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New labour bills attack workers' rights and democracy

Jonathan Payn

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On 17 November 2017, the Minister of Labour of South Africa announced the state intends to carry out a new round of attacks on workers and their rights. The attacks come in the form of three labour bills currently being considered by parliament: the Basic Conditions of Employment Bill, the National Minimum Wage Bill and the Labour Relations Amendment Bill. If passed, the changes to the labour laws these bills propose will be a major attack on workers' rights, won through decades of struggle, and will further deepen and entrench inequality and roll back important democratic gains.

The government claims the bills are intended to reduce the number of protracted, unprotected and so-called violent strikes. The fact, however, is that these bills are designed to restore and increase bosses' profits, severely hit by the on-going economic crisis, and attract foreign direct investment by providing ultra-cheap black labour and limiting workers' ability to strike in defence of their rights and interests.

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Two of the most important weapons that workers have to defend themselves against the ruling class and win better wages and conditions, and to advance struggles for other rights and needs, are the rights to strike and to organise around their interests independently of bosses and the state.

The proposed amendments to the Labour Relations Amendment (LRA) Bill would further undermine the independence of unions and make it more difficult for workers to go on protected strikes through the introduction of a secret strike ballot, default picketing rules, compulsory arbitration and more cumbersome bureaucratic procedures before strike actions. This is an attack on the right of workers to make their own collective decisions about their organisations and about strike action without interference from bosses or the state. By increasing the conciliation period before workers can go on a protected strike from 30 to 35 days the amendments would make it easier for bosses and the state to undermine, delay, interfere with and prevent workers from striking. Moreover, although the LRA amendments are supposedly intended to prevent strikes from becoming “violent” they do not address one of the main factors that cause strikes to become violent in the first place: the bosses’ use of scab labour.

The National Minimum Wage (NMW) and proposed changes to the Basic Conditions of Employment Act (BCEA) would take away important rights for some of the most vulnerable and exploited workers by phasing out Sectoral Determinations and replacing them with the NMW.

Sectoral Determinations currently set minimum wages as well as conditions of employment in a given sector. For example, the Sectoral Determination governing the farm work sector says that farm workers have the right to housing on the farms. If the Sectoral Determination is removed thousands of workers and their families could face eviction. Similarly, the Domestic Work Sectoral Determination prohibits bosses from charging a domestic worker more than 10 percent of their

wages for accommodation. If the Sectoral Determination goes there is nothing to stop bosses charging workers anything they think they can get away with.

Moreover, the NMW does not actually set a monthly minimum wage. It only sets an hourly minimum wage of R20 (about US \$ 1.6) per hour (R18 p/h for farmworkers, R15 p/hour for domestic workers and R11 p/h for public works, to be increased to R20 p/h by 2020) with a minimum number of four hours. This means that workers that work less than 40 hours a week, such as those who work part time or flexible hours, might not even get the already inadequate R3 500 per month. This is not nearly enough to live on and a slap in the face to the workers who died at Marikana for a living wage of R12 500 (about US \$ 1050).

While it is vital to resist the bills and defend hard-won workers' and democratic rights we must remember that even now, while we do still supposedly have these rights – at least on paper – they are violated by the bosses and the state daily and millions of people still cannot access them.

This is not simply due to corruption, mismanagement, lack of finance or imperialist meddling etc., but is the direct result of the neoliberal war on the poor that the ruling class – black and white – has waged against the black working class in South Africa for four decades; first under apartheid and continued under the African National Congress. These bills are a clear example of how the ruling class uses the state to do this. And how what the state gives with one hand – such as the right to strike – it does so under duress, when the working class is strong and united, and will just as easily take away with another hand when it serves the interests of the ruling class and the working class is weak and divided. This is because the state is not neutral but an undemocratic institution of elite minority rule over the working class majority.

The struggle to guarantee human and workers' rights for everyone, once and for all, and to meet their needs will necessar-

ily have to be a revolutionary struggle against capitalism and the state to radically change the structure and purpose of the South African economy and the society we live in.