workers, has generally obstructed it and desisted from helping workers in the acquisition of these rights.

Table I: Johannesburg Municipality Minimum Wage Level																
	1.7.70	1.7.71	1.7.72	1.7.73	1.7.74	1.7.75	1.7.75	1.7.76	1.1.77	1.7.79	1.1.79	1.7.79	1.1.80	(June 1980)	1.7.80	(Dec 1980)
Min. Wage (1) per week (Rands)	9,68	10,12	11,00	14,08	16,72	20,68	20,68	23,32	25,08	26,40	26,84	29,04	30,36		33,00	
Per month (X4,33) (Rands)	41,91	43,82	47,63	60,97	72,40	89,54	89,54	100,98	108,60	114,31	116,22	125,74	131,46		142,89	
% Change		+4,56	+8,69	+28,01	+18,75	+23,67		+12,78	+7,55	+5,26	+1,67	+8,19	+4,55		+8,69	
Minimum (2) Living Level (Rands)										Nov.76 126,59	May 78 157,60	Nov. 78 168,16	Nov. 79 178,22	Nov. 79 185,27		May 80 196,05
Consumer Price Index (3)																
1970 = 100	100	106,4	113,3	124,1	138,5	157,2	100	11,7	115,8	138,2	143,4	154,3	161,3	172,6	175,3	191,6
1975 = 100						(159,6)(4)										
Wages per month (Rands)	41,91	41,18	42,04	49,13	52,27	56,96	89,54	90,40	93,78	82,7	81,05	81,5	81,5	(76,16)	81,5	74,6
% Change in real wages		-1,74	+2,09	+16,86	+6,39	+8,97		+0,96	+3,74	-11,8	-2,0	+0,6	0	(-6,6)	0	-8,5
(1)	Information provided by Councillor Janet Levine									(3)	Department of Statistics: 1970-1976 CPI is for 'all items' 1976 onwards CPI is for lower income groups					
(2)	Johannesburg Chamber of Commerce: Black families of 5 - Soweto									(4)	Afrikaanse Handelsinstituut (SAIRR v. 33 1979 p. 194).					
	Excludes:	writing material etc. amusement and sport personal care savings and expenses														
	For UNISA	NLL and SLL for migrants in Johannesburg, see section 1,9														

- a) It can be seen from the following figures that the JCC's minimum wage from 1970 to 1975 was more or less the same as the average earnings of blacks in all sectors of the economy with the exception of agriculture and domestic service.

Year	Average monthly earnings for Blacks (Africans) in S.A. in all sectors of the economy except agriculture and domestic service* (Rands)	JCC monthly minimum wage (Rands)	% var.
1970	39,62	41,91	+5,8
1971	43,27	43,82	+1,3
1972	48,54	47,63	-1,9
1973	57,13	60,97	+6,7
1974	72,05	72,40	+0,5
1975	91,41	89,54	-2,1
1976	106,06	100,98	-5,0
1977	119,40	108,60	-9,9
1978	136,22	114,31	-19,2
1979	156,41	125,74	-24,4

(* Source: Department of Statistics)

But, since 1975 the minimum wage paid by the JCC has fallen progressively further behind the national average each year. By 1979 the average national monthly earnings of blacks were almost 25% higher than those employed by the JCC on the minimum starting wage. It should be noted that the average monthly earnings for blacks in South Africa in each of these years is lower than the Minimum Living Level or Poverty Datum Line, and substantially lower than the SLL.

- b) During the first half of the 1970s the real increase in the JCC minimum wage, that is after it has been adjusted for inflation, increased from R41,91 per month to R56,96 per month, an increase in real terms of 35,9%. During the second half of the decade, from 1975 to 1980 a wage of R89,54 in 1975 had declined in real terms to R76,16 by June 1980, ie. just before the 'strike'. That is a decline in real terms of 14,9%
- c) This real decline began in 1977. Between January 1977 and June 1980 real wages declined by almost 19%
- d) This is reflected in the fact that wages during this period declined further towards the MLL, dropping well below the SLL:

	1.1.77	1.7.78	1.1.79	1.7.79	1.1.80	1.7.80
JCC Minimum mthly wages (Rands)	108,60	114,31	116,22	125,74	131,46	142,89
Minimum Living Level (MLL)*			107,89	118,47	126,96	135,92
Supplemented Living Level (SLL)*			130,93	142,81	151,55	161,37
% above MLL			7,7	6,1	3,5	5,1
% below SLL			11,24	11,96	13,26	11,46
(*as calculated by UNISA and Bureau for National Research for Blacks living in hostels in Johannesburg)						

- e) The figure for 1.7.80 represents the "significant" wage increase paid by the JCC which came into effect in July 1980. This increase is discussed more fully below in the analysis of the 'strike' itself. It should just be noted that the increase, when seen in real terms (i.e. after inflation) merely brings the July wage back to the same value as the January 1980 wage (which was the same as the real wage in July 1979, namely R81,50). Although the JCC was talking about "these substantial wage gains", it can be seen that in real terms there was no gain whatsoever. This does not include the "13th cheque". If this is included then the year on end figure shows a real gain of about 8%. But, the rate of inflation during 1980 was such that this 8% had been totally eroded by November, precisely 5 months later! The July increase was more than 10% less than its 1975 value and 13% less than its value at the beginning of 1977.
- f) To give more idea of the effect of inflation and the inadequacy of the July 1980 wage increase, it may be noted that the July wages had been devalued by 9,3% by the end of the year.

1.10 Other grievances* – Unskilled Workers

Three other general areas of grievance, particularly among migrant and most non-graded workers, were the appalling living conditions in some of the compounds; the prevalence of racist abuse and insults from white supervisory staff

* For a complementary discussion on grievances, see LRC Part II.

and the absence of worker representation and channel through which such grievances could be redressed; and at a very widespread level, a number of general allegations made against the JCC concerning the mishandling of pay.

Compound conditions are examined in detail elsewhere in this publication. Here it is only necessary to point out that when the Council came under attack for the appalling compound conditions, it attempted to hide behind its plans to rebuild one of the compounds (at Selby) and to move the Norwood residents to a new compound. This is, however, a matter of too little, too late. At the time of this article being published, some time after the 'strike', Selby has not been rebuilt, nor have the Norwood residents been moved.

1.10.i As we have just seen (1.9), the minimum wage of R30,36 per week (before deductions) was well below the SLL with the result that the bulk of the JCC's black workforce looked towards the possibilities of overtime work as a means of complementing their earnings.

In most departments it appears that overtime was allocated by the white supervisory staff or artisans. In the electricity department, for example, it was the white electricians who allocated overtime. But workers seeking overtime had to pay for it. It was generally recognised practice that if a worker wanted to work overtime, he would have to pay the white electrician a portion of the overtime wages earned, or in kind (e.g. liquor).

This sort of practice was also widespread in the cleansing section. There the common practice was for the driver, who was usually a 'coloured', to drive too fast for the black garbage collectors to keep up with the truck without exhausting or injuring themselves. The collectors had to pay the driver to drive more slowly. Some of the workers in the cleansing section said that they paid about R2-R3 a week (i.e. about 10% of their wages).

Through these sort of reprehensible practices, which were widespread and which say much about the management of the JCC, the miserable conditions of the black workforce were exacerbated further. At Orlando power station, for example, where the practice of 'buying' overtime was common practice, the 'unskilled' migrant labour force required little or no further education from the BMWU to understand how it was being exploited. Indeed, as we shall see in Part II, it was these workers at Orlando who precipitated the strike by refusing to accept the JCC's July minimum wage increase. And, as we have seen (1.5), as in the case of the black trainee electricians, this sort of crude exploitation and victimization of the black workforce was not exclusive to 'unskilled' workers.

1.10.ii Many of the JCC's workers that we have interviewed complained of abuse, degradation and assault from white supervisory staff. Some of these allegations are probably exaggerated and perhaps have little foundation. But the fact that so many workers made these complaints is indicative of the JCC's general attitude to and management of its black employees. This attitude is well summarised in the

following letter; from the City water engineer to the Staff Board:

“We have investigated this boy’s (sic) dismissal during the disturbances, and due to the fact that he has been employed by the City Council since 1938, and has given satisfactory service, it is recommended that he be reinstated if at all possible.”

Signed: City water engineer. dated 26.8.80

Case: Mrs X was employed as an assistant cook in one of the JCC’s canteens. She was provided with overalls which were much too big for her. She alleges that a white male supervisor, Mr T, came into the canteen and threw the overalls at her, asking her why she was not wearing them. She claims to have told him that they were too big for her. He allegedly replied, “Don’t give me shit”, Mrs X alleges that Mr T then picked up a coat hanger, began hitting her with it and pushing her around the room, allegedly saying “I will beat you up you black bitch”. She claims to have been beaten, but was allowed to work the next day. When she returned to work on the next day she claims that the white female supervisor in that canteen remarked that “people who did not want to work should stay at home”. Mrs X claims to have asked the supervisor what she meant by this. The supervisor allegedly answered to the effect that she (Mrs X) must not think that she was scared of her. Mrs X claims that since that incident she was subject to victimisation and derogatory racist abuse.

There were virtually no forms of worker representation or effective channels between management and the workers through which these grievances could be taken up and redressed. Indeed, it seems that what channels there were, namely the Liaison Committees, personnel department and Staff Board were more pre-occupied with maintaining rather than rectifying such conditions.

1.10.iii The third and probably most serious, general area of grievance related to the handling of pay, particularly to the fact that the majority of the Council’s non-graded black employees do not appear to receive pay-slips. As most of these workers are not covered by an Industrial Council agreement or Wage Board determination, the JCC is not legally obliged to issue pay-slips. This, no doubt, saves the Council money, but it is the basis for both considerable discontent and widespread allegations of ‘corruption’.

1.10.iv Grievances – Skilled Workers

At the other end of the Council’s black workforce, among the more skilled and higher paid workers, grievances centred mostly around wage issues and racist employment practices. For example, among the black running staff of the transport

department (bus drivers and conductors) and the black electricians in the electricity, department, a major demand was for equal pay for equal work.

During June 1980 Oberholzer, made a press statement that in future the Municipality's employees would receive equal pay for equal work, irrespective of race. The municipality, he said, had made specific provision in its budget for the implementation of this principle.³

In the case of the electricians, the JCC claimed to have closed the pay gap between white and black electricians in its July (back-dated) pay increases. When the black electricians and trainee electricians received their pay advices for July they felt that the equalisation principle had not been implemented and that they had not reached parity with their white counterparts.

What the Council had in fact done was to put black and white electricians on the same scale, but with the former being slotted in on the lowest pay scale, that for artisan electricians. This was the scale previously used for daily paid white electricians — a category no longer used. At the same time, however, the minimum wage for these artisans was increased by 17% from R445 pm to R521 pm. and the maximum by 22% from R483 pm. to R590 pm. White electricians, however, are now classified as staff artisans or senior staff artisans with a minimum pay of R640 pm. And so, although the black electricians received a comparatively good wage increase in July, they saw that as far as the 'equalisation principle' was concerned their maximum pay (R590) was R50 less than the minimum white pay of R640.⁴

In a report carried in the *RDM*, the Chairman of the JCC's Staff Board, Mr Japie de Villiers, was quoted as saying that the 60 electricians and trainee electricians who were demanding pay parity with their white counterparts had in fact already reached their goal. The report stated that the JCC had finally closed the pay gap earlier in the year, but that 50 of the 60 electricians earned less than any white artisan because there were no longer any white artisans on the lowest white pay scale. The inference of this statement is that 10 black electricians were earning more than whites. However, a member of the BMWU executive denied that any black electricians were being paid more than whites, but confirmed that 7 of the 60 were in fact on the same scales as whites. These 7, however, were men with 5 years as qualified electricians.

The black electricians consequently saw their situation as comparable to that of the running staff in the transport department. There, the JCC denies that there is a pay differential between black and white drivers, merely a 'proficiency barrier'. The fact that no whites are below the barrier, even with only one month's experience, and that no blacks are above it, even with ten years experience, reduces the credibility of the Council's denial.

There were also a number of other grievances among the transport department's running staff:

Prior to June the normal week consisted of 44 hours. But in view of the necessary nature of the shifts, drivers had to do a compulsory 48 hour week. They were

therefore paid 44 normal hours and four hours at overtime. But, their leave pay was based on a 44 hour week. Drivers therefore claimed that their 4 weeks leave 'lost' them 16 hours of pay (at overtime).*

Drivers claim that their agreement is for a six day week. But, the Council, according to some of the drivers, has introduced a seven day week in order to stagger the off-days. This results in an extra 6½ days work in the year. The drivers claim that these extra 6½ days are 'for free' and are not paid for by the Council. It must be emphasised that this allegation has not been substantiated.

Other grievances related to the alleged non payment of overtime worked (see LRC); lack of clarification over the '13th cheque' (whether it is a substitute for or in addition to leave pay); the dangerous state of maintenance and condition of black drivers' buses. etc. .

Although the black workforce was divided by substantial wage differentials between skilled and unskilled workers, their common experience of exploitation and victimization at the hands of the JCC did much to reduce the potentially divisive effect of these differentials. Instead, this common experience developed a *deeply rooted awareness of black worker solidarity*.

1.11 The representativeness of the Steering Committee

The JCC through its obdurate and obstinate attitude and the general deceit and callousness shown to virtually all sections of its black workforce, enabled the BMWU to organise across the various divisions of the workforce and mobilise support in virtually all sections of the workforce. The fact that management's most trusted staff, the compound police, gave their support to the BMWU is testimony to this appalling state of labour mismanagement.

The way in which the BMWU was thus able to more or less unify the JCC's black labour force is reflected in the composition of the steering committee.

The representation of the steering committee was as follows:—

- 2 from ambulance depot at Brixton
- 2 from Norwood Compound (cleansing branch)
- 2 from water works
- 4 from Orlando
- 4 from Selby
- 2 from traffic department
- 4 from transport department
- 1 from Jabulani fire station
- 1 from medical section in Albert Street

Of these 22 at least 3, namely the two from Norwood and 1 from the water works, were migrants.

* Overtime conditions in other departments are not substantially different. See LRC p69

1.12 Formation of the BMWU June 23rd 1980

The inaugural meeting of the BMWU was held in the Selbourne Hall on June 23rd 1980. The hall had to be hired from the Council at the cost of R107. About 300 attended the meeting. Here 13 members of the steering committee were elected to the Union's executive committee. *

The main question of interest about the election of these office bearers was why Mavi and not Dlamini was elected president, in view of the latter's role in the development of the BMWU. The answer quite simply was that most people wanted Dlamini as secretary in view of his organisational ability. In Mavi's case most of the workers present at the meeting were impressed by his speech and already remembered him for having stood up and led the walkout at the inaugural meeting of the UJMW in January. It also seems that most members of the steering committee wanted Mavi as president in view of the fact that he was the one member of the committee with experience of unions.

1.13 Joseph Mavi and the African Transport Workers Union (ATWU)⁵

Mavi, as a former president of the ATWU had already learnt from first-hand and particularly unpleasant experience how employers attempted to foist 'tame' unions on black workers.

The ATWU was a parallel union of the Motor Transport Workers Union and the Johannesburg Municipality Transport Workers Union (both affiliated to TUCSA) and was formed in 1973. It joined TUCSA in 1974 when they later again decided

* The following members of the steering committee were elected to the union's executive committee:

President	Mr Joseph Mavi	bus driver	transport Dept.
Vice-President	Mr Martin Sere	electrician	Orlando
Secretary	Mr Philip Dlamini	bus driver	transport Dept.
Treasurer	Mr Joesph Mlangeni	clerk	Selby
Assistant Secretary	Mr Ishmael Sello	traffic dept.	
Assistant Treasurer	Mr Kenneth Zantsi	clerk	Selby
Additional members:	Mr Segale	fireman	Jabulani
	Mr Hope Mamabolo	traffic licensing dept.	
	Mr Herold Mkhatswa	clerk	medical section
	Mr Godfrey Jerryman	electrician	Orlando
	Mr Paul Nhlapo	clerk	Selby
	Mr Ntabozuku Somdake	electrician	Orlando
	Mr Gatsby Mazwi	bus conductor	transport Dept.

Godfrey Jerryman soon pulled out. He was a Moslem and too busy with his religious interests, thus leaving 12 committee members.

to allow African trade unions into its ranks

The first general secretary of the ATWU was an employee of the Johannesburg Municipality, a Mr Schute, who retired in 1977. He was succeeded by Mr G van der Walt whose appointment was confirmed at a general meeting in early 1978. At that same meeting Joseph Mavi was elected as president.

Rumblings of discontent within the Union were soon to be heard. It was alleged that when van der Walt and Absolom Mkhonza an organiser, went to firms to collect Union dues, van der Walt made Mkhonza wait outside in the car, claiming that his presence would cause conflict between the employers and the Union.

Several other allegations were made against van der Walt mostly to the effect that he sought to control the African members of the union rather than serve their interests. For example, a bus driver for an E. Rand municipality was dismissed after being involved in organising his fellow workers. Drivers at one large transport firm were dismissed after going on strike, and at another, drivers were fired after asking for wage increases. Nothing seemed to be done by van der Walt either in support of the demands of these workers or to get them reinstated. His reason for this was that "because the Union was not registered it had no bargaining power".

Conflict within the Union came into the open at an executive meeting in March 1979 at which Mavi confronted van der Walt about a number of issues including the following:

- Why was he (Mavi) continually being asked to sign blank cheques?
(in a letter from van der Walt's attorney it was pointed out that Mavi "had never at any stage signed more than 12 such blank cheques per month").
- Why were meetings called by the secretary instead of the president?
- Why was there such a large office staff?

In the following month another incident increased the tension in the Union even further. Van der Walt summarily dismissed Mkhonza from his post as organiser, alleging that he had embezzled Union funds. Mavi, satisfied with Mkhonza's explanation, told him to return to work. Van der Walt, however, refused to allow him into the office. Mkhonza accordingly wrote to the executive council and the matter was discussed at its next meeting on June 10th. The executive decided to reinstate him, and pointed out to the Union secretary that he should not make such decisions without its approval. Van der Walt refused to accept the decision, saying he refused to work with Mkhonza. At that stage it was decided to adjourn the heated meeting to July 8th.

When members of the executive arrived for that meeting they found themselves locked out, with no sign of the secretary. Mr Hammon, a leader of one of the so-called 'parent' unions, arrived and informed them that van der Walt had had to travel to Cape Town in connection with other Union business.

A further meeting was then arranged for August 12th. Van der Walt, although notified, did not arrive. The meeting decided that van der Walt should be replaced, and Mkhonza was appointed as acting general secretary. A general meeting two

weeks later confirmed this appointment, and in addition elected a new executive. Mavi was again elected president. Although van der Walt had been instructed by the executive earlier in the year to call the 1979 annual general meeting, he had failed to do so.

In the meantime certain allegations about van der Walt's behaviour had been made in the press. He instigated a court action against Mavi and the Argus newspaper group, claiming R50 000 for defamation of character. When informed that he had been dismissed from the position of general secretary of the Union, van der Walt reacted by declaring that his dismissal was unconstitutional, and refused to hand over the Union's documents, cheque book, etc. Instead he called his own general meeting where he was reappointed general secretary and a new executive committee was installed. Mavi's executive instituted legal proceedings against van der Walt which dragged on inconclusively until the end of the year. It seems to have been this involvement with the ATWU that accounts for Mavi's initial lack of enthusiasm for Dlamini's ideas of forming an alternative union to the UJMW.

Mavi had exposed parallel unions for what they were, but he had been outmanoeuvred; van der Walt remained as general secretary of the ATWU – or what was left of it. In early 1980 the ATWU appropriately achieved the dubious honour of being the first African union to be registered in terms of the Industrial Conciliation Act.

Part II – The 'Strike'

2.1 Dissatisfaction at the Orlando power station

The JCC normally grants wage increases to its black workers on July 1st each year. When the weekly paid workers at Orlando received their increase on Thursday 3rd July they found that the minimum wage had been increased from R30,36 to only R33.

The Orlando workers immediately called a meeting which was organised not by the BMWU, but by the employees themselves at the Orlando compound. The immediate reaction of many of these workers was to strike for a minimum wage of R58 a week (i.e. R25 increase).

Ntabozuko Somdake, a member of the BMWU executive, was at the meeting. He asked the employees who was going to represent them in their negotiations. They told him that the BMWU should do so.

At the meeting of the BMWU executive committee on July 5th, Somdake reported what had happened at the Orlando power station and said that the matter required urgent attention as the employees were threatening to strike if their demands were not met. The executive committee resolved to try and dissuade the employees from striking. Somdake was deputed to carry out this resolution.

He informed the employees at the Orlando power station of the Union's attitude and explained that it intended to approach the Municipality and negotiate on their behalf. The workers agreed to a moratorium, but decided that if the matter was not resolved by July 24th, pay-day, they would strike. At this, the Union gave Mavi a mandate to approach the Municipality so as to negotiate.

The Municipality, however, refused this request, saying that it would not deal with an unregistered trade union. Mavi informed the Union executive of the Council's attitude, which was then conveyed by Somdake to the Orlando power station workers on July 16th. They adopted the attitude that they would wait and see what they were paid on July 24th; if this was unsatisfactory, they would strike.

2.2 The 'strike' at Orlando power station

The demands of the Orlando workers were not met. Nor had the question of the 'equalisation principle', which had been causing dissatisfaction among the 60 black electricians and trainee electricians, been resolved.

Mr Barnard, the City electrical engineer, in trying to justify the black-white wage disparity, told the *RDM* that black electricians who, he said, worked mostly on domestic wiring in Soweto, could not expect to be paid the same as white electricians who often dealt with much more sophisticated projects such as electronic circuitry and high-voltage wiring.¹

The labourers, on receiving their pay notices, refused to work. They were joined in sympathy by the black electricians and trainee electricians. About 640 workers downed tools. The work stoppage was reported to the Department of Manpower Utilisation shortly after 8.00am.

The precise details of what took place at Orlando on the morning of the 24th are still not clear. It seems that the workers were first addressed by the Orlando compound manager, Mr Kleynhans, who told them to go back to work. Barnard was also present and, according to some of the workers, was accompanied by the managers of City Deep and van Beek compounds, which house electricity supply workers. Barnard addressed the workers saying, "I am not prepared to talk to you while you are not working. I want you to be back at work within 30 minutes or else I will be left with no option but to repatriate all migrant workers and dismiss the rest." To this the 'strikers' answered with shouts of "do as you please". It seems that Barnard initially refused to meet with the workers. However, a little later he asked the WRAB police to invite representatives of the workers to meet with him. According to the workers, Barnard had called for 4 representatives. The workers, however, fearing victimisation, demanded that they put their grievances as a group and not through individual representatives, and accordingly elected 22 of their number on the spot to form the "workers' action committee". The committee met with Barnard and put the following demands to him:

- equal pay for equal work
- an immediate meeting with the management committee
- a minimum unskilled pay rise of R25 per week (i.e. to R58).

Barnard allegedly told the delegation that the decision was not his to make. Members of the delegation claim that they then demanded to speak with a higher level of management. This demand was not met. According to a report in the *RDM*, the delegation apparently agreed to meet with Barnard on the following Friday.²

It is not clear whether such an agreement was reached. Most reports indicate that the 'talks' ended in dead-lock after about an hour, after which Barnard addressed the workers informing them that they would not receive an increase in wages. The workers, however, refused to return to work without a promise of more money.

The question of how the workers were actually dismissed is not entirely clear. Some workers claim that they were given half an hour to return to work or leave the compound. Other reports (e.g. *RDM* 25.7.80) claim that Barnard ordered 50 strikers who did not live in the compound to leave the premises and that their fellow workers "rose as one man and followed them off the grounds."³ In a report carried in the *Star* (25.7.80) Barnard referred to the 'walkout' at Orlando, although most workers claim that they were all fired.

By midday at least 600 workers had been dismissed and/or locked out of the Orlando compound. Most of them initially went no further than the open veld outside the compound. There, they were confronted by armed police who had arrived earlier in the morning and who told them that their 'meeting' was illegal. Some moved off into Soweto where they found shelter with friends. Others made their way to Selby where some of them were locked in and then discharged, while others had to sleep outside the compound.

On the following day (Friday 25th July) the situation at Orlando remained confused. Most of the dismissed workers returned in the morning and gathered outside the compound which was guarded by heavily armed police. Some workers, who had gone to Selby the previous evening and had been discharged, were refused entry into the compound and prevented by the police from collecting their personal belongings. Others were told that if they entered the compound they would be forced to work. This, in fact, seems to be what the Municipality did try to do with some workers. Kleynhans allegedly called for Mr Sam Velankhulu and Mr David Manana, whom he wanted to act as mediators. He allegedly told the workers that they would be paid off as from that day and that in the meanwhile they must go in and collect their clothes. The workers also alleged that they were told that the Municipality would provide them with transport to their homelands. Their response, communicated to Kleynhans by Manana, was that they wanted to work, but wanted more pay. They also demanded that the Municipality should

negotiate with their Union. Kleynhans refused to heed their request, allegedly saying that he had 'certain instructions' from authorities.

When the workers went into the compound they were searched by police against their will. Some went to collect their pay willingly; others claim to have been taken forcibly by Municipal police.

It is not at all clear how many workers were actually paid off and how many managed to retrieve their possessions from their lockers. A considerable number, when they saw that the Municipality intended to pay them off, did not go into the compound. Others, once in the compound, and realising what was happening, ran away. It seems that about 50 or more workers were taken back to work with about 550 finally being dismissed.

2.3 The JCC's response to the Orlando 'strike'

The JCC's response to the Orlando power station 'strike' was:

1) A refusal to meet the workers' demands:

This decision contrasts strongly with that taken by the Roodepoort Town Council which was also faced with a work stoppage by about 500 employees on the same day over a similar wage dispute. There the town clerk, Mr W. Zybrand, immediately met with the workers, discussed their grievances with them and reached a settlement involving a back-dated pay increase. The men were back at work within three hours.

2) A refusal to negotiate with the BMWU:

The JCC consistently held to this position on the grounds that "there would be no negotiation with any union before it was registered" (Chairman of the Staff Board, Mr J.C. de Villiers. *Star* 25.7.80).

Chairman of the management committee, Mr Oberholzer, went so far as to say that it would be a "contravention of the law to negotiate with an unregistered union".⁴ Oberholzer acknowledged the incorrectness of this statement to the *Sunday Times* (3.8.80) when he elaborated even further by saying that the Council's refusal to negotiate with the BMWU was in the cause of "good government"!*

In addition to the fact that the BMWU was not registered, senior council officials said that an audience could not be given to the BMWU as:

* The JCC's steadfast refusal to negotiate with an unregistered union is most puzzling, particularly as a management committee document (ref. SB 18/80. (vote: 100/0900) dated 11.2.80, 10.4.80. Special) reads as follows: sec. 10. . . . "The Staff Board is working towards consolidating the conditions for Blacks and in this regard *is now able* to consult and *negotiate with the newly formed Union of Johannesburg Municipal Workers before reporting to Council*". (my emphasis). The Council's management committee and Staff Board need no reminding that the UJMW was not granted provisional registration until July 29th 1980 – at which time it had 40 paid up members!

- all municipal workers, under the Industrial Conciliation Act, are regarded as essential workers and as such are forbidden to strike.
- the worker militancy was politically motivated by a small handful of agitators.
- the workers themselves refused to negotiate, saying only that they wanted more money.

As far as the first of these points is concerned it is necessary only to refer to the judgement given in the unionists' trial which concluded that "the evidence on Orlando is very very scant" and certainly "insufficient to prove that the Orlando 'strike' was unlawful". (see Part III).

With regard to the second of these claims, it is true that the BMWU, adopted a more political approach to labour issues. But, as has been shown in Part I, the extent of the workers' grievances was such that they required very little further motivation! Rather, it seems that the Council's reference to worker intimidation was merely a ploy to obfuscate the real causes of the strike, the strength of the BMWU and the Council's handling of the strike.

According to Oberholzer, "there was an enormous amount of intimidation. Police have told us this and they have arrested some of the agitators". And in the JCC's September newsletter which attempted to 'explain' (see appendix) the JCC's handling of the 'strike', the Council went so far as to state that two workers were murdered at the Orlando power station. These are serious happenings. It would consequently be interesting to know why these agitators were not charged in court, and who the two workers murdered at Orlando were? We have still found no trace of any such murders.

The Council's claim that the workers refused to negotiate is simply untrue. Workers made it quite clear that they wanted to negotiate, but that negotiations were to be conducted with their representative, the BMWU.

- 3) The dismissal of the workforce.
 - 4) The replacement of the workforce with scab labour.
- Scab labour took three forms:
- a) White Council employees worked double shift.
 - b) Workers were drafted in from other departments.
 - c) New workers were immediately recruited from Venda.

The drafting in of workers from other departments was one of the major factors in encouraging the spread of the strike. For example, labourers in the transport department laid down their tools after their Friday lunch break when attempts were made to draft them to Orlando, and when they learnt that labourers had been forced to go to Orlando from other departments to replace the sacked 'strikers'. Mr Burger, the town clerk, denied that anyone had been coerced into doing the work.

280 new workers were immediately recruited in Venda, with the first 80 arriving on the Tuesday following the stoppage. This action incensed workers, and Mavi warned that bringing in replacement workers could lead to fights between the 'strikers' and the new workers. Mr Oberholzer warned *The Star* that it would be "guilty of agitation" if it published this warning.

2.4 Breaking open workers' lockers at Orlando

The immediate replacement of the Orlando power station workers generated what became one of the major issues of the 'strike' – namely, the breaking open of the workers' lockers.

The Orlando compound, unlike most compounds, has lockers which lock. Workers consequently used them as a place of security in which to keep not only their own possessions and money, but also those of friends and colleagues who did not have access to such security. When the workers were dismissed, few of them were allowed to collect their belongings from the compound. It appears that very nearly 400 of the compound residents were unable to collect their belongings from their lockers. Many of them had several hundred rands in cash in the lockers. On Sunday Mavi publicly expressed the anxiety of these workers when he said to the *Sunday Post* – "What if the money and belongings of these workers gets lost?"

The workers anxiety was not ill-founded. Their lockers were opened and their possessions removed. There seems to be no doubt as to who was responsible for this. Oberholzer told the *Sunday Express* that "We went there to their lockers which were numbered and put their clothes in Municipal bags which were numbered". The question is where did these possession go?

It seems that about 390 lockers were opened. Of the 53 Orlando compound workers who were interviewed, 41 claim to have had cash, as well as other possessions, in their lockers. The total sum claimed to have been lost by these 41 workers is R10 757,65. The total sum removed from the lockers was probably much more, being anything up to R80 000 if we accept the general representivity of these workers' claims.

Some of these bags were found scattered around the Orlando and other Municipality compounds several days later, but none contained any money and few contained all the other belongings claimed to have been removed.

2.5 The Strike spreads

On the Friday morning (July 25th) about 800 electricity workers at the van Beek compound in Doornfontein, both labourers and office staff, went on strike in support of their 550 Orlando colleagues who had been dismissed on the previous day. The van Beek workers refused to board the Council trucks taking them to

their respective places of work, and continued to linger in the compound. Watched by police, they declined to appoint representatives to discuss their grievances with Council officials for fear of victimization and because, as they said, the Council should negotiate with their Union, the BMWU. They also rejected attempts by a Department of Manpower Utilisation official to intervene on their behalf, insisting only that the minimum wage be raised from R33 to R58 a week.

At lunch-time Mr Roberts, the compound manager, addressed them, saying that the Council would not put up with their actions. The crowd shouted back at him. He told them that they were all fired, thus bringing to 1350 the number of electricity workers fired since the Orlando stoppage.

By early afternoon the strike had spread to the transport department. Labourers in the department's Fordsburg workshop, many of whom were security guards and artisans' assistants who clean and refuel buses, refused to replace workers at the Orlando power station. They held a meeting together with 50-60 workers from the City Engineer's mechanical workshop in Goch St. After the meeting the transport workers and those from the workshop stopped work, demanding a minimum wage of R58. In the evening, when the 80 or so night shift transport workers arrived for duty they joined their day shift colleagues by returning home before starting work.

By Friday night the number of workers fired and/or on strike was:

- 550 electricity workers at the Orlando power station
- 800 electricity workers at the van Beek compound
- 300 workers from the transport dept. (security guards, artisan assistants and general maintenance workers)
- 50-60 workers from the City engineer's Goch St. workshop

About 50 of the Orlando workers ("who had nowhere to go") appear to have been taken back by Friday night, thus leaving a total of 1600-1700 'strikers'.

Within the Council itself the Progressive Federal Party councillors warned that there could be a labour crisis if other Municipal workers came out in sympathy. Oberholzer, however, commented that the strike would not spread, saying that "They are confined to certain groups of people. We are taking certain steps to ensure that they do not spread".⁵ He refused to elaborate. The management committee called a special meeting on Friday and endorsed the Town Clerk's decision to reject the workers' demands.

2.6 The Weekend

As the news of the JCC's hard line attitude spread, the anger of the workforce increased. The mood of the workers grew even more defiant when they heard that the JCC had refused to provide train tickets to the Orlando workers who had been paid off on Friday afternoon. On Saturday another 400 transport department workers, mainly technical staff, joined the strike, bringing the total number of

strikers to about 2000.

The events of Thursday and Friday placed the BMWU in a difficult position. The Union had only been in existence for a month. Although it claimed 9000 members at the start of the 'strike', the Union's paid-up membership was only about 900. Most of the others had either made applications or given verbal willingness to make applications. As many of them were illiterate, the translation from verbal intention to completed applications and paid-up membership took time.

It seems quite clear that the Union did not want a strike at that particular stage of its development. Not only were its efforts being directed towards consolidating its organisation and building up membership, but, as one member of the executive pointed out, July is probably the worst time of the year for municipal workers to strike from a purely strategic point of view. In the cold winter months refuse does not rot so quickly thus creating an immediate health hazard, while workers evicted from their residences are subjected to the freezing winter nights.

There is, in fact, a considerable amount of evidence to indicate that the Union initially tried to avert such a strike. At its executive meeting on July 5th it was reported that the Orlando power station workers were threatening to strike as a result of their wages justify. Most of the executive members came out strongly against striking and members of the executive were sent to Orlando to cool tempers. Again, at the executive meetings on July 12th/15th it was resolved that the Orlando workers should be dissuaded from striking.

The BMWU thus found itself with a strike 'on its hands'. However, as the weekend progressed and the Union leaders were able to meet with the workers and ascertain their feelings, it became clear that the bulk of the workforce was in an extremely militant and defiant mood. Workers were demanding increases in their minimum wage, improved working conditions, the reinstatement of their colleagues and the recognition of the BMWU.

Mavi warned that if the Council did not meet the workers' demands by Monday, many of the other departments would come out on strike. He told press reporters of the "anger" that gripped workers after the Council's dismissal of 1300 of their colleagues. "As long as they are not reinstated," he said, "they are prepared to go on for six months with a total stay away." Another Union spokesman warned that "tomorrow (Monday) will be worse. The workers are very unhappy and they are well organised so they will keep up their demands."

Faced with this situation, the Union was hardly in a position to dissuade workers from striking. Indeed, many workers made it quite clear that they would come out in sympathy with their colleagues on Monday, regardless of the position or advice of the Union. The BMWU therefore saw that its role was to organise the strike 'responsibly' in terms of the interests of the bulk of the workforce. It accordingly issued instructions that firemen and abulance men should stay at their posts so as not to endanger life, and instructed the remainder of its 9000 or so members to report for work on Monday morning but not to start work.

The weekend was also marked by the government's first direct comment on the situation. On Saturday the Minister of Commerce and Consumer Affairs, Dr S.W. van der Merwe issued a statement warning that the strikes, and others in Natal, the Eastern Cape and Cape Town, were being deliberately orchestrated by South Africa's enemies to secure a reduction in the overall standard of living. "Our enemies," said Dr van der Merwe, "want economic chaos. They want relations between our people to deteriorate."⁶

On Sunday the black staff at four of the city's five cleansing depots, namely Selby, Norwood, Nancefield and City Deep, and comprising most of the cleansing section's staff of 1800, downed tools as from 6.00 pm. The Antea compound workers serving the industrial areas of Croesus, Langlaagte and Industria were expected to down tools on Monday.

2.7 The Council attempts to break the strike

The Council, for its part, did not spend the weekend idly. On Saturday a paymaster visited the van Beek compound to pay off the strikers, and buses were organised to take them home. None of the strikers, however, came forward. Barnard then addressed the van Beek workers and told them that although they had been dismissed, he was prepared to reinstate them without loss of benefits, with the exception of the "instigators" of the strike and those with poor records. "I have told the ones at van Beek," Barnard told press reporters, "that if they're not going to work they will have to vacate the van Beek hostel. That will probably be the moment of truth, the parting of the ways."

On Sunday the Council tried in earnest to get the strikers back to work and focussed its attention mainly on the van Beek compound. In Monday morning's *RDM*, Barnard was quoted as having said that "the majority of the strikers were coerced into striking. They were the victims of a complete 'con' trick. Some of them have been working for us for many years and are almost due for gratuities as high as R10 000. They stand to lose all this. I've talked to some of them and they are very saddened." Other Council officials told the press that they were expecting "many of the 1350 electricity department workers who had been sacked on Thursday and Friday to accept the terms for reinstatement and return to work immediately on Monday morning."⁷

The 'terms' put to the van Beek workers in the compound on Sunday, illustrate the deceitful and underhand attitude which characterised the JCC's management of its black workforce. The compound was sealed. No one, except the Municipal compound police and a few 'trustees' were allowed to pass through the gates. Inside, an 'induna' addressed the workers through a loud hailer. He told them that the workers in other compounds had gone back to work. He urged the 'idle' strikers in van Beek to do likewise. They were also told that the strike was the work of a few 'trouble workers' and the fact that other workers had gone back to work

showed that they did not have the real support of the workforce. There was nothing more it could do for them. The officials told the workers that if they did not go back on Monday morning, they would lose their various benefits, would be put on buses and deported and would be replaced by new contract workers as had already happened at Orlando, where, the officials said, the strikers had already all been replaced. This was quite untrue. The first 80 Venda replacements did not arrive at Orlando until Tuesday.

Mavi and Somdake visited van Beek during the course of the day. The gates being barred, they parked in a garage alongside the compound and were able to speak with some of the 'trustees' and 'compound police' who were sympathetic to the Union. Mavi and Somdake were thus made aware of what was happening inside the compound, and were able to get messages back to the workers through these 'trustees', thus partially countering the Council's attempts to mislead the residents. Interviews with workers and members of the Union indicate that about 25 percent of the van Beek residents believed the Council and another 25 percent seem to have been in two minds. It seems clear that about 50 percent were aware of the Council's strategy and did not believe what they were being told.

On Monday the situation was further confused by Press reports on the state of the strike. The Council had stated that as far as the electricity department was concerned, by Monday evening all the van Beek workers were back at their jobs and that only 300 of the 550 Orlando power station workers were still on strike. This was reported unquestionably by the press, thus giving the impression that the strike was beginning to collapse in certain departments and compounds.

What happened on Monday was rather different. About 75–80 percent of the van Beek workers were taken from the compound to their places of work under armed escort. The trucks took round-about routes trying specifically to avoid the Selby compound area which would have given the lie to the Council's stories. Unfortunately for the Council, workers from other compounds such as Antea, City Deep and elsewhere were converging on Selby. Some of these, as well as other colleagues who were in the streets and quite clearly not working, were seen by the van Beek workers. The messages that Mavi and Somdake had got into the compound on Sunday were being confirmed and most of the van Beek workers, on reaching their work places, immediately downed tools and joined their colleagues.

The Council's first attempts to smash the strike had failed.

2.8 Monday morning

2.8.1 At the transport department

On Sunday night Mavi warned that the running staff of the transport department would not be taking the Municipal buses out on Monday morning. The general manager of the transport department, Mr Petty, told the *RDM* that such

a strike would affect about 60 buses during the 6.00am – 7.15am peak, but that but that he thought many drivers would refuse to join the strike.

At 4.35 am on Monday, the staff bus which brought the running staff to work arrived at the main bus depot in Avenue Rd. The drivers had arranged to come together at the depot, even though some of them did not go on shift until the peak service between 6.00 and 7.15 am. About 75 drivers and conductors were congregated in the canteen.

Management also arrived early in the company of police. Mr Pretorius, the assistant superintendent at the depot, went into the canteen and asked Mr Mavi to identify the driver of the first Dunkeld bus. Mavi told Pretorius that they had grievances with the Council relating to short pay (see 1.10) and other issues and that they wanted to see the Staff Board. Pretorius said that they could not see the Staff Board at that time of the morning, but that Mr Petty was available and they could speak to him. Mavi told Pretorius that they did not want to talk to Petty. When Pretorius asked if they were on strike, Mavi denied this, but stated that they had legitimate grievances about which they were protesting and that the buses would not be leaving the depot. Pretorius then went to call Petty who arrived accompanied by the depot superintendent and a contingent of police under the command of a lieutenant.

Petty claims to have asked Mavi, who was addressing the staff, why the buses had not been taken out. Mavi told him that this was due to the JCC's refusal to recognise the BMWU. Petty then addressed the staff, saying that their channel of communication was through the official Works Committee, with whom he would discuss this matter as soon as they had returned to work. He warned the staff that it was illegal to strike and that they should therefore return to work.

Petty's 'advice' was met with general derision and he then left the canteen, to give the staff, as he was later to tell the court in the trial of the BMWU leaders "an opportunity to consider his advice". He returned again at 5.45 am, still accompanied by police. The lieutenant asked Mavi why the staff were not operating the buses and was given the same reply. The lieutenant then addressed the staff, telling them that they should listen to Petty's advice and return to work. The police were told that it was none of their business, that they were not wanted, and that if they were concerned about what was going on then they should arrest Petty. "What do you care about our people?" asked another driver (claimed by Petty to be Dlamini), "They are being murdered in the township."

Petty again appealed to his 'loyal' staff to run the peakhour service, and that those who did not report for work would be dismissed. The men then left the premises and congregated outside. They were given an hour to return to work and were then fired.

It is not clear how many buses went into service. Members of the Union said that four black drivers took buses out. Pretorius confirmed in court that by the time the staff had moved off the premises, about 42 buses which

should have been in service were still parked in the depot.

Although the queues built up and thousands of commuters were left stranded, the effect of the bus drivers' 'strike' was not as great as they had perhaps anticipated. The Council, pre-empting such action, had called in black inspectors and white drivers to take over the shifts, with the result that the peak traffic was delayed for only about an hour and was largely cleared by about 8.30.

2.8.ii At Selby

Monday began with 3000-4000 workers meeting at the Selby compound. These included workers from other compounds as well as those who had come in from Soweto. The majority, about 2000 workers were from the cleansing department. The streets around the area were cordoned off by armed police after reports of stoning. Workers themselves turned away all traffic trying to enter the compound. A traffic official, Mr Makolla, who drove a bakkie into the compound was dragged from the vehicle, stabbed in the thigh and beaten. This, and an attack on a bus inspector, were the only two incidents of violence by strikers reported during the strike.

As the crowd swelled onto the pavement the police baton charged, clearing the pavement and forcing the crowd back into the compound. The gates were locked, and police reinforcements, armed with machine guns, shotguns, short riding crops, and equipped with gas masks were brought onto the scene. The ~~divisional~~ Commissioner for the Witwatersrand, Brigadier Gert Kruger told the press that the police were keeping a 'low profile'.

Later in the morning the strikers at Selby were joined by about 600 workers who had marched 15 km. into Johannesburg along the Soweto highway from the Orlando power station. The chanting crowd, stretching more than 2 km. down the road, was cheered as it marched into the compound.

2.8.iii Council official addresses Selby strikers

Soon thereafter armed police, accompanied by white officials, entered the Selby compound. Mr Wilsnach, director of the JCC's housing department, addressed the crowd saying that not one of them had lost their jobs and that they were free to go back to work. His address was met with jeers and a chant of 'Who are you?' He told the crowd to "think over" the July increases of between R11,45 and R15,25 per month, and the annual bonus of between R143 and R198 that would be paid out in October. The crowd took up the chant of "What's two rands" and '58 Rands' (this refers to the weekly increase of R2 and the demand for a minimum workers wage of R58). "If you don't want to listen to me," said Wilsnach, "I have nothing more to say to you types. If you want to elect representatives, we are willing to talk. No-one has approached us in this regard." Shouts and interjections

from the crowd told him that the BMWU was their representative. Wilsnach tried to continue: "Why haven't you brought your representatives? In regard to the workers from Orlando power station, I have been told that there are reports circulating amongst you that they have lost their jobs. This is not so. We have buses which will take you back now and your jobs will be waiting for you. There's no question of anybody being fired."

Wilsnach's address was brushed aside by the crowd, which continued to mill around until 4.30 pm. when Mazwi, the Union leader who had managed to become resident in Selby, told them that negotiations with the Municipality were continuing; that they should disperse until the next day, and that they would not give in until their demands were met. Mazwi also asked the 'strikers' to help find accommodation for the workers sacked and ejected from Orlando. "Either we find beds for our brothers, or all of us must spend the night sleeping in the streets together," he said.

Workers in the other main compounds had also refused to work. At Nancefield, Council officials addressed the workers, urging them to go back to work while their grievances were being looked into. The workers refused. At the Norwood and City Deep depots the trucks also remained stationary and the police moved in on standby.

In the afternoon the telephone in the BMWU's offices in Sauer St. was disconnected. This may have been a coincidence. The phone was in the name of the original occupier of the office, Mr David Mxumalo, a director of DME Dress-making. "When we moved I asked that the phone be transferred to our new offices. This was done on Monday by the Post Office," said Mr Mxumalo. This was confirmed by the Post Office.

By Monday night the number of workers on strike had risen to more than 5000. In addition to the electricity and transport workers, and 2000-3000 in the cleansing section, about 450 men in the gas department, 200 men in the traffic department, and 400 men in the sewerage department had joined the strike.

2.9 Tuesday 29th July

Striking workers again converged on Selby early in the day, and armed police rode shotgun on the buses, which, in Petty's words, "ran normally". According to the Council about half of the 75 dismissed bus drivers had been rehired and were being assisted by inspectors.⁸

At 7.30am. the police stopped strikers who had arrived at Selby from other compounds from going into the Selby compound and joining the crowd of about 3500. The police announcement was met by a rain of missiles from the men locked inside the gates. They baton charged the crowd, restored a degree of calm, and then agreed to allow the men to enter the compound.

Early newspaper reports put the number of men on strike at between 5 500 and 6000. Reports coming in from various departments varied slightly. However,

towards the end of the day, when the city engineer confirmed that 8 500 of the 9 000 men in his department had downed tools, it became clear that at least 10 000 had joined the strike. This confirmation from the City engineer, one of the most respected of the Council's officials, clearly embarrassed the management committee which had been trying to play down the size of the strike and the support that was being shown so dramatically for the BMWU. Oberholzer, took the extraordinary step of slapping a ban on the City engineer's department, forbidding it from releasing any information on the hiring and firing of staff. He said that the maximum number of workers on strike was 5000. He later reduced this figure when the JCC's September newsletter, which set out to give the white residents of Johannesburg an entirely false impression of the strike, stated that "the total number of black employees on strike at no time exceeded 3 500 in all" (see Appendix).

The approximate breakdown of the men on strike by Tuesday afternoon was as follows:

Department/Section	Number on Strike	Total Complement (Blacks)
Engineering	8000+ (including 3000 cleansing and all 490 in the water dept.)	9000 approx.
Gas	450	450
Transport	500 (maintenance & drivers)	750
Health	50-70 (toilet cleaners)	700
Library	90	90
Civic Centre	100-200 (messengers & cleaners)	100-200
Treasury	120	240
Market	65	65
Electricity	300 (this is the figure given by the JCC and excludes van Beek workers who were supposed to have gone back to work)	1 500-2 000+/-
Parks & Recreation	300	2000+/-
Traffic	200	?
Other small depts.	Few hundred	Few hundred
	10 000+	14-15 000+/-

The first 80 Venda workers arrived during the day. Another 200 were reported to be on the way. Overall Council recruitment figures are unavailable, but it was confirmed that the JCC had asked the Witwatersrand Regional Labour Commissioner for permission to bring in about 400 replacement workers.

In Johannesburg itself refuse was beginning to pile up. With the cool weather, however, the Council said that it did not foresee a health hazard for about 10 days. Residents were being given extra refuse bags in which to store rubbish; private contractors were being called in to remove rubbish overnight; and a few school children and 'boy scouts' allegedly volunteered their services. The most serious problem was in Klipriviersboog, near Nancefield, where there is no piped sewerage and where 10 000 people depend on a thrice weekly bucket system of nightsoil clearance. The Medical Officer for Health in Johannesburg warned that if the workers were not back the following day (Wednesday), there would be 1000 full pails yet to be cleared which would present a very serious health hazard.

2.9.i The JCC Management Committee briefs the Government

The management committee travelled to Pretoria in the morning to meet the Minister of Manpower Utilisation, Mr Fanie Botha, to brief him before the day's cabinet meeting. Neither Botha nor Oberholzer would give details of the discussions, although the Minister later said that the Municipal strikers had 'by-passed' the Government's conciliation machinery and that the strike "undermined the basis of law and order". He trusted that employers would succeed in "resolving the situation" within "the framework of the existing negotiating machinery". He charged that there was "a strong element of incitement present, and unfortunately the victims hereof are the clear majority of unwilling workers".⁹

As far as Botha's complaint about the by-passing of the conciliation machinery is concerned, it need only be pointed out once again that the system is too cumbersome and hedged in with red tape and other controls to allow for the channelling of black worker grievances and that the system has a built-in bias against trade unionism. Indeed much of the scepticism and cynicism which greeted the Government's new labour dispensation seemed to be confirmed when the Department of Manpower Utilisation granted provisional registration to the UJMW later on the very day that Fanie Botha met with the JCC's management committee. The UJMW was quite unrepresentative of the JCC's black workers; it had no office and a paid-up membership of 40!

2.9.ii The Council meeting

The management committee returned from Pretoria to attend the normal monthly meeting of the JCC. Normal business was suspended following a request from the PFP. The Council rejected an opposition motion that it immediately

convene a meeting of all concerned in the strike and reinstate all sacked workers. The management committee refused to meet representatives of the BMWU or its president, on the grounds that the Union had not been registered. Instead, the committee took the line that it was doing all it could to get the strikers to appoint compound representatives to thrash out their problems with management. Opposition leader Sam Moss in turn accused the management committee of hiding behind legislation in its refusal to meet the Union's executive. It is not clear what 'legislation' Moss was referring to as there is no legislation prohibiting recognition of or negotiation with an unregistered trade union.

Mr Moss went on to say that the Council had shown itself "desperately incompetent and dogmatic" in dealing with the changed state of labour relations ushered in by the Wiehahn Commission. The main effect of the Commission, he said, had been to grant freedom of association to black workers; a freedom which the management committee was now trying to deny its workers.

The deputy chairman of the management committee and leader of the Nationalist Party in the Council, Mr Gerrit Bornman said that the Council had talked to a committee of 21 appointed by electricity department strikers on the first day of the 'strike'. But groups of workers who had joined the strike since then had refused to appoint representatives to talk to management. They were adamant that their elected representatives were the leaders of the BMWU.

As soon as de Villiers had stepped down and apparently gone outside the compound, Somdake, who had managed to join the crowd inside Selby, got up and addressed them. The crowd quietened, "You could hear a pin drop," said one of them afterwards. "Brothers," said Somdake, speaking in Xhosa, "you know that you chose representatives from yourselves to represent you. So how come you have been told by Mr de Villiers to chose again? How many times must you chose representatives — people who must speak for you?"

A white policeman asked him to speak in English and told Somdake that he would get an interpreter. Somdake said that he would speak to the men in their own language. He continued to address the men: "We have elected two representatives from each place," he said, "You must ask Mr de Villiers, where are our men?"

Somdake was then bundled into the crowd which hid him. De Villiers did not address the crowd at Selby again that day.

As far as these leaders were concerned, Mavi, Dlamini, Mazwi, Sere and Somdake had all been dismissed. They could no longer set foot on Council property without fear of being arrested for trespass. They were also wanted by the security police who were hunting for them and could therefore not return to their homes where police were waiting for them. They lived and moved around town in hiding, meeting in the streets, parks and other public places. Mavi himself spent much of his time hiding amongst the busy crowds at Park station.

2.10 Wednesday 30th July

Early in the day police moved in to cordon off the compounds housing the striking workers, thus preventing them from leaving to congregate again at Selby. Only those workers who could prove their identity and residency in a compound were allowed to enter. As a result of these restrictions, five black ambulance drivers were unable to get to work, effecting emergency services for the first time, despite the Union's instructions that its members in these departments were to stay at work.

Council officials planned to tour the compounds in what was to be a final effort at persuading the strikers to return to work. Most of the workers came from the Transkei, Venda and Bophuthatswana. The Council's strategy, in its attempt to by-pass the BMWU, was to bring in envoys of these three 'homelands' to persuade the strikers to return to work and to elect compound representatives who would 'negotiate' with the Council. The scheme collapsed. Mr Boyang, the Bophuthatswana 'vice-consul' said he would not speak to workers unless this is what they wanted. Venda and Transkei representatives were not available for comment. But Mr Baldwin Mudau, leader of the opposition Venda Independence Party, said that workers were unlikely to respond to 'homeland' representatives.

Senior Council officials therefore toured the compounds without the 'homeland' representatives. Gerrit Bormman stressed that the outcome of the tour of the compounds by officials would be decisive in whether the Council gave effect to the ultimatum that workers return the following day or face dismissal. The Council team went from compound to compound telling workers that they would be paid for the day (Wednesday) if they returned to work. The workers were also told that they would not receive any further wage increases and that those who did not return would discharge themselves.

The reaction of the workers at Selby was typical of those in the other compounds. Chairman of the Staff Board, De Villiers, was greeted by jeers when he repeated the Council's offer to negotiate with four elected representatives from each compound. When he reminded the crowd that the minimum pay had been raised from R30,35 to R33 on July 1st, he was met with shouts and cat calls of "Two Rands - That's not money". De Villiers then tried to explain that workers could get their 13th cheque in weekly installments. This led to the spreading of a rumour through the compounds that workers would receive a R5 per week increase. This, however, turned out to be the R2,64 a week increase plus the R2,80 weekly installment that workers would get if their double cheque of at least R143 each were to be paid weekly.

At City Deep, where the workers appear to have been better briefed about the bonus scheme, they retorted that they wanted higher wages instead of the bonus.

At Selby, the workers were also addressed by the City engineer, Mr Eric Hall.

He told them, "You are my people. We have worked together for years. Let us talk together. Will all of you who are prepared to talk hold up your hands?" Nobody did. During lunch time one of the workers addressed the crowd – "If some of us are going to be fired tomorrow, let us all be fired."

The determination and solidarity of the workers was demonstrated at the end of the day when the police opened the Selby compound gates. Management had arranged for a fleet of buses to be at the compound to take striking workers home. Police, armed with shotguns, machine guns and dogs stood by the gates and alongside the buses. Not a single person boarded the waiting buses.

2.11 Thursday 31st July – The Strike Smashed

By about midday on Thursday, Council officials were claiming that the number of striking workers had dropped to about 2 500 and that they had broken the back of the week-long strike.

Workers in each compound were questioned individually by a Council clerk in the presence of armed police. They were asked if they were prepared to go back to work. As one employee said, "We were intimidated by the police and did not want to say no, so we told them that we wanted to work, but wanted more money. Many of the workers said this." Through this sort of intimidation many of the workers were effectively forced onto trucks taking them to their work places, although many later jumped off the trucks and returned to their compounds.

Many of the workers interviewed since the strike claim that they were told that if they did not go back to work, they would be deported immediately to their 'homelands'. Oberholzer, however, denied that any such threats had been made. The workers, he said, 'all returned to work willingly, and those who wanted to go home were paid off'.^{10a}

At both the City Deep and Selby compounds, which together housed about 5 500 workers, the atmosphere was very tense as workers were divided about going back to work. At Selby the strongest yet contingent of police stood guard at the entrances. Both the Council and the police seem to have played down the number of both workers who again converged on Selby and those still on strike. It seems that at Selby alone at least 1 500 workers did not go to work in the morning and that at least another 1 500 workers from other parts of the city arrived at Selby during the morning. These other workers were allowed into the compound.

At about 9.00am. the crowd in Selby was addressed by a SAP official and a traffic official employed by the JCC. Those workers who said they were prepared to work were ordered to one side and loaded on to trucks, which then left for the work areas. The remainder, numbering at least 1000, which included many who expressed a willingness to work, but at higher wages, had been kept on one side under guard by SAP and Municipal police.

Many of the workers who came into Selby during the course of the day were given no such 'choice'. As they entered the compound the police inspected their reference books, stamped these with a 72 hour endorsement to leave the area, and confiscated others. Some of these workers also claim to have been assaulted by armed police. The men were forced into a queue and made to file past either an open pay truck or the administrative manager's office. They were told that they would receive their full entitlement from the Municipality. Most of them, however, appear to have been quite considerably underpaid, and none appear to have received their pro rata share of leave pay or pension benefits. It is very difficult to envisage how these workers could have been paid off correctly as pay records appear not to have been prepared in most cases. Furthermore, the Council had no idea which workers had come into Selby that morning. Several workers, some of whom had not even been on strike, but who happened to have been in Selby were herded into the queue, had their reference books endorsed out, despite some of them having section 10 rights, and were handed a sum of money which in most cases bore no relationship to what was due to them. Indeed, some workers were paid nothing.

Mr Mdutshana, for example, had worked for the JCC for five years as a plumber at the Orlando power station. He lives in Johannesburg and has section 10 rights. On Monday he went back to Orlando to get his wages, having been dismissed the previous Thursday. A policeman guarding the gate told him to go to Selby where he waited for three days outside the locked gates. When he was allowed inside on Wednesday afternoon a paymaster told him there was no money left, "as it had all gone towards hiring buses to take striking workers to the homelands". Mr Mdutshana's reference book was taken by the police and stamped on the same page as his section 10 stamp, with an endorsement ordering him to leave the prescribed area of Johannesburg within 72 hours. Mr Mdtushana joined the 1265 workers taken that night to City Deep and put on buses the following morning to their homelands (see below).

After the workers had collected their pay they were held as a group by the police. Some of those who asked to relieve themselves were prevented from doing so; others were taken to the toilet under police escort. Nor were they allowed to get food. Several workers, some of whom by that time had not eaten since 3.00pm. the previous day, claim to have used their money to pay the police to bring them food. One worker claims to have paid a policeman R7 for a cigarette.

The group was held until 4.00pm. when about five PUTCO buses arrived. The workers were then driven to the old disused City Deep compound. This went on late into the night until all 1200-1300 employees had been moved.

City Deep compound has not been in use for about four years. It is a ghost compound where the remaining roofs and most of the windows are broken. It is

completely unfurnished and most of the concrete floors are cracked.* When the workers arrived here armed police herded them into 22 of the old dormitories. There were 60 men on average in a room. For lack of space they were forced to stand from about 11.00pm. until about 8.30 the next morning. The police did not allow them out to relieve themselves. By dawn the floors were covered in excrement and the stench was overpowering. As one of the men described it, "We could not sleep, but spent the night standing up. The people were crowded in too tightly for anyone to lie down."

Between 1.45 and 3.00am (Friday) wheelbarrows of bread, tinned beef and milk were brought. The food was thrown into the rooms. Many of these men had had no food since 3.00pm. on Wednesday, 36 hours before. Six weeks later a few loaves of hardened bread were still lying around the compound. Some of these men who were later interviewed said that they did not eat the bread as they were afraid that it had been poisoned.

This account, confirmed by all the workers interviewed who spent the night at City Deep, is quite different from the story given by the City Council. Oberholzer said that "everything possible" had been done to make the strikers comfortable in the compound. According to a report in the *Star*, Council officials and police spokesmen said there was no overcrowding and workers were given both adequate food and freedom of movement. Above all, they said, no force was used to confine the workers – they had chosen to go home, and the police escorting them were providing no more than routine security.^{10b}

At about 8.30am. on Friday the men were loaded onto PUTCO buses to be taken to their homelands. The police were in a great hurry, said one of the workers, and were driving the men with batons and barrels of rifles. One worker, who had served the JCC for 10 years told a *Star* reporter that he felt the authorities would take a different line in future strikes by Municipal workers – "Next time," he said, "they will shoot us straight."

The movement of workers to City Deep was clearly an attempt to contain and isolate resistance before deporting them, along with some of the Council's alleged "agitators and intimidators", to the 'homelands'. However, there was speculation in legal circles that the workers were moved to 'neutral territory' to circumvent the possibility of a restraining order prohibiting eviction. Lawyers, quoted in the *Star*, pointed out that the workers were legal tenants in the Municipal compounds where they were housed, and as such were protected from summary eviction.¹¹

* The compound is private property, owned by Rand Mines Properties which is now part of Barlows. The relationship whereby the City Council had rights to house workers in this old compound has not been ascertained. However, it is of interest to note that the personnel department of Rand Mines confirmed by telephone that the Chairman of the City Council, Mr Oberholzer, was employed by Rand Mines as a personnel officer.

2.12 Mavi Seized

The Union did not learn of what it considered to be the unlawful arrest, detention and assaults on its members until about 4.00pm. that day. The information received at that stage was largely in the form of rumour. Some time was spent in ascertaining whether the rumours were substantiated by facts. When the situation had been clarified, the BMWU and its attorneys sought an urgent application for an interdiction seeking to restrain the JCC and the Minister of Police from wrongfully and unlawfully detaining, restraining and assaulting members of the Union; and from wrongfully and unlawfully depriving them of their possessions and personal effects contained in their lockers and in the dormitories of the compounds in which they were residing.

Mavi had to come out from hiding. Late on Thursday night, as he waited, with other Union executive members and their attorneys, in the corridor of the Supreme Court, while the Union lawyers and the JCC sought to reach an agreement, he was approached and greeted by Mr Japie de Villiers "Yes Mavi," said de Villiers, and Mavi replied, "Yes Mr de Villiers." De Villiers was being followed by plain-clothes policemen who were waiting for Mavi to return the greeting so they could identify him. Mavi was seized and taken into detention under Section 22 of the Council Laws Amendment Act which provides for 14 days detention.

2.13 Friday 1st August

At about 9.00am the workers held at City Deep were hurried onto buses, in most cases against their will, to take them to their 'homelands'. Many of them dropped their bags and personal possessions as they were herded into the buses. Police said that 1265 workers had been paid off on Friday. 12 buses carrying 825 strikers left for the Transkei and Venda. 220 men apparently returned to their homes in Soweto, and 220 others "decided they were not learning"^{1 2} These men were taken to New Canada station where they had to pay for their own transport home. According to several eye-witness accounts, more than 825 strikers were bussed out and only about 20 were dropped at the New Canada complex.

Several of the men put on the buses or 'endorsed out' had section 10 rights and were consequently legally entitled to stay in the area. As one worker who was bussed out, although a resident of Johannesburg with section 10 rights, said, "Many other men who found themselves on that bus had families waiting at home in Johannesburg".

The buses were given police escorts all the way to the homelands. They did not however, take the men to their homes. The buses going to the Transkei, for example, dumped all the men at Umzumkulu, many miles from most of their homes.

A 13th bus took men to Antea compound in Croesus to collect their baggage. When they got there they were let out, but there was no other bus waiting for them. They were left there and told to make their own way home. Most of these workers

stayed on in Johannesburg.

After the buses left City Deep, *RDM* reporters and an advocate acting for the BMWU saw Council workers, supervised by Council officials, load hundreds of litter bags crammed with possessions onto trucks which were driven away. A supervisor said the bags contained "rubbish". At least 30 bags were seen to split open and spill their contents as they were thrown on to the two trucks. Some bags and clothing were photographed by reporters as they fell onto the freeway as the trucks drove away.

By midday the buses had left and the 8-day strike had been effectively crushed. From early in the morning workers at the Selby compound were escorted on their way to city cleaning duties by police in riot uniform. Police were inside the compound in two cars.¹³ By 8.00am the compound was quiet.

A Council spokesman said that only about 500 workers were still on strike. Most of the men, however, were full of anger and bitterness – "We are back at work, but they are still refusing to give us enough money," said one worker. Workers at the Antea compound said they might return to work on Monday, but they would still demand an increase.

Later in the day (Friday), Oberholzer reported that the UJMW had paid a "courtesy call" on the Staff Board officials. The press tried to talk to officials of the Union, who said however, that because they were Municipal employees, they could not talk to the press without permission of the management committee. The *Star* reported that the UJMW had applied to the management committee for such permission.

Oberholzer also emphasised that there would be no negotiations with workers about pay now that the strike was over. "Next time we discuss wages," he said, "will be next year when we draw up the budget. The Union which has now been registered (with its 40 paid-up members) will be included in the negotiations.

2.14 The Reaction of the State

The most significant aspect of the smashing of the strike was the active role played by the state. Several reasons for the state's reaction can be postulated:

- 1) Oberholzer's deal with the Nationalists, after the last Municipal elections, which enabled him to retain his chairmanship of the management committee, gave the Nationalists effective control of the JCC.
- 2) There is every indication that the JCC strike could have spread throughout the Reef. The Municipal strikers were winning massive support and sympathy in the black townships. Many residents expressed their surprise at the militancy of the migrant workers, and tended to see their action as a new dimension and phase of black politicisation and solidarity. If the strike had continued for a few more days it is possible that this support could have become organised into wider sympathy strikes or boycott action.

3) The JCC strike may well have been seen by the state as the catalyst to spark off widespread industrial unrest on the Reef. This possibility was obviously viewed with some consternation given the widespread unrest in the E.Cape and the meat workers strike in the W.Cape.

The general deterioration of the overall economic conditions of black workers, caused primarily by the failure of wages to keep pace with inflation,¹⁴ combined with widespread attempts by the state and employers to deny or impede independent and democratic worker representation were, and still are, generating the conditions for the possibility of widespread industrial unrest.

4) The state may well have seen the growing support for a red meat boycott in the Transvaal as indicative of growing black community support for the workers in the Western Cape.

5) In spite of the Council's and state's attempts to blame the strike on 'intimidators' and 'agitators', it was obviously quite clear to them that such was not the cause of the strike, and that the strike was a massive demonstration of solidarity and militancy among the migrant workers.

6) The state may well have had certain anxieties about the nature of the Africanist tinged black consciousness that underlay the general political philosophy of the BMWU prior to and at the time of the strike.

7) Following on from the meat workers strike in the W. Cape, the BMWU and the Johannesburg Municipal strike further undermined the whole thrust of the state's labour policy by giving considerable credibility to unregistered black trade unions.

The state's overreaction to the strike and the BMWU has been most clearly demonstrated in the nature and form of the charges and evidence that were brought against the BMWU leaders by the state. These charges, the state's evidence, and the legal proceedings, that dragged on for seven months after the strike was over are discussed in Part III.

Part III – After the Strike

The contradiction between the state's reformist pretensions and its determination to prevent the emergence of democratic worker representation was highlighted in the smashing of the strike. This was further evidenced after the strike in the lengths to which the state was prepared to go in pressing charges against the strike leaders; its assistance to the City Council through WRAB (West Rand Administration Board) in victimizing the strikers; and in what would appear to be an extremely questionable utilisation of the labour bureaux in attempting to recruit replacement workers – particularly in the Transkei.

These attacks mounted against the workers after the strike were intensified by the detention and arrest of the Union leaders. Whatever organisational resources that the BMWU could muster up at this stage were directed towards the crisis

facing the leadership. The many Municipal workers who suffered at the hand of the JCC and the state were thus not in a position to confront their problems collectively under the organisation of the Union.

3.1 The reinstatement, recruitment and victimization of workers

What happened to the workers who were paid off and deported? How many of them were reinstated? And how many new workers did the Council recruit from the homelands?

The JCC's recalcitrance in answering questions relating to the strike, and its general distortion and contradiction of the facts surrounding the strike, make it impossible to answer these questions precisely. Nevertheless, the overall picture is now fairly clear.

Testimony to the willingness with which the deported workers chose to return home was provided by the fact that most of them had managed, within a few days, of being dumped, to find their way back to Johannesburg determined to get the wages and benefits owing them. As they filtered into the offices of the BMWU, the Union's lawyers, the Black Sash and the Industrial Aid Society, the gruesome picture of how the JCC had maltreated its employees was compiled in affidavit after affidavit. Particularly significant was the discrepancy in most affidavits between the workers own accounts of what had happened to them and the statements made by Oberholzer and other Council officials. Especially disturbing was the number of workers who had clearly been wrongfully and unfairly dismissed.

One such victim was Mr Nhlapo who had worked for the City Council for 42 years, firstly as a street sweeper and, at the time of the strike, as a watchman in the water department. On Monday 28th July, Nhlapo went to work at 6.00am as usual. Later in the morning whites came in lorries, loaded up the workers and took them back to the yard in Rossetenville.

"The whites then took us home to City Deep. They told us they didn't want us to meet the strikers.

"On Tuesday we went to Rossetenville again. The whites told us to wait there and not to go to work. At 9.00am the Staff Board arrived. They told us that they wanted us to go back to the hostels. They told us not to go to work on Wednesday because they were scared of strikes. On Thursday I went to work – to the place I guarded. I got a letter from home saying that my brother had died. I went to Selby to tell my nephew (i.e. the deceased's son). While I was talking to the boy, soldiers herded us all in. They closed the gates. Then we were loaded up to go home.

"I went home but came back on August 11th. I went to talk to the whites at the water branch. They said they wanted me to return to work and so sent me to the Staff Board at Selby. They refused to re-employ me."

Dozens more employees confirmed that they were given no choice at Selby.

They state that they were asked no questions at all; their reference books were signed off and they were then loaded onto the buses. The Black Sash Advice Office, which initially handled many of the cases of wrongful dismissal, could get no reply from the JCC's Staff Board.

Even more insidious has been the way in which the JCC, in conjunction with WRAB, appears to have victimized those workers since their return to Johannesburg. Many of these workers have claimed that the JCC and WRAB were making it impossible for them to obtain other employment in the city, and were operating a black-list against strikers. The JCC did not provide letters of transfer which meant that contract workers could take no other work for the duration of their original contract with the JCC. Furthermore, workers' reference books bore only the date of discharge with no details such as the signature of their employer. This meant that they had not been officially discharged and could therefore not take another job.

Mr Daniel Maluleke, was one of many such cases. After being fired from the transport department, he found a job with the railways which sent him to the WRAB office with a letter requesting his registration. Mr Maluleke said the registering officer told him the law did not allow workers to move "from one government department to another," and asked him to go back to the Council.

At this impasse, Mr Maluleke looked for another job and received an offer from an engineering firm in Jeppe. His attempt to register for this job was refused by WRAB. "This time I was told that I could not work in the city because I had been involved in the strike," said Mr Maluleke.¹

3.1.i Section 10.1.b rights

When the work records of many of the workers were examined, it appeared that they were in fact entitled to section 10.1.b. rights as a result of having worked continuously for the same employer (the JCC) for 10 years, or having been lawfully resident in the Council's compounds for more than 15 years. With section 10 rights they would be able to free themselves of the grip which the JCC had over them.

The procedure whereby several of these workers have now acquired section 10.1.b rights has been described in section I.7.i. The Council's reaction to this strategy is worth noting. In the beginning, when the Advice Office requested the employee's work record, the Staff Board provided the overall record, that is the date of first employment and the date of termination. However, when it became clear that such records were enabling workers to get section 10 rights on the basis of continuous service, the Staff Board had another work record form made in which was detailed each specific contract thus precluding the granting of section

10 rights.*

It should also be noted that some of the strikers who had section 10.1.b rights have had their reference books defaced with a cancellation stamp over their section 10.1.b permit and an 'endorsement out' stamped in on the same page.

3.1.ii Reinstatement and Recruitment

The Council confirmed, during the strike, that 280 Venda had been recruited to replace the Orlando workers. Since then no other figures have been released. It is known that the Council also attempted to recruit workers in the Transkei shortly after the strike. Medical staff at Baragwanath hospital, who insisted on remaining anonymous, confirmed that there was an influx of Transkeians employed by the JCC during the period September-October. These men, numbering at least 100, and who were mostly either very young or very old, were suffering from chronic TB or malnutrition and quite incapable of work.

The inference of this, is that the Council, urgently requiring labour replacements was not able to recruit a sufficient number of fit and able men from their source areas. That these men were not medically screened on recruitment illustrates the urgency and haste with which they were recruited. It is most likely that the labour trucks arrived in the areas and indiscriminately shipped back to Johannesburg the first groups of men present at the labour bureaux.

The fact that the JCC was having difficulties replacing its dismissed workers was also confirmed by many of those workers who had come back to Johannesburg and found their beds still unoccupied in the compounds. Many of them actually moved back into the compounds and managed to live there for several days at a time without detection.

In spite of its general statements to the contrary, the JCC was clearly unable to manage without certain of the workers whom it had dismissed. It sent out a message calling workers back to their jobs. This was sufficient for several hundreds of them to report back to the Council between the end of December and February 1981. The JCC was then able to select those workers that it needed and leave the rest stranded once again in Johannesburg.

* Where these details showed that the worker had only had an annual holiday each year and had returned on a call-in card within a month or so, the affidavits compiled for the Bantu Affairs Commission assume continuous employment in exactly the same way as the JCC's top management also confirmed to the Black Sash Advice Office that it regarded such use of the call-in system as continuous employment, with the employee being entitled to long service bonuses etc. However, where these detailed work records showed that the worker had taken extra periods of leave, as for example in the case of illness or domestic crises at home, his chances of getting section 10 rights had been jeopardized.

This action raises a further point, namely that even labour that is categorised as 'unskilled' requires a certain amount of training and cannot be replaced as easily as sometimes envisaged. Reports emanating from the City Council indicate that the JCC was not only having difficulty in recruiting sufficient and adequate labour, but that it was also have problems training this 'unskilled' labour.

It is not known how many of the JCC's workers have been reinstated since the strike. Councillor Levine, while emphasising that she had been unable to get official confirmation from the Council, estimated on fairly good authority that as many as 700 might have been reinstated by March 1981. Others outside the Council, including BMWU officials and certain of the lawyers involved felt that this estimate was too high.

3.2 The Contradictions of Chairman Oberholzer

The attempts by Council officials, notably the chairman of the management committee, to cover up the real reasons for the strike and to exonerate its handling of the strike would be comic, if they were not so tragic.

The account of the strike presented here and the findings of the court (see below) may be compared with the following few reports and statements:

Oberholzer: "The root cause of the strike is not wages" (*Star* 30.7.80)

Oberholzer: "Power is what they want. What they will do with it when they get it is another question. I think they will use it as a political instrument." (*RDM* 30.7.80)

Danie van Zyl: "7/8 of the people have been intimidated and are in fear of their (NP member of lives." (*Star* 30.7.80).
management com.)

Oberholzer: denied reports that those who refused to work would be 'deported' immediately to their homelands (*Star* 31.7.80)

Oberholzer: "the workers themselves have asked either to work or go home" (*RDM* 1.8.80)*

* The *Rand Daily Mail* reported that attorneys acting for the BMWU confirmed that the JCC had agreed on Thursday night not to force strikers to board buses to the homelands. Priscilla Jana & Associates, attorneys for the BMWU, said that the City Council's legal team had made specific undertakings to the Union's lawyers. The undertakings had been made without liability, which means that the JCC did not concede the accuracy of the Union's claims. But, the City Council, said the spokesman, had agreed not to unlawfully detain Union members. This meant that no workers would be forced to board buses taking them to a homeland against their will.

Many of the workers bused out of City Deep to the homelands have signed affidavits testifying that they were forced into the buses against their will.

Oberholzer: "They all returned to work willingly and those who wanted to go home were paid off" (*Star* 1.8.80).

Re. late night agreement between JCC and BMWU – Thursday 31st July:

Mr R. Kruger: – confirmed that an agreement had been made (*RDM* 2.8.80)
(counsel for JCC)

Oberholzer: – denied that an agreement had been reached (*Star* 1.8.80)

Oberholzer – refused to comment on the agreement as it was sub judice.
(*Sunday Times* 3.8.80)

Mr Eric Hall, the City Engineer, told the *RDM* (30.7.80) that at least 8 500 of the total of about 9 500 workers in his department had downed tools.

Oberholzer: "At most there were 5000 strikers, and then only because there was an enormous amount of intimidation. Police have told us this and they have arrested some of the agitators" (*ST* 3.8.80).
Note: The only people charged in court were Mavi, Dlamini and Mazwi who were acquitted.

Oberholzer: "The total number of Black employees on strike at no time exceeded 3 500 in all... (JCC newsletter, Sept. 1980)

Reporter: "Do you think the handling of the strike has done anything to (*Sunday Express*) provoke good labour relations?"

Oberholzer: "Yes, I think the proof is there. 80% of the workers when they were addressed by the council returned to work." (*Sunday Express* 3.8.80)

Oberholzer: "Everything possible had been done to make the workers comfortable" (re. workers contained in City Deep) (*Star* 4.8.80)

Oberholzer: "The Council is a model employer" (*Star* 29.10.80).

In September the JCC decided to distribute its own version of the strike to all

Counsel for the City Council, Mr R. Kruger, confirmed that an agreement had been made, although he refused to divulge details.

As far as the police were concerned the spokesman quoted by the *RDM* said that no specific undertaking on this issue was necessary from the police. Police had only been assisting the City Council to load workers on to the buses, and the fact that the City Council had undertaken not to do this meant that the police would no longer assist it. Mr Oberholzer, however, in apparent contradiction to the JCC's legal counsel, was generally reported by the newspapers as not only having denied that an agreement was reached, but also having denied that the City Council agreed to stop 'busing' workers to the homelands!

Johannesburg's white residents (ratepayers) in the form of a newsletter. The newsletter was a summary of a speech made by Oberholzer. The following extracts indicate the general tone:

"Where Mr Mavi had an opportunity to have recognition of the new Union discussed by the management committee, he preferred to rather get the black bus drivers out on strike, although they had no grievances of any sort . . .

"The police were only asked to appear on the scene when the position became explosive at Selby. An outburst seemed imminent, and Council officials feared for their lives. All through the strike the Police adopted a low profile, proof of which statement lies in the fact that not a single striker was injured during the strike. However, strikers intimidated Council employees who went to work: two workers were murdered at Orlando power station, a bus driver was stabbed under the heart, and a policeman's jaw was broken

"Suddenly and without warning the Council was faced with a strike. No prior demands had been submitted to the management committee for its consideration. It must be the first time in the history of labour disputes that a Union negotiated with its employers through the medium of certain newspapers, with their inevitable slanted and sensational reports. The first official communication to the management committee came through the lawyers of the so-called Union only when the strike had already collapsed . . .

"When the most recent salary and wage increases were agreed upon (i.e. from the 1st July 1980, the beginning of the Council's financial year), all Council employees were consulted, through their organised Unions and Works Committees. The increases, with which all were satisfied, cost the ratepayer of the city R16 million . . .

"A noticeable aspect of the strike which became evident was that the stoppage was not based on any important grievance or set of grievances. It was, however, associated with such strong and well-organised intimidation that the public could conclude that some powerful organisation was behind the strike . . .

"The Council has in its possession evidence under oath that those black employees present at Selby on 31st July and placed into the group of workers who were discharged on that day, had each been questioned in his own language as to whether he wanted to go to work or not, before he was placed with the group . . .

"Thanks to the wise Control exercised by Johannesburg's management committee and administration, the city remains the cheapest place along the Reef to live."

The Council was advised by Cllr Levine not to distribute the newsletter in view of its possibly libellous content and the fact that Mavi's lawyers had indicated that they would lay a contempt of court charge against the City Council on the grounds that the newsletter could prejudice the outcome of the forthcoming State case against Mavi. The newsletter was released and Mavi's lawyers laid a contempt of

court charge against the JCC. (The offending paragraph being the first paragraph quoted above.) The attorney general of the Transvaal subsequently refused to prosecute the JCC for contempt of court.

One effect of distributing the newsletter and incurring a possible prosecution for contempt of court was that it protected the JCC from having to answer any questions or comment on the strike for a further 5½ months on the grounds that the issue was 'sub judice'.

3.3 Strike Leaders charged under Sabotage Act

When Joseph Mavi was seized in the corridors of the Supreme Court on the night of Thursday 31st July, he was detained under section 22 of the General Law Amendment Act which meant that he could be held incommunicado for 14 days.

On Thursday, August 7th, the security police raided the offices of the BMWU in Sauer St. and seized several documents.¹ A week later Mavi and Dlamini were charged in court under the 'Sabotage Act', which carries a minimum 5 year jail sentence and a maximum penalty of death. Those convicted under the Act 'are liable to the penalties provided for by law for the offence of treason'.

The relevant clauses make it an offence to commit 'any wrongful and wilful act whereby he injures, damages, destroys, renders useless or unserviceable, puts out of action, tampers with, pollutes, contaminates or endangers' any of the following:—

- the maintenance of law and order;
- the supply or distribution of light, power, fuel, foodstuffs or water, or of sanitary, medical or fire extinguishing services;
- the free movement of traffic on land, at sea, or in the air.

10 days later Mazwi, was charged under the same Act.

The accused experienced considerable difficulty in getting the state to accept their applications for bail. Eventually this was granted on certain extreme conditions.

The hearing itself was postponed three times within a two month period from August to October. As shown above, the Union leaders had been charged with extremely serious offences. The fact that the state kept postponing the hearing clearly suggests that it was finding great difficulty in collecting sufficient evidence to substantiate the charge in court. This was borne out when, on October 19th, the state withdrew the Sabotage charges and replaced these with charges under the Black Labour Relations Regulation Act.³ This was a significant back-down by the state. The Act carries no mandatory minimum sentence, and the accused could receive a suspended sentence or even a fine if found guilty. The case was set for February 16–20, 1981.

3.4 The Trial*

The trial centred around the state's attempts to prove that the accused unlawfully instigated a strike and incited other employees to continue the strike. The initial charges had rested on such sweeping allegations that the Defence was forced to ask for further particulars in order to prepare its argument. However, the state was unable to provide further details with reference to the strike as a whole; all the details came down to the role of the accused with reference to the 'strike' in the transport department.

Here, as the Council for the Defence, pointed out the state was in a dilemma: Mr Petty had told the court that the 'strike' was over recognition of the Union. If his evidence was to be accepted then it did not fall within the indictment *which referred only to their demands or proposals for higher wages*. On the other hand, argued Mr Wentzel for the Defence, if Mr Pretorius was right, and that the issue was over a failure of the employer to pay allowances owed, then the workers' action was legal. If a master does not pay, the worker is not obliged to work. In other words, in such an instance, the master is in breach of contract and the employee is legally not obliged to work.

If that was the case, argued Mr Wentzel, it was not a strike but an illegal lock-out by Mr Petty.

The Judgement reflected the correctness of this argument:

"It must then be considered whether the State has succeeded in establishing that the work stoppage was for the purpose as stated in the further particulars and therefore an illegal strike. The plain meaning of these words that the accused refused to work 'for the purpose of inducing or compelling the JCC to comply with their demands or proposals for higher wages', is that the accused wanted more money than what they were entitled to receive. Not one of the state witnesses testified that the accused demanded more money than what they were entitled to receive.

"The conclusion is that the State has failed to prove that the stoppage of work in which the accused took part was an unlawful strike within the ambit of the charge as amplified by the further particulars.

"The accused are also charged that they instigated a strike and/or incited others to take part in a strike or to continue a strike. Not all strikes in the normal sense of the word are unlawful strikes. Before the accused can be convicted on this part of the charge, it must be proved that the strike which they incited others to join or to continue, was an unlawful strike within the terms of section

* The body of the court proceedings and the analysis thereof have been excluded from this article. This has already been published elsewhere, see Keenan J 'The State vs Joseph Mavi and Others' in *Work in Progress* No. 17, April, 1981.

18 of the Act. Accused No. 1 and 3 asked the state to furnish particulars as to the manner in which they instigated or incited others to take part in a strike. To this the State replied that they firstly instructed employees of the Johannesburg Transport Department on the 25th and 27th of July 1980 at the bus depot to down their tools on the 28th of July 1980. *There is no evidence on record to substantiate this allegation.*

“(Thirdly), the State alleged that the accused instigated and incited others to take part in a strike by lending support or expressing sympathy with the strikers at the Orlando power station. The evidence regarding the trouble at the Orlando power station is very, very scant. Most of it is contained in the statements which the accused made to magistrates. *The evidence adduced is quite insufficient to prove that what happened there was an unlawful strike* within the terms of section 18 of the Act.

“Accused No. 2 did not ask for further particulars. The evidence adduced to prove that he instigated a strike or he incited others to take part in or to continue a strike is as follows:

Firstly, Majorety Gangxeka stated that on the 27th of July 1980 accused No. 2 told him and others that they should not work the following day, that they should sympathise with the people at the Orlando power station and that whoever works the following day will die. As indicated already, there is no evidence to prove that whatever happened at the Orlando power station was a strike within the meaning of the definition and section 18 of the Act. For this reason alone incitement to sympathise with those people cannot be a contravention of section 18(1) of the Act.

“Secondly, Jan Matsana stated that accused No.2 told him not to go back to work after lunch, because their union was going to speak to their employer to pay them more money. This evidence is quite insufficient to support a conclusion that he was incited to join others in a refusal to work for the purpose of inducing or compelling their employer to agree to their demands or proposals for higher wages.

“Lastly, regarding the evidence of Hope Mamabolo, it need only be said that for obvious reasons his evidence is not worthy of belief.

“The conclusion is therefore that it has not been proved that either of the accused have contravened section 18(1) of the Act within the ambit of the charge and as amplified by the further particulars. “The accused are acquitted”.

The trial as a whole is interesting from the point of view of the state's blind determination to have the Municipal worker leaders convicted, despite the fact that it could only muster up witnesses whose evidence was so contradictory and unreliable as to be thrown out of court. This nevertheless reflects the serious light in which the strike was held by the state. That it was unable to resolve the situation within the framework of its industrial relations system is a telling comment on

the contradictory position in which the state finds itself when the migrants awake.

Acknowledgements

This article was written with considerable assistance from members of the BMWU executive, Slauzy Maruma, Priscilla Jana and Associates, Councillor Janet Levine, the Black Sash Advice Office, the Industrial Aid Society, members of the JCC Staff Board, Emelia Portenza and above all, several hundred black employees of the JCC. Thanks are also given to the editors of SALB for helpful comment and advice.

Footnotes

Part I

1. UNISA. Bureau of Market Research. Research report No. 83, p.1. August 1980.
2. Based on CPI for Lower Income Groups
- 3) *Rand Daily Mail*, 25.7.80
4. It has not been possible to get clarification from the JCC on what it means by the 'pay gap' and whether any black electricians are in fact paid more than their white counterparts. Cllr. Janet Levine asked Mr de Villiers to clarify these questions. He regretted that he was unable to do so as questions had to come to him from the management committee. Prior to the acquittal of the BMWU leaders on March 4th, 1981, the management committee was able to refuse to answer questions relating to the strike on the grounds that the issue was sub judice. It has not been possible to table any such questions before this issue of *SALB* went to print.
5. Acknowledgement and thanks to the editors of *Work in Progress*, No. 14. September 1980.

Part II

- 1) *RDM* 25.7.80
- 2) *ibid*
- 3) The Orlando compound has 420 beds. It is not certain if they were all occupied at the time of the stoppage. Several of the Orlando power station workers lived in Soweto and a small number lived in the nearby Nancefield and Klipspruit compounds.
- 4) *Financial Mail* 1.8.80
- 5) *Star* 26.7.80
- 6) *Sunday Times* 27.7.80
- 7) *RDM* 28.7.80
- 8) According to the JCC there were 126 Black bus drivers.
- 9) *RDM* 31.7.80
- 10a *Star* 1.8.80
- 106 *Star* 4.8.80
- 11 *Star* 4.8.80
- 12 *RDM* 2.8.80
- 13 *Star* 1.8.80
- 14 See *SALB* (editorial) vol. 6 No. 5. December 1980: 'Boom for Whom', *RDM* 20.2.81; and *Work in Progress* No. 17 April 1981.

Part III

1. *RDM* 20.9.80
2. *RDM* 8.8.80
3. Most press reports stated incorrectly that they had been charged under the Riotous Assemblies Act.

Appendix – The Johannesburg City Council

The JCC is responsible for the provision of the following services in Johannesburg, the 'coloured' areas of Eldorado Park and Kliptown, and the Indian area of Lenasia:

Ambulance Services; City Engineers (Cleansing, Pavements, Roads, Stormwater, Sewerage); Health; Electricity, Gas; Fire Services, Civil Defence; Libraries; Licencing; Parks and Recreation; Transport (Bus Services) and Traffic.

Soweto fell under the responsibility of the JCC until 1973 when it was taken over by WRAB. The JCC now provides only certain services in Soweto, such as Health and Electricity, at the request of WRAB.

From 1949–77 the JCC was controlled by the United Party. During the 1977 Municipal elections the remnants of the UP stood as the Independent Rate Payers Action Group. The Progressive Federal Party won 22 seats, the National Party 18 seats and the IRPAG 7 seats. The IRPAG, under the leadership of Mr Francois Oberholzer formed a coalition with the NP to block PFP control of the JCC. Oberholzer was accordingly re-elected chairman of the Management Committee.

Each of the 47 Councillors represents one of the city's wards – all white areas with a white population of 450 000 – 500 000. The Councillors are elected by voters on the Municipal electoral role, which is drawn from the white only Parliamentary role.

The 'coloured' and Indian areas contain approximately 100 000 and 50 000 residents respectively. They are controlled by the JCC, having only (Section 59) Management Committees, which have very limited powers and which report to the JCC M.C. solely in an advisory capacity.

All Councillors must serve on at least one (Section 60) Committee. There are 5 such committees covering Transportation and Utilities, Health and Amenities, Environment, Housing and Technical Services and Town Planning. The M.C. consists of the Chairman of each of these committees and one other Councillor who is chairman of the M.C. The decision of the various committees serve as recommendations to the M.C. and are not binding on it. The decisions of the M.C. are likewise not binding on the Council. Representatives of the Council's various departments sit on the committees and advise Councillors, but may not vote.

The M.C. has two separate portfolios: staffing and finance. It is responsible for the JCC's budget, which is now R4 000m p.a. Income is derived primarily from rates and taxes, with lesser amounts from the sale of electricity, the provision of water, bus fares, licencing etc. One of the JCC's major expenses is wages. The JCC employs + 20 000 officials. All staffing, personnel and industrial relations issues are handled by the Staff Board which is responsible directly to the M.C.