

**Protecting and Organising the Apartheid and Post-Apartheid
Precarious Municipal Workforce: The Cape Town Municipal
Workers Association and the South African Municipal Workers
Union in Cape Town**

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Declaration

I declare that “Protecting and Organising the Apartheid and Post-Apartheid Precarious Municipal Workforce: The Cape Town Municipal Workers Association and the South African Municipal Workers Union in Cape Town” is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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Date

Abstract

The contemporary, global expansion of precarious employment poses key challenges for unions based on workers in full-time, stable employment (i.e. workers in the so-called “Standard Employment Relationship” – SER). South African unions and federations like the Congress of South African Trade Unions (COSATU), have resolved to organise these workers for decades. Most unions have, however done little to put these intentions into effect, even though precarity threatens union survival. A notable exception amongst unions in both the state and private sectors is COSATU’s South African Municipal Workers Union (SAMWU). SAMWU has a long history of consistently acting to protect and organise precarious workers.

This is the puzzle with which this thesis grapples: why has SAMWU been different? This question is examined through a focus on Cape Town, the city in which the union has the deepest roots: its main, immediate predecessor, the Cape Town Municipal Workers Association (CTMWA), was founded in Cape Town in 1918. Answering the question posed above requires examining the record: *how* has SAMWU – and before it, the CTMWA – protected and organised precarious workers in the municipal sector over time? And further, *why* did CTMWA and SAMWU act this way, when many others have not? The answers lie in the distinctive character of the organisation’s trade union identity, drawing on Richard Hyman’s work, which moves beyond broad labels (business unionism, political unionism, etc.) and normative prescriptions (what unions should, ideally, do) to develop a nuanced model of what predisposes, and enables, certain union choices, actions, and responses union. The popular power resources approach (PRA) to unions helps map the resources available to unions but cannot explain *why* unions use power resources in specific ways.

The thesis argues that the evolving union identity of the CTMWA and SAMWU predisposed it to organising workers, and that this evolving identity has been shaped by the distinctive features of the Western Cape and its political traditions, a long history of multiple municipal labour markets in Cape Town, and the specificities of that city, including the black African / Coloured division, its independent left traditions, the relative weakness of the COSATU’s allies, the African National Congress (ANC) and the South African Communist Party (SACP), in local government, and the peculiar dynamics of municipal restructuring.

This thesis draws on both labour history and industrial Sociology, arguing that a dialogue between these two disciplines enriches labour studies. This thesis draws on a wide range of primary sources, both historical and contemporary, examines historical processes and change, and engages in a dialogue between historical and sociological work. It argues for the need to historicise precarity, avoiding a “year zero” approach that treats it as a novel challenge for unions, and as reducible to neo-liberalism.

It insists that labour responses are shaped by place and time, and so, for the need to balance macro-level discussions of trends with local specificities. It argues that notion of a sharp rupture between the surging new wave of unionism that started in South Africa in 1973, from which COSATU emerged, and the older traditions of registered unionism has been overstated. More attention needs to be paid to the imprint of the more radical registered unions, like CTMWA, on the new unionism. Rejecting pessimistic accounts that see unions as doomed by precarity, it draws attention to long histories of relatively successful and sustained union responses, like those of CTMWA/ SAMWU. However, it questions prescriptive approaches that centre on what unions *should* do, highlighting how evolving union identity shapes what unions *can* do.

Keywords

African National Congress (ANC), apartheid, Cape Town Municipal Workers Association (CTMWA), Cape Town, Congress of South African Trade Unions (COSATU), black workers, Coloured workers, Expanded Public Works Programme, neo-liberalism, Non-European Unity Movement, outsourcing, precarious employment, South African Municipal Workers Union (SAMWU), union identity

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Abbreviations and acronyms

AMCU	Association of Mineworkers and Construction Union
AMWA	African Municipal Workers Association
AMWU	African Mine Workers' Union
ANC	African National Congress
APDUSA	African People's Democratic Union of Southern Africa
APF	Anti-Privatisation Forum
APO	African Political Organisation previously known as the African People's Organisation
ASGISA	Accelerated and Shared Growth Initiative for South Africa
AZAPO	Azanian People's Organisation
AZASCO	Azanian Students Congress
BBBEE	Broad-Based Black Economic Empowerment
BCEA	Basic Conditions of Employment Act
BEE	Black Economic Empowerment
BLAs	Black Local Authorities
BOT	Build, Operate and Transfer
BPC	Black People's Convention
CAD	Coloured Affairs Department
CAHAC	Cape Areas Housing Action Committee
CBD	Central Business District
CCMA	Commission for Conciliation, Mediation and Arbitration
CLPP	Coloured Labour Preference Policy
CNETU	Council of Non-European Trade Unions
COSATU	Congress of the South African Trade Unions
CPSA	Communist Party of South Africa
CTAMWA	Cape Town African Municipal Workers Association
CTEMA	Cape Town Municipal Employees Association
CTMWA	Cape Town Municipal Workers Association
CUSA	Council of South African Unions
CWP	Community Work Programme

DA	Democratic Alliance
DEMAWUSA	Democratic Municipal and Allied Workers Union of South Africa
EPWP	Expanded Public Works Programmes
FAWU	Food and Allied Workers Union
FCWU	Food and Canning Workers Union
FEDUSA	Federation of Unions of South Africa
FNETU	South African Federation of Non-European Trade Unions
FOSATU	Federation of South African Trade Unions
GAA	Group Areas Act
GEAR	Growth Employment and Redistribution Policy
ICA	Industrial Conciliation Act
IDC	Industrial Development Corporation
IDPs	Integrated Development Plans
ISI	Import-substitution-industrialisation
IWA	Industrial Workers of Africa
IWW	Industrial Workers of the World
ICU	Industrial and Commercial Workers' Union
ILO	International Labour Organisation
ILRIG	International Labour Research and Information Group
IMATU	Independent Municipal and Allied Trade Union
ISCOR	Iron and Steel Corporation
LRA	Labour Relations Act
MATUSA	Municipal and Allied Trade Union of South Africa
MAWU	Metal and Allied Workers Union
MK	Umkhonto we Sizwe
NAAWU	National Automobile and Allied Workers' Union
NACTU	National Council of Trade Unions
NAFCOC	National African Federated Chamber of Commerce
NDP	National Development Plan
NEDLAC	National Economic Development and Labour Council
NEHAWU	National Education Health and Allied Workers union
NETUCC	Non-European Trade Union Co-Ordinating Committee
NEUM	Non-European Unity Movement

NGP	New Growth Plan
NLL	National Liberation League
NMW	National Minimum Wage
NNP	New National Party
NP	National Party
NUM	National Union of Mineworkers
NUMARWOSA	National Union of Motor Assembly and Rubber Workers of South Africa
NUMSA	National Union of Metalworkers of South Africa
PAC	Pan Africanist Congress
P & T	Department of Posts and Telegraphs
PIC	Public Investment Corporation
POPCRU	Prison Civil Rights Union
POTWA	Post and Telecommunication Workers Association
PPPs	Public-Private Partnerships
PRA	Power Resources Approach
PSI	Public Services International
PUPs	Public-public partnerships
RDP	Reconstruction and Development Programme
SAAME	South African Association of Municipal Employees
SACCAWU	South African Commercial Catering and Allied Workers Union
SACOL	South African Confederation of Labour
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SADTU	South African Democratic Teachers Union
SAFTU	South African Federation of Trade Unions
SALGA	South African Local Government Association
SALGBC	South African Local Government Bargaining Council
SALP	South African Labour Party
SAMWU	South African Municipal Workers Union
SANCO	South African National Civic Organisation
SAR&H	South African Railways and Harbours Administration
SARHWU	South African Railways and Harbours Workers Union
SASBO	South African Society of Bank Officials

SASCO	South African Students Congress
SASOL	South African Coal, Oil and Gas Corporation Ltd
SATS	South African Transport Services
SDF	Social Democratic Federation (Cape Town)
SER	Standard Employment Relationship
SETA	Sector Education and Training Authority
SOC	State-Owned Corporation
StatsSA	Statistics South Africa
T&GWU	Transport and General Workers Union
TLSA	Teachers League of South Africa
TUACC	Trade Union Advisory Coordinating Council
UAW	United Automobile, Rubber and Allied Workers Union
UDF	United Democratic Front
WMDs	Water Management Devices
WPGWU	Western Province General Workers Union
WPMAWU	Western Province Motor Assembly Workers Union

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Chapter One: Background to the study

1.1. Introduction

The contemporary expansion of precarious employment is a major concern for the labour movement in South Africa, as elsewhere, yet surprisingly few trade unions today organise precarious workers. Labour rights have been greatly expanded post-apartheid, starting with the 1995 Labour Relations Act (LRA) – which included almost all workers within the country’s statutory industrial relations system – but many workers lack union representation. The majority of members of unions affiliated to the country’s main union federations – the dominant Congress of South African Trade Unions (COSATU), and the smaller Federation of Unions of South Africa (FEDUSA) and South African Federation of Trade Unions (SAFTU) – are in full-time, stable, jobs, that is, workers in the so-called Standard Employment Relationship (SER). The SER refers to full-time, regular, open-ended employment with a single employer over a long period and is generally better paid and more protected (Theron, 2003: 1249). Work outside of the SER is often labelled “atypical” and usually precarious.

Splits in the union movement, such as the rivalry between COSATU and the breakaway SAFTU has not driven sustained organising outside of these boundaries. Instead, the unions and federations largely compete for members in the pool of workers in full-time, stable, jobs, many of them unionised; and so, the growth of one union is often at the cost of another (van der Walt, 2019b). The unions organise roughly a third of all employed workers, and collective bargaining covers slightly more through extension deals. This section of the larger working-class is *redivided* between unions in union battles. The widespread failure to organise the precarious workers is striking, given that the eventual outcome of spreading precarity is a decline in union membership and power.

COSATU’s South African Municipal Workers Union (SAMWU), founded in 1987, is an important outlier, with a long and continuous long track record of fighting to protect, as well as to organise, precarious workers. It is the largest municipal workers’ union in southern Africa affiliated to the Public Services International (PSI) (Lier, 2005: 43). COSATU, in its early years, was based on blue-collar workers in the private sector. When SAMWU was founded in

1987, it was unusual in being based in the state sector. Established with 15 000 members at a time when state sector unions were marginal to the federation, SAMWU showed massive growth in membership.

COSATU was a product of a new wave of trade unionism that started in 1973, which saw massive growth in union numbers, especially amongst black African workers, and a growing radicalism in the labour movement including a central role in fighting apartheid (Baskin, 1991). At its launch in Durban in December 1985 COSATU was the largest union federation in South African history. COSATU's ranks were filled with newly organised black African and Coloured workers (Baskin, 1991). A key expression of that role was growing cooperation with the ANC-linked United Democratic Front (UDF). The UDF's national launch took place in August 1983 in Mitchell's Plain in Cape Town, and it became active nationwide (Spector, 2013). The UDF was an umbrella organisation of hundreds of different anti-apartheid formations ranging from churches to soccer clubs to township residents' organisations called "civics" to political groups to school and university student groups, and women's groups, that engaged in struggles around rents, transportation, schooling, workers' rights, and apartheid laws (Barret and Mullins, 1990: 26). COSATU grew massively from 1985 into the 2000s, also formally allying with the African National Congress (ANC) and the South African Communist Party (SACP) in a Tripartite Alliance in 1990.

It should be mentioned that trade unions did not start in 1973. They date back to the 1880s. Most unions established from the 1920s to 1970s operated as "registered" unions; they were "registered" under the statutory industrial relations system set up in 1924 by the Industrial Conciliation Act (ICA). The Act gave union rights to, in the terminology of the day, Coloured ("mixed race"), Indian, and white workers. It excluded all workers regardless of race in agriculture, domestic service and much of the state, as well as "pass bearing natives." "Native" here meant "black African" People.¹ As a result, many black African workers formed independent unregistered unions. It should be clear that while all "black" people, including black African, Coloured and Indian people, faced institutionalised and statutory racism before

¹ The original ICA only excluded "pass-bearing natives," not black Africans in general. As most black African women did not have passes before the 1950s, they were technically covered – as were a small number of black men exempted from passes – as established in court in the 1940s (Simons and Simons, 1969: 559).

1994, including at work and in labour markets. The ICA system meant there was no common “black” experience of labour law between Coloured and black African workers.

There was some discretion which allowed employers to voluntarily recognise unions, or staff associations, regardless of race, even if outside of the ICA. For example, employers were never specifically prevented from recognising “an independent, non-registered trade union” (Rudi, 1996: 111). Obviously not being registered would have greatly reduced such a union’s options, as the ICA included provisions for protected strikes and bargaining councils. Initially, there was no legal barrier to workers of all races being in the same unions, although only black Africans could generally not be counted as union members if unions registered in terms of the ICA. This led to many cases of independent black African-based unions being formally allied to their registered counterparts, as so-called “parallel” unions. The ICA was amended in 1956 (Webster, 1994: 320). Amendments to the ICA barred common membership in unions, and existing, registered racially mixed unions were forced to have racially segregated structures under a white executive (Webster, 1994: 320), while new registered unions were expected to be for one race only. The amended 1956 ICA continued to exclude all workers in agriculture and domestic service – areas in which large numbers of Coloured workers were employed – and in large parts of the state. It now included measures for job reservation, including against Coloured workers (Rudin, 1996: 177-178).²

This dualistic system broke down from 1979, when the ICA – soon renamed the Labour Relations Act (LRA) – was amended to include black African workers and remove racial segregation: they could now set up, or join, registered unions (Baskin, 1991). COSATU was also, in some ways, a break with the old dualistic system and the registered unions that grew up under it. It was more radical and openly anti-apartheid than the registered unions formed before 1979, whereas many of the older registered unions were moderate. It was non-racial – even though mainly black and Coloured in membership – whereas the older registered unions had been segregated. Its numbers also soon overshadowed those of even the biggest registered union federations set up before 1979 (van der Walt, 2023a).

The power of COSATU and its affiliates has fostered an impression, in the literature, of COSATU as based on entirely new unions, emerging from 1973 onwards and representing a sharp break with the older “registered” union traditions. This is seen in the tendency to describe

² It also removed the loopholes that allowed black Africans without passes access to the ICA.

the upsurge of unionism from the 1970s in terms of “independent” unionism, since many new, unregistered unions emerged (e.g., Maree, 1985: 287; also, Budeli, 2009: 69).

But this is misleading. A section of the older registered unions, especially those based amongst Coloured workers, were very much part of the new wave of unionism, in their own rights and through working with new, independent, mainly black unions founded from 1973; these more militant registered unions were also among the founders of COSATU (van der Walt, 2023a). Although it may seem that SAMWU is largely a product of the post-1973 wave of union militancy, this is not entirely true. The great majority of founding members of SAMWU, around 77 percent, came from the Cape Town Municipal Workers’ Association (CTMWA) that dated back to 1918 – and the CTMWA was a registered union for much of its existence – and so did many early SAMWU leaders (Rudin, 1996: 39, 46, 270).

In this sense, SAMWU is over a century old, and throughout that period, has consistently worked with precarious workers. The contemporary expansion of precarity– an international trend but also very visible in post-apartheid South Africa – poses key challenges for unions, but SAMWU is a notable exception in actively meeting the challenge: also, its history of consistently acting to protect and organise precarious workers after apartheid is not a break with its past but follows CTMWA activism with these workers dating back far earlier. As will be shown in the following chapters, precarious work did not start with neo-liberalism or in the 1990s: it was common in the old South Africa, including in municipalities. The concept of the SER is itself: any survey of “the worldwide development of employment over the last two or three centuries” soon shows that the SER has been “rather ‘abnormal,’”; it can be more useful to examine, not why the SER declines, but “when and why” it has ever existed (van der Linden 2003: 199, 201). It is important to historicise precarity, avoiding a “year zero” approach that treats it as a novel challenge for unions, or as reducible to neo-liberalism – and to be treat the SER concept with some caution, which I will signal by speaking of the “so-called” SER, not “the SER.”

Why has SAMWU been so different to most of its counterparts? That is the main puzzle with which this thesis grapples. It does this by examining two issues: first, in what ways has SAMWU, and its predecessor, the CTMWA, organised and protected precarious workers under and after apartheid? Second, what explains the union’s activities? There is a growing interest in the importance and possibilities of union renewal, but what are the factors that enable or disable, and shape, union activities? What explains union choices in the first place? This thesis

explores these issues, with focus on Cape Town, the city in which the union has the deepest roots. It draws on and expands historical and sociological work. In what follows, I will outline the issues and arguments, set out an approach, engage the literature, and map the topic.

1.2. Context and core arguments

The CTMWA, one of the country's first municipal unions, was historically based amongst unskilled, Afrikaans-speaking Coloured workers, and was recognised by the Cape Town municipality in 1942. It was allowed to register in terms of the ICA, but without the right to strike (Rudin, 1996: 124). All municipal workers regardless of race faced, in terms of the ICA, a "blanket prohibition against strike action" the "law prevented workers providing essential services from striking and all municipal workers were deemed to be providers of such services" (Rudin, 1996: 124). It was only with the 1995 LRA that, almost all, such sectoral exclusions were removed (see later for more details). While the union was registered for decades, the CTMWA was always politically contested, with a mixture of moderate, conservative, and radical left-wing elements. Its base ranged from casual labourers to professional workers such as medical doctors (see later chapters).

Workers in the municipal sector were deeply divided by race: white workers were usually in the South African Association of Municipal Employees (SAAME), Indian municipal workers were in bodies like the Durban Integrated Employees' Society (DIMES); in Cape Town, the Coloured workers joined the Cape Town Municipal Workers Association (CTMWA) and had no formal relations with municipal unions for white workers. It later set up its own parallel union for black African workers, the Cape Town African Municipal Workers Association (CTAMWA), sometimes called the African Municipal Workers Association. The CTMWA was taken over by a more leftist leadership from 1964 and became actively involved in the new wave of unionism that started in the 1970s and in the rising anti-apartheid struggles (Buhlungu, 2001: 79-80). From 1979 it opened its doors to all races, and in 1987, merged with other COSATU affiliated trade unions to form SAMWU.

The state, then as now, was the biggest single employer in South Africa, a complex body with jobs in multiple subsectors, departments, levels, and state-owned corporations (SOCs), and fractured industrial relations system. The application of the ICA to the state sector was

complex. As noted, large parts of the economy were excluded from the ICA: these exclusions continued despite the removal of race-based barriers in the ICA from 1979.

Matters were further complicated by separate labour laws covering different parts of the state sector. For example, the main state bureaucracy, or civil service, fell under the Public Service Act, first passed in 1920, while the black African reserves (later called “homelands”) had separate legal systems that did not always follow the labour law of the main “white” state (van der Walt, 2023a). Within “white” South Africa, many black African workers were governed by the Native Labour Regulation Act of 1911, and its successors, which criminalised strikes, and the 1953 Native Labour (Settlement of Disputes) Act universalised this ban. This 1953 Act also set up a separate industrial relations system based on works committees, as a substitute for unions for black Africans. There was still “nothing in the phalanx of anti-African trade union law” that would have prevented an employer recognising a non-registered black union (Rudin, 1996: 112), but few ever did so. In short, unions and staff associations were active in the state sector before and after the ICA, but their rights, channels for negotiation and status varied hugely (see Macun and Psoulis, 2000), as did their politics (Ulrich and van der Walt, 2022); matters were complicated further by the choices made by different parts of the state.

COSATU was always committed to a one union-one industry policy and non-racial unions. Therefore, from the start COSATU’s affiliates were required to merge and restructure, usually into new industrial unions. General unions were broken up, their membership allocated to different industrial unions. Older mainly Coloured registered unions that had aligned themselves with the new wave of unionism and joined COSATU were merged with newer mainly black African unions formed from 1973 onwards. For example, COSATU’s National Union of Metalworkers of South Africa (NUMSA) emerged in this way in 1987. Its two main founder unions came from the older Federation of South African Trade Unions (FOSATU), founded in 1979: the National Automobile and Allied Workers' Union (NAAWU), which was rooted in older Coloured registered unions, and the Metal and Allied Workers Union (MAWU), formed in 1974 (Forrest, 2011: 13-31). FOSATU contributed the bulk of union members and leaders at the founding of COSATU (Baskin, 1991).

SAMWU emerged in a similar way. It merged the CTMWA with the municipal workers’ sections of other affiliates, all of them general unions formed from 1973 onwards. These were the independent Western Province General Workers Union (WPGWU) in the Cape, the South African Allied Workers’ Union (SAAWU), and FOSATU’s Transport and General Workers’

Union (T&GWU) (Bennett, 1988: 71; Buhlungu, 2001: 79-80). But with the CTMWA, which had not been part of any earlier federation, so crucial a part of the new union, SAWMU inherited a deep connection to Cape Town. So important was Cape Town to the new union that the union, until the late 2010s, it always split the head office between Cape Town and Johannesburg.

SAMWU followed the general COSATU pattern of massive membership growth in the 1990s in the state sector. While the overhaul of the statutory industrial relations system from 1979-1981 removed racial barriers in union membership, it retained the ICA's existing exclusion of large parts of the state sector from that system. The big breakthroughs that the new wave of unionism won in the 1970s and 1980s in the private sector were followed by breakthroughs in the state sector from the late 1980s. State sector unions like SAMWU, initially a small part of COSATU, started to grow rapidly as apartheid crumbled.

COSATU was formally independent of political parties in the 1980s but leaned more over time towards the then illegal ANC and South African Communist Party (SACP), and joined them in the Tripartite Alliance in 1990, after they were unbanned (Bhorat, Naidoo and Yu, 2014: 5; Southall, 2013: 178). This was based on shared acceptance of the Freedom Charter, which the ANC and its then-allies adopted in 1955, and which COSATU had also adopted in 1987, rebuking the apartheid government's efforts at prohibiting the federation from participating in political activities (Blackburn and Cross, 2016: 522). The aim of the Alliance is a "National Democratic Revolution" that will deracialise and democratise South Africa (Masondo, 2012: 112).

Thus, COSATU's initial spread into the state sector took place when the opposition of the apartheid government of the National Party (NP) and its homeland system was at a high point in the late 1980s and the early 1990s. With the end of the homelands, and the 1995 LRA, union rights were extended to almost all government employees for the first time ever – the only exception being residual restrictions on essential services, although that was now much more narrowly defined. SAMWU's national membership boomed to 100 410 in 1994, and peaked at 180 000 in 2015 (Catchpole, 2002: 143; Ashman, 2015: 51). The state sector unions became increasingly important in COSATU, which much of the federation's growth in the 1990s and 2000s taking place in SOCs, the state bureaucracy, and government services like education (Bezuidenhout, Bischoff and Nthejane, 2017).

The changing political situation has posed major challenges for COSATU's state sector unions, because the big breakthrough into the state sector overlapped with the end of the apartheid government. The ANC, to which COSATU was allied, won the first non-racial elections on the 27 April 1994, giving it control over national and provincial government. The ANC headed a Government of National Unity (GNU) with the Inkatha Freedom Party (IFP) and the NP – the NP left in 1996 – and subsequently won the 1995-1996 municipal elections, giving it control over most local government structures. The Alliance, representing those excluded from decision-making processes during apartheid, now dominated South African parliament and the design or redesign of national laws and policies (Letseka, Bantwini and King-McKenzie, 2012: 1199). It was the ANC government that passed the 1995 LRA.

COSATU, including SAMWU, supported the ANC election campaigns, and had high hopes in the new government (Maree, 1998: 29). But being united in the Alliance against the apartheid government was simpler than being united in the Alliance when the ANC was in power. COSATU (and SACP) leaders sent to government served in the ANC, under ANC rules, mandates, and discipline; they were not accountable to the unions; the ANC set overall Alliance policy; COSATU and the SACP, as organisations, were clearly junior partners in the Alliance. COSATU now faced the challenge of dealing with the ANC as Alliance partner, as the government and, for a large and growing part of the COSATU membership, as an employer.

Two other issues highlight the problems that arose for the COSATU unions as a result. The first was the large overlap between the COSATU (including SAMWU), ANC and SACP memberships, and more importantly, leaderships. The Alliance enabled rapid upward mobility by union leaders, as they were able to ascend into senior government positions in their role as ANC leaders (Buhlungu, 2010). This allowed the ANC to co-opt 'troublesome' unionists by moving them upward into government, and fostered a careerist, individualist culture in senior union ranks, quite different to the culture of sacrifice and struggle that had been required under the NP and homeland governments (Buhlungu, 2010). This problem was particularly acute in state sector unions, where the ANC could essentially use the offer of positions as a system of patronage. These developments were part of a larger process of rapid upward mobility by especially, black African and Coloured union leaders, into management in the private and state sectors (see e.g., Masondo, 2012).

As the upper ranks of the ANC became the incubator of a new black African elite, a route to lucrative government contracts, and a space to network with big business (Maylam, 2013), the attractions for union leaders in working with – rather than against – the ANC government, increased sharply (Buhlungu, 2010). This self-centred loyalty to the ANC was reinforced by a very sincere embrace of the politics of the Alliance: these envisaged the ANC as a revolutionary party that COSATU (and the SACP) should both defend, and influence, against all opponents. Leaving the ANC or the Alliance would, it was thought, mean surrendering it to “reactionary” forces; when the ANC acted against workers, it was argued, this just showed the need to work harder to “save the soul” of the party (van der Walt, 2006).

The second issue that highlighted the problems that arose for COSATU unions was the ANC’s embrace of neo-liberal measures once in office, notably through the 1996 Growth, Employment, and Distribution (GEAR) strategy. The ANC was elected in 1994 on the platform of the Reconstruction and Development Programme (RDP). This broadly Keynesian and social-democratic document was largely developed by COSATU, but was soon abandoned by the ANC once in government.

Neo-liberalism promotes free markets instead of highly regulated forms of capitalism like import-substitution-industrialisation (ISI) or Keynesianism (van der Walt, Helliker, and Klerck, 2022). It is important to state here that the move towards neo-liberalism started before the ANC took office in 1994 or adopted GEAR. The NP had embraced a form of ISI from the 1920s to the 1970s – the apartheid economy was highly regulated – but started to shift from around 1979 (Sibuyi, 2023). In the 1980s, the NP had adopted a basically neo-liberal programme, while retaining many of apartheid’s political structures, it privatised two of the largest SOCs, steel company ISCOR (Iron and Steel Corporation) and chemical corporation SASOL (South African Coal, Oil and Gas Corporation Ltd), and encouraged neo-liberal reforms elsewhere (e.g., van der Walt, Klerck and Hilliker, 2022). Even at local level these changes were taking place: municipalities including Cape Town were experimenting with neo-liberalism in the 1980s (Ernstzen, 1991).

Drawing on neo-classical economics, the neo-liberal argument is that the role of the state should be restricted to providing what the private sector cannot: law-and-order, infrastructure, and some public goods and services (Awatramani and Williams, 2015: 3387; Teeple, 1995). The state should withdraw from regulating prices, including rents and wages, interfering in

trade and investment, cut its spending and taxes, withdraw from direct involvement in production and services wherever possible e.g., avoid public housing, reduce spending on and promote cost-recovery in state services, and restructure its assets in line with these principles. Business should be able to operate according to market signals and profitability, and markets, including for labour, which often means precarious employment and outsourcing.

For the ANC, programmes like GEAR were a means of reviving the South African economy, which was in a dire state by the end of the 1980s, of creating jobs, raising tax revenue for government services, welfare, and housing projects, and fostering Black Economic Empowerment (BEE). The BEE project consisted of varied regulatory and funding mechanisms intended to redress South Africa's legacy of economic marginalisation of the "black" majority, "black" meaning all people racially disadvantaged under the earlier NP government, (Pitcher, 2012: 244; Shava, 2016: 161).³ While the ANC avoided huge sell-offs of SOCs and other assets, it was in favour of partial sell-offs as well as various types of Public-Private Partnerships (PPPs), one aim being to use these to assist emergent black capitalists.

COSATU strongly opposed GEAR and privatisation, as it favoured a more interventionist and redistributive economic framework, believed that working-class access to services would decline, and feared job losses and the spread of precarious work. However, its ability to wage campaigns was limited by the Tripartite Alliance, and the overlap between the ANC and COSATU leaderships, and many union leaders were, in fact, willing to make serious compromises (van Driel, 2003). The ANC managed to combine a left-wing posture, amenable to its Alliance partners, with a practice of fostering a BEE model centred on a shallow reallocation of resources to politically well-connected elites through methods like PPPs (Makgaba, 2021: 410). COSATU and its affiliates had, meanwhile, also accumulated large funds which were held in union investment companies, many of which became involved in BEE – including privatisation – deals (Pitcher, 2012: 254).

Essentially there was a contradictory "dual transition" in 1990s South Africa, combining political democratisation plus economic liberalisation (Buhlungu, 2010). Unions won unprecedented political rights and influence at the very same time that they were undercut by an increasingly open economy and austerity. The ANC has been central to both processes, and

³ A legal challenge later added Chinese.

the ANC-run national, provincial, and municipal governments have championed neo-liberal municipal reforms.

The problem was acute for SAMWU. Municipalities in South Africa underwent two interlinked restructuring processes since the 1980s: democratisation alongside economic liberalisation. The “dual transition” entailed that local government greatly expanded the rights of black African, Coloured, and Indian residents and employees, a process dominated by the ANC, yet also embraced neo-liberal methods to improve services and enable BEE forms of redress. Thus, it was democratic local government that implemented steps like the privatisation of municipal functions, rationalisation, cost recovery and a growth in the use of precarious labour (discussed in more depth below). PPPs were used as a means of BEE, to the detriment of the union and workers.

It was at the municipal level that the greatest amount of privatisation, and the most dramatic rise of precarious work within the state sector, took place after apartheid. Working-class people were affected as workers as well as working-class consumers of municipal services; the status of citizen coexists uneasily with the status of customers whose claims are shaped by their ability to pay (Hemson, 1998). SAMWU’s growth fell from a peak of 180 000 in 2015 to 110 000 in 2018 (Khoza, 2018). While this was partly due to an internal crisis in the union (discussed later), it was also linked directly to the specific way that neo-liberalism works in the municipal sector, and the associated proliferation of non-SER work.

Precarious workers are used on far larger scale in municipalities than in other parts of the state, where they are employed in three main ways: through private companies undertaking municipal services, by labour brokers who supply short-term staff, and through the government’s own Expanded Public Works Programme (EPWP). EPWP system targets joblessness and skills shortages through temporary relief work (Pitcher, 2012: 251-252). Between 2004 and 2008, for example, the EPWP programme provided employment opportunities for 1.6 million people, well above the government targeted one million employment opportunities (Pitcher, 2012: 251-252). People hired under EPWP are usually allocated to government including municipalities, often in labour intensive, temporary jobs (Pitcher, 2012: 251-252). EPWP jobs are poorly paid, short-term, no more than six months, and rarely renewed, which is why the data only speaks of “employment opportunities” (Pitcher,

2012: 252). EPWP workers are outside of unions and collective bargaining and exempted from the 2018 National Minimum Wage (NMW) Act (see below on the NMW).

The result is a “fissured workplace,” where workers on the same site or operation are divided between multiple employers, with different contracts, and terms (Weil 2014: 8). The municipal collective bargaining framework that emerged under the 1995 LRA centres on negotiations between the municipalities and the workers that they employ *directly*, with unions like SAMWU representing those “internal” workers. The growing pool of labour provided by private firms and the EPWP system (discussed further below) is indirectly employed, and “external.”

Since external service providers were, legally, their employers even though their workers were employed at municipal sites, SAMWU’s organising was faced a growing number of *de facto* municipal workers being *de jure* under a growing number of other, non-state employers – and largely outside the established collective bargaining framework and non-union. SAMWU, ally of the ANC and campaigner for the ANC in elections, also experienced the ANC as an employer that fostered precarity, job losses, higher prices and a weaker SAMWU. The contradiction was expressed by the fact that SAMWU argued for “socialist” local government, and opposed neo-municipal liberalism on principle, yet at the same time campaigned in local government elections for the self-same ANC that implemented privatisation (Barchiesi, 2007; Musi, 2010).

COSATU, overall, has experienced sharp decline in its original blue-collar, industrial worker base that was directly linked to neo-liberal reforms. The opening of the economy put manufacturing under great pressure, and precarious forms of employment, which sidestepped many LRA protections, proliferated, and COSATU and other unions generally failed to organise or represent casual and outsourced workers. Meanwhile, neo-liberal restructuring within the state, driven by the ANC, and including the privatisation, commercialisation, and corporatisation of state-owned assets, has also led to job losses and precarity. Privatisation involves transferring functions from the state to the private sector (van der Walt, Bolsmann, Johnson and Martin, 2002; also, Republic of South Africa, 1987: 8).⁴ It can take different forms,

⁴ Where a function was *always* contracted to the private sector, the involvement of the private sector in that function, would not be privatization as privatization entails a *shift*.

best known of which is sale, partial or full, of assets, but it also includes contracting out functions to the private sector, through service contracts, management contracts, leases, and concessions (Jewaskiewitz, 2011: 10-11; Mostert, 2002: 7-8; also, Chirwa, 2004: 185; Community Resources and Information Centre, 1989; Cooke, 2008: 4; Johnson, 2009: 1-2). Outsourcing from the state is, by definition, privatisation.

Commercialisation is different as the state retains ownership and control, but operates an asset on a for-profit basis, while corporatisation involves state assets that remaining state-owned but that are restructured on the lines of a private firm (Greenberg, 2006; van der Walt, Helliker and Klerck, 2022). This is difference of degree, as in both cases the private sector principles and policies, like cost-recovery principles and market competition, are adopted. A commercialised entity must fund itself from its business operation and will usually pay taxes, and is logically, also corporatised. But not every corporatised entity is commercialised, in the sense of being self-funded: many are heavily subsidised as they are not commercially viable. All of these processes involve operations being financially and managerially separated i.e., ring-fenced, from government departments or entities (Greenberg, 2006: 3). In South Africa, commercialised state assets are often registered under the Companies Act, and held as shares, but the state is the sole shareholder (Greenberg, 2006: 3).⁵

COSATU has declared its opposition to privatisation as well as precarious employment for decades: for example, the federation's 1997 September Commission, identified various scenarios for unions in the new South Africa. Even in the most positive situation, the commission warned that the federation would face massive challenges due to "an increase in sub-contracting, part-time and temporary work" and the resulting "big differences in wages and conditions of all these different workers" (COSATU, 1997b: chapter 1). Obviously, neo-liberalism is a major driver of these processes, as budget cuts and the restructuring of state assets on the one side, and the general push for deregulation and more flexible labour markets on the other side, promote precarious.

⁵ The largest state assets are held, in South Africa, through the Ministry (previously the Department) of Public Enterprises e.g., ESKOM.

1.3. Why has SAMWU been different?

A commitment to organise non-SER workers is repeated at every COSATU congress and linked to the federation's repeated opposition to GEAR and neo-liberalism. However, there has never been a serious COSATU campaign to organise these workers. It comes down to individual affiliates, and the record is uneven and poor, as most affiliates have done little concrete work.

In saying that COSATU has done little to organise precarious workers, I am not arguing that COSATU has ignored these workers. COSATU has tended, instead, to *replace* organising with a top-down, bureaucratic solution to precarious labour, relying on the Alliance: it has lobbied the ANC to amend the LRA, with some success, a process that SAMWU has supported (see later), and was a major force behind the 2018 NMW Act, which expanded older legislation to allow the state to set minimum wages for workers, excluding EPWP workers. These were means of dealing with the problem through *government*, not through shopfloor trade union work: the amendments to the LRA are meant to reduce scope for employers to use precarious work, and the NMW Act is a way of securing higher wages for workers without covering them through collective bargaining.

But SAMWU is unlike most other COSATU affiliates. The union has consistently, and with some success, actively organised amongst precarious workers. It has taken up the challenges related to atypical employment for many years and in many cities and towns, a seriousness on the issue that is unusual in South African labour, including in the main cities (the metros): Ekurhuleni (the East Rand), eThekweni (Durban), Johannesburg, Tshwane (Pretoria) and Cape Town. In Cape Town, when we include the CTMWA, this process dates back decades before SAMWU itself was founded.

SAMWU has, since the 1990s, also linked the fight against precarity directly to a larger opposition to all neo-liberal reforms, notably opposition to any corporatisation, commercialisation, or privatisation of municipal functions. This allowed SAMWU to take the view that workers' struggles around neo-liberal workplace restructuring were linked to community-based struggles against neo-liberal restructuring of services, like water, opening a perspective and practice of the union linking up community organisations (Barchiesi, 2007; Catchpole, 2002; Lier, 2005).

The same broader outlook also allowed the union to propose anti-privatisation alliances between unions. As early as 1988, SAMWU initiated an anti-privatisation campaign, including opposing privatisation of municipal services (Ernstzen, 1991: 33). In 1989, with its second national congress in 1989, SAMWU pronounced a need for unity with three other COSATU affiliates, for a national programme of action against privatisation (Ernstzen, 1991: 33). These were the Post and Telecommunication Workers Association (POTWA), based in the Department of Posts and Telegraphs (P&T, which was broken into the SOCs the South African Post Office and the South African Telecommunications Company – TELKOM – in 1991); the South African Railways and Harbours Workers Union (SARHWU),⁶ which was centred on the parastatal South African Railways and Harbours (SAR&H, which became a SOC, the South African Transport Services, SATS, in 1981, then the SOC Transnet in 1990); and the National Education, Health and Allied Workers Union (NEHAWU), based mainly in the civil service and government services, including health and higher education. It is to be noted here that here we see more neo-liberal restructuring of state operations, with the Post Office, SATS, TELKOM and Transnet, also happening under the NP in late apartheid, before the ANC takes office.

The SAWMU campaign against privatisation of municipal services continued after 1994. For example, the Cape Town branch of SAMWU initiated an Anti-Privatisation Forum bringing together community organisations in a fight against neo-liberal reforms (Jordhus-Lier, 2013: 43). A similar formation with the same name was set up in Johannesburg, later spreading across Gauteng (Buhlungu, 2004; McKinley, 2012). SAMWU also engaged in other campaigns in opposition to neo-liberal reforms. One of the campaigns was the “Water for All” Campaign in the mid-2000s which was driven by SAMWU officials and community organisations around Cape Town, opposing pre-paid meters which were viewed as one of the instruments of neo-liberal cost recovery reform (Jordhus-Lier, 2013: 43).

SAMWU also raised its concerns through the Alliance, and through its centralised collective bargaining with the South African Local Government Association (SALGA) formed in 1997 and the South African Local Government Bargaining Council (SALGBC), established in 2001 (Samson, 2004b: 22-23; Samson, 2008: 25). When SAMWU elected new national office

⁶ SARHWU was established in 1936, and was later a founder member of SACTU, but collapsed in the 1960s. The new SARHWU was established in 1985 and considered itself a revival of the earlier union.

bearers in its 9th national congress, held in Limpopo province, the issue of workers being exploited by labour brokers was still high on the agenda, and there were intense debates as to whether to regulate or ban the labour brokers through the law (Chinguno, 2010: 17-20).

But what explains SAMWU's activities in these areas, is that it has not just acted to protect (and to organise) precarious workers, but that it has been much more active in these efforts, and in a more sustained way, than most other unions, COSATU and otherwise. Unions clearly face similar challenges, but the ways in which they meet these challenges are very different.

One approach to understanding such issues has been to examine how unions' capacity to engage in campaigns is contingent upon the power resources that they can mobilise in pursuit of their aims. This power resources approach (PRA) differentiates the types of powers that unions can and do wield. This has been done for the municipal sector by Ludwig and Webster (2017a, 2017b), and Webster, Ludwig, and Spooner (2020), and there have been efforts to apply the model elsewhere (e.g., for banking unions in South Africa, see Moyo, 2022; for SAMWU in Tshwane/ Pretoria: Rees, 2011).

But the PRA only points to *potential* union actions. It does not provide an adequate explanation for *why* unions do what they do, for why unions with very similar power resources act in very different ways, and for why unions often do not deploy power resources that they have, especially with regards to precarious workers. Power resources are not agents, they are things unions can use, and are even then, only potentials because they are not always used. Unions are not people, with clear interests and acting in a rational choice framework, but complicated organisations, and union aims, methods and priorities are continually contested by various actors. So, we have to ask that how (and if) unions use power resources depends a lot on the union. The PRA helps map out power resources and helps describe how they get used, but what shapes the choices?

Another approach to explaining union actions is to look at the *organisational* forms of unions, looking at the main forms: craft unions, based on specific, skilled occupations; industrial unions, organising everyone in a workplace, and industry; and general unions, open to every worker, regardless of skill, workplace, or industry. The idea is that craft unions would be least likely to organise outsiders, while general unions would be most likely. Rees (2011: 4-6) argues that the "organisational form" argument does not explain union responses to precarious

workers and worker outside the so-called SER. Rather, he claims that union responses to non-SER workers depends greatly on union and workers' politics and actions, including whether they use class as a key organising category: these are shaped by historical experiences and contexts (Rees, 2011: 47, 102-103). Again, this points to the need to look at what structures enable or limit and examine concrete unions in real-world situations, and their evolution over time.

The key issue is: how do we explain the actions, categories and politics that mediate how unions face specific issues? To make the argument another way: union revitalisation seems like an obvious solution to current problems, but the aim and form of union renewal is not a "neutral, technical question, but profoundly political" (van der Walt, 2022: 32).

For example, a strongly ANC-aligned union would be unlikely to undertake renewal through breaking with the Alliance, because an ANC-shaped union identity would make such a step difficult. As another example, when a union envisages renewal as servicing members better through upgraded administration and more skilled collective bargaining, it is taking a political position on what a union is, and should do: why not focus on, for example, mass actions, or political education, or sponsoring political parties (van der Walt, 2022: 32)?

Industrial Sociology in South Africa has for decades relied on a distinction between unions by "political" form: "business" (or economistic) unionism, focused on bargaining, "social movement unionism" where bottom-up, independent unions engage in struggles beyond the workplaces, and political unionism, where unions work closely with a political party (for a recent statement, see Bezuidenhout, Bischoff and Tshoaedi, 2023; for a critical discussion, see van der Walt, 2023a). There are problems with these categories (see chapter two), but even using them, it is clear they are very general and hide major variation within each: for example, political unionism in the 1950s would have included both pro-apartheid, pro-NP unions like the whites-only South African Confederation of Labour (SACOL) formed in 1957, and the far-left ANC/ SACP-aligned South African Congress of Trade Unions (SACTU), formed in 1955 (see Ulrich and van der Walt, 2009). Social movement unionism since the 1990s can arguably be said to describe aspects of both the Afrikaner nationalist Solidarity / Solidariteit unions and COSATU (Bezuidenhout, Bischoff and Tshoaedi, 2023, following van der Walt, 2023a).

This means that it becomes important to examine the reasons why power resources are deployed – or not deployed – in specific ways and times, and why on the other side, different types of unions, whether arranged by organisational or political form, vary hugely amongst themselves. A very useful framework to address these issues is the more recent work of Richard Hyman, who sought to move beyond the old categories by developing a model of “trade union identity” to explain union behaviour. He argued that different unions, as organisations, had distinctive, *historically* constituted mixtures of values, goals, and practices (including protest practices), and that these were decisive in shaping unions’ priorities, activities, and strategies in the present (Hyman, 2004; 1996). The history and politics of a union significantly shape the identity, and the union identity shapes not just what it can do – which is the focus of PRA approaches – but how it responds to the larger context (see Hyman, 1996).

As Heery and Abbot (2000: 157) emphasise in their outline and development of Hyman’s work, it is the union identity that is “likely to preference a particular response to the rise of insecure work” (Heery and Abbott, 2000: 157). Hyman’s theory (discussed below in more depth) provides a systematic way of looking at how a union is shaped by historical experiences and contexts. As union identities are built upon unions’ histories and practices (Hodder and Edward, 2015: 846), union’s activities in the past form part the explanation for union strategies in the present. Examining change over time in specific contexts is used as an explanatory method, not just a way of setting the scene for the analysis.

So, to understand why SAMWU has been more responsive and consistent on the issue of precarious labour, it is essential to look at SAMWU’s evolving “trade union identity,” and, since that identity was deeply shaped by the CTMWA, to explore how the union’s identity evolved well before 1987. It must be emphasised again that union identity is developed *historically* and is often imprinted with the past.

This is where my approach differs from much of the Industrial Sociology approaches to South African labour studies, which tend to focus on contemporary developments and the development of categories from a quite narrow range of cases (see van der Walt, 2023a). There is other work on SAMWU’s role in organising precarious workers in the municipal sector, but the focus is on local cases over relatively short periods of time. Rob Rees (2009, 2011) examined SAMWU’s role in organising with labour brokered workers in Tshwane (Pretoria) in the 2000s, while Carmen Ludwig’s (2019) monograph *The Politics of Solidarity*:

Privatisation, Precarious Work and Labour in South Africa (2019) compared recent SAMWU efforts to organise precarious work in Cape Town, Ekurhuleni, and Johannesburg. Her work on Johannesburg was expanded in other papers (e.g., Webster and Ludwig, 2017a, 2017b).

My thesis by contrast examines the trajectory of SAMWU, and its immediate predecessor, the CTMWA, in engaging with precarious workers *over a long period of time in one geographical space* –Cape Town. It considers the influence of various factors such as the traditions of the CTMWA and other various unions that formed SAMWU, and the specific dynamics of Cape Town with a view to exploring the development and effects of the CTMWA/ SAMWU's evolving trade union identity.

1.4. Rationale for the case study

The case for a focus on SAMWU has been made already, leaving the question: why focus on Cape Town? There are several reasons. First, this is an ideal site for a historical analysis of SAMWU itself. As noted earlier, SAMWU's main founder was the CTMWA, which dates back to 1918 – giving us over a century of union history to look at – and SAMWU has, consequently, had an especially close link to Cape Town.

Second the Cape Town municipality's use of precarious workers predates neo-liberalism by decades, and Cape Town was an early adopter of municipal neo-liberalism, dating back into the 1980s. It employed precarious Coloured urban workers, and precarious black African migrant workers, well before neo-liberalism; neo-liberalism was one chapter in a longer history of municipal precarity. "Migrant" refers to black African workers who retain a rural homestead, where their families reside, while they, usually men, work in towns and mines, usually staying in hostels. Some migrants were foreign, but many were from South African homelands, so the term does not mean "immigrants."

This means that Cape Town does not just provide a site to look at the longer history of CTMWA/ SAMWU union, but how it has engaged protected and organised precarious workers over a long period. SAMWU's efforts to protect and organise precarious municipal workers in the 21st century is clearly part of a much longer history, and this, as I will argue, played a key role in shaping a trade union identity that enabled the union to consistently tackle precarity. Cape Town is also a site that exemplifies the SAMWU approach of linking worker and

community constituencies, notably through the Anti-Privatisation Forum formed in the late 1990s, and the more recent “Back to Work campaign” that tried to link community groups to the union’s outreach to EPWP workers. It is also a site where the union has won victories: in 2000, for example, it had managed to organise close to 400 workers employed by private provider and labour broker sectors (Jordhus-Lier, 2013: 45). SAMWU’s relationship with the Cape Metro has long been a mixture of negotiations and confrontation (Jordhus-Lier, 2013: 43).

Third, the Cape Town case allows us to see if SAMWU acts differently under a non-ANC municipal government. As noted earlier, the ANC/ COSATU/ SACP Alliance put SAMWU in awkward position when the ANC implemented neo-liberal municipal restructuring. But the process of municipal neo-liberalism in Cape Town started under the apartheid NP government in the 1980s, continued under the ANC when it ruled the city post-apartheid, and, in the 2000s, has continued under the Democratic Alliance (DA). The DA started in 2000 as an electoral alliance of the Democratic Party, the New National Party (NNP, successor to the old NP), and the Federal Alliance (Schwella, 2003: 300). The Democratic Party had been formed in 1989 as a liberal, white opposition party. In 2001, the NNP withdrew from the DA to form an alliance with the ANC (eventually merging into it), the Federal Alliance also left. But the DP did not revert to its old form, instead winning over a large body of NNP supporters into a new unitary party under the DA name in 2003. The DA soon became the country’s official opposition, and won control of the Cape Town council, a position that it has retained ever since.

Like the ANC, the DA was committed to the privatisation of basic municipal services (McDonald, 2002: 3). When the DA won the city, it continued what had started under the NP and ANC. In 2009, for example, Central Business District (CBD) parking was privatised to Street Parking Solutions (SPS) (Department of Labour, 2009: 19), and waste management to the Averda Waste Management Company, which also manages commercial waste (Weghmann and van Niekerk, 2018: 44) and is discussed in more detail later). In 2014, private firms contracted to the City of Cape Town included Linose Trading, Mawose Manufacturers, Ntenti Construction and Maintenance Cleaning cc (t/a NCMC Cleaning), Green Guerrillas Pty Ltd, Golden Rewards 618cc (t/a Dynamic Trading), Abaphumeleli Trading 1149cc (t/a Indalo), and TEDCOR Women Waste JV (Social Justice Coalition Social Audit Report, 2013: 16). Refuse collection in areas such as Bloekombos, Wallacedene, Kraaifontein, Delft and Mfuleni was also provided by private companies (Theron and Perez, 2012: 13).

This went alongside a significant use of precarious labour. Work in 2013 showed that the metro's drive to reduce salary costs have led the Cape Metro to reduce its permanent workforce from 33 000 to 19 000 within less than ten years mainly via outsourcing of municipal services, natural attrition, and a moratorium on new appointments (Jordhus-Lier, 2013: 43). Between 4 000 and 5 000 contract workers were hired through labour broking agencies (Jordhus-Lier, 2013: 43). In 2009, a study noted that the City of Cape Town's solid waste, wastewater and electricity departments were using both temporary workers and workers employed via labour brokers (Rees, 2009: 113). In 2009, Roger Ronnie, then general secretary of SAMWU and based at its Cape Town offices, argued that 36 percent of workers in solid waste were not permanent municipal employees, and only a third had joined the union (Ronnie, 2009: 32).

Labour broker workers were used in the context of a moratorium on filling posts, and the inability of many departments to provide services without a staff budget able to cover permanent workers (Rees, 2009: 114). Few of these workers are unionised, and most earn very low wages despite performing same municipal duties just as permanent full-time municipal workers. Their working conditions are poor, and they do not get the same benefits, or in many cases, any benefits (Ronnie, 2009: 33).

The use of EPWP workers in Cape Town has also been growing at a rapid pace, from 13 145 in 2011 to 44 942 in 2016, of which a significant number are working for the municipality (City of Cape Town annual reports, 2010/11; 2016/17). The EPWP is a government system that provides short-term relief work for the unemployed. It is a national public works labour programme, and employees can be used in all spheres of government, as well as SOCs. Municipalities, not just Cape Town, have made growing use of EPWP workers (Weghmann and van Niekerk, 2018: 22). Their employment is not permanent: usually a contract of 4-6 months (Theron, 2014: 10), and they are generally not unionised, having no benefits, and earning low wages (Weghmann and van Niekerk, 2018: 22). Like non-permanent casuals and temporary workers, EPWP workers perform municipal services such as street cleaning, beach cleaning, refuse removals, community policing, amongst others. EPWP workers are the only workers in formal jobs that are permanently excluded by the NMW rulings. The NMW was initially set at R20 per hour, rising to R21,69 in 2021, but EPWP workers get around half the NMW (Matiwane, 2021).

The Cape Town branch of SAMWU experienced a decline in membership. SAMWU actively organised amongst workers from private service and labour brokers sectors, although it did not recruit large numbers (Jordhus-Lier, 2013: 45). The spread of neo-liberal restructuring as expressed by a growing number of workers being only indirectly employed by the municipality, and so, outside of the main collective bargaining system, i.e., the rise of the fissured workplace, has played a key role. It is true that SAMWU has had internal challenges, and has also faced competition from other unions, like rival, more white-collar and business unionism-oriented Independent Municipal and Allied Workers Union (IMATU), linked to FEDUSA, but these have not been the main reason for decline.

Fourth, as indicated by the rise of the DA – which has made Cape Town the only major city in South Africa to have been continuously governed by an opposition party since the 2000s – Cape Town has some unique features, which make it especially interesting to this study. Notably, the demographics of Cape Town are different to the other major cities. The majority of the urban population and working-class are comprised of Coloured workers, the CTMWA emerged as a Coloured union, and in founding SAMWU, gave it a large Coloured worker base. The weakness of the ANC in the city is directly linked to the fact that it has limited appeal to the Coloured working-class, despite the best efforts of COSATU and the Alliance.

In cities like Johannesburg, most blue-collar municipal workers are black Africans, as are most municipal workers, and the ANC has been in charge. For example, in 1980, Johannesburg City Council had 14 000 black municipal workers (Barchiesi, 2007: 57). But this was not and is not the case in Cape Town, where Coloureds continue to predominate in these jobs and form an absolute though shrinking majority of the population. Coloured workers also form a large part of the precarious municipal workforce. Coloured activists played a major role in the UDF—launched in Rocklands, Mitchells Plain, in the heart of the vast Coloured township zone known as the Cape Flats – and many Coloured designated areas were UDF strongholds. The ANC made big breakthroughs into the Coloured population in the 1980s, mainly through the non-racial UDF and unions like SAMWU (see Goldin, 1987; Lewis, 1987; Pillay, 1989). This significant support from Coloured communities / constituents largely collapsed after the UDF was dissolved by the ANC in 1991. The UDF is explored in more detail later.

While the ANC was initially able to win Cape Town after apartheid, it faced a significant challenge from historically white parties which were able to make inroads among Coloured

voters from the 1994 general elections onwards. In particular, the DA rests everywhere on a voter base of Coloureds, Indians and whites, while the ANC rests on a black African base. This helps explain why Cape Town, with a combined Coloured and white majority, is the only major metropolitan area in the country continuously under DA control since the 2000s.

This matters greatly to union politics, and SAMWU, because SAMWU is part of COSATU, bound by its pro-ANC resolutions and shaped by its politics. The ANC also controls most municipalities, meaning that SAMWU is in the complicated balancing act of encouraging workers and townships to vote for ANC, and defending the ANC against the DA, while also having to engage with ANC-led municipalities as employers, and with ANC-led municipalities as providers of services to black and Coloured township residents (Barchiesi, 2007; Musi, 2010). A more economistic union like IMATU, in contrast, just does not face this problem, as it is not aligned to any parties, and presents itself as apolitical. It does not aspire for a socialist restructuring of municipalities, unlike SAMWU (Musi, 2010). IMATU's relationship with the Cape Town and other metros is based on consultation, collaboration, and consent (Jordhus-Lier, 2013: 43).

1.5. Research design

In order to use the trade union identity framework, and undertake my case study, I draw on both History, specifically labour history, and Industrial Sociology, arguing that a dialogue between these two disciplines enriches labour studies: this also helps explain my choice of supervisors. It is sometimes claimed that the methodological differences between the two disciplines are too great to allow a useful dialogue, the argument being that History is basically about narrow descriptions of the past, while Sociology is basically about general explanations of how society works, is misleading (Adler, 1996: 39). This is misleading: there are different methodological approaches within each discipline and overlaps in terms of areas studied as well as forms of History that engage with theory, and forms of Sociology that ground theoretical work in detailed empirical studies (Adler, 1996: 39).

To have “historically intelligible explanation,” some theory is needed (Somers, 1996: 79-80), and History is in fact enriched by conscious theory, and, also, Sociology is enriched by a historical consciousness (Adler, 1996). It is useful to avoid “atheoretical history” and “ahistorical sociology” (McDonald, 1996: 93). However, over the last two decades, labour

studies of South Africa have centred on contemporary case studies, analyses of union policies, and statistical analysis, and built concepts on these foundations (van der Walt, 2023a). Greater attention to the history of unions, not just their formal policies but the “deeper worlds” of ideas, cultures and practices that shape what is possible, enriches our understanding of present-day unions and complicates the categories and explanations that have been used (van der Walt, 2023a: 36-39). State sector unionism, for example, dates back over a century and is not the recent development or rupture some recent studies suggest, and the state was always the biggest employer (van der Walt, 2023a: 25-30). Trade union identity is created over time, so a historical approach is vital.

My research methodology is developed against this background. The thesis draws on a wide range of primary sources, both historical and contemporary, to examine historical processes and change, and engages in a dialogue between historical and sociological work. It argues for the need to historicise precarity, avoiding a “year zero” approach that treats it as a novel challenge for unions, and as reducible to neo-liberalism. It is based on qualitative research, and a case study research method. It would not be possible to examine the union’s activities, the influences on the union, and the evolution of its trade union identity, through an exclusively quantitative approach. The thesis will refer to statistical information such as union membership numbers, numbers of workers employed in different sectors or on strike, wage levels, collective bargaining outcomes, and so on, but the thesis requires the types of data that give insight into choices, debates, perceptions, politics, and policies.

The thesis adopts a case study method, referring here to an in-depth analysis of a specific social unit within its social context (Yin, 2009: 18). This, along with the interest in the evolution of the union’s activities over time, points to the need for multiple methods of (in this case, qualitative) data collection (Creswell, 2009: 41; Yin, 2009:18). It involves an in-depth examination of a social process over a sustained period (Creswell, 2009: 241; 2019: 1-2). The emphasis is on the “how and why” (Yin, 2003: 5; Rashid et al., 2019: 1-3) of the union’s activities, and will entail multiple methods to address these queries, each with its own justification and role (Crowe, Cresswell, Robertson, Hubby, Avery and Sheikh, 2011:6; Priya, 2021: 95). The case study method enables in-depth understanding of the topic under investigation.

While a case study allows the use of multiple sources of data, enabling an in-depth investigation, the narrow focus reduces scope for generalisation, and the volume of data can be difficult to manage (Yin, 2018; Zaidah, 2007). However, locating a case study within a broader body of literature and theory, and developing a research design that manages the gathering and analysis of data effectively helps to offset these problems.

The thesis makes use of primary documents, which are those generated by participants at the time of an event, e.g., union documents, as opposed to secondary documents, which mean subsequent analyses, e.g., academic articles in industrial sociology journals (Priya, 2021: 95). As the thesis is interested in the union's activities, policies, and politics these include documents generated by the unions, especially CTMWA and SAMWU, like congress resolutions and reports, press statements and union media; contemporary newspaper reports; research reports and similar materials emerging from research commissioned by or endorsed by the union; and relevant texts written by key informants.

These were selected by relevance to the topic, as well as availability, and the thesis made use of SAMWU collections, digitised materials, and newspaper archives, physical and online, and use was shaped by the time available: this was the "sampling" technique used for these materials. The use of primary documents avoids the problems of memory seen in semi-structured interviews, and are non-reactive (Roberts, Sitas, and Greenstein, 2003: 65-69). On the other side, such interviews can be focused tightly on specific themes relevant to the research, while primary documents require a careful, time-intensive analysis of content generated for other purposes, a large part of which is not always relevant (Tosh, 2002: 54-107).

The study, with its examination of the union over a long period, had to draw on techniques used in historical research, bearing in mind that historical data is often flawed and incomplete, and that, therefore it is also necessary to carefully analyse and evaluate sources such as union documents from decades ago (Tosh, 2003). These materials were supplemented by relevant official documents, such as municipal policy statements, press releases, and data generated by the government's statistical services. A full list of these sources is provided in the Primary Sources section of the reference list at the end of the thesis. The thesis also made some use of observation, as I attended and took notes at several SAMWU meetings the details of which are reported in the Primary Sources section. In addition, it made use of semi-structured interviews. As the aim was to understand the union's organised activities over time, rather than a

representative survey of the range of opinions on certain issues within the union at specific times, these were with key informants.

The historical focus meant that these were predominantly people active from the 1980s, and the Cape Town focus meant that these were mainly people who had been active in the CTMWA or SAMWU for a substantial time, from the union's city/ branch, the regional leadership, or from the Cape Town section of the SAMWU head office. A non-probability purposive sampling technique was used to establish the first contacts, choosing SAMWU representatives who seemed best able to answer the questions related to the research questions (see: Saunders and Lewis, 2012: 138). This was followed by snowball sampling, as these respondents identified other key interviewees (Saunders and Lewis, 2012: 139). The interviews were tape-recorded and transcribed, i.e., turned into verbatim text, a necessary precursor to beginning the analysis (King and Horrocks, 2010: 142-143).

This intentional selection was based, more specifically, on the following criteria: the participants had to be former and current SAMWU leaders at different levels, based in Cape Town, able to provide relevant information; they had to be willing to be interviewed. My interviews were supplemented by published as well as unpublished but accessible interviews with key SAMWU figures relevant to the study. Those did not allow me to probe issues, as they were non-reactive to the study. Fuller details are provided in the primary sources section of the reference list at the end of the thesis, including a section dedicated to the ten in-depth interviews that I conducted.

Using multiple methods, I was able to investigate complex events, gathering a range of empirical materials that helped answer the core research questions. This also allowed some triangulation as different sources could be checked against one another, assisting in establishing the accuracy of the information (Yin, 2018; Yeasmin and Rahman, 2012: 156). The research design with its combination of multiple sources, should generate rigor, richness, breadth, and depth. The data was then coded by themes, allowing the further identification of categories and subcategories (Roberts, Sitas and Greenstein, 2003:76-8; Saldana, 2009: 66-70; Saldana, 2016; Tech, 1990). This data was then selected and interpreted, developed into a narrative and arguments, which then generated a dialogue with relevant labour studies literature.

1.6. Outlining the argument of the thesis

My core argument is that the trade union identity of SAMWU is a central reason for the union's continued and continuous work amongst precarious workers, and also explains why that work preceded the neo-liberal period. This trade union identity was created over time and cannot be explained by looking only at recent events or through case studies of the present day. Here, I wish to stress that I am making this argument with reference to SAMWU in Cape Town, and that more research would be needed on other areas, and on SAMWU's national leadership. I argue that to analyse SAMWU, we must appreciate / be aware of the impact of the CTMWA and T&GWU, the political traditions of SAMWU, especially in Cape Town, and be cognisant of the specific context, and specific features of Cape Town itself.

First, the unusual features of Cape Town played a major role in shaping the trade union identity of the CTMWA, which shaped the identity of SAMWU. Coloured people formed most of the population and workforce, at around 49 percent of workers in formal employment in Cape Peninsula in 1970, with black African workers at just 14 percent, the rest made largely of white workers, perhaps 35 percent (Maree, 1992: 626). Nationwide, the picture was very different, Coloureds and Indians at 11 percent of the economically active population, black Africans at 70 percent and whites at 19 percent in 1970 (Maree, 1992: 115). Coloured and white predominance in the Western Cape also meant that the majority of working-class can be regarded as free labour, in the only such situation in the country (van der Walt, 2011: 142). While Coloured people faced intense racist discrimination, they did not face the same direct coercion as by black African people, the pass laws, exclusions stemming from the Coloured Labour Preference Policy of 1955 or the migrant labour and homeland systems. Coloured workers also had union rights through the ICA. This context facilitated the long, stable existence of bodies like the CTMWA, and a range of union traditions that preceded those forged after the Durban strikes.

Cape Town also had different political traditions. There was a significant socialist left-wing tradition in the Cape, especially notable in Coloured communities by the 1920s, not just the local Communist Party (SACP) formed in 1921, but also independent left currents like anarchism, syndicalism, and Trotskyism (e.g., van der Walt, 2011), leading it to be called South Africa's "left bank" (Turok, 2003: 24).

The black African nationalism of the ANC, popular elsewhere, had only a limited appeal in many Coloured communities. Several Coloured activists were involved in alternative organisations, moderate, conservative, or nationalist, and others joined the socialist left. The unorthodox, Trotskyist group, the Unity Movement – initially known as the Non-European Unity Movement (NEUM), founded in 1942 – was important and some of its leaders, such as Isaac Bangani Tabata and Jane Gool established the African People’s Democratic Union of Southern Africa (APDUSA) in 1961. Against the stereotype of a marginal current, the Unity Movement “dominated radical politics in the Coloured community” until the 1970s (Pillay, 1989: 64). The collapse of the ANC-aligned Coloured Peoples’ Congress in the early 1960s left the Unity Movement “virtually uncontested” for years (Goldin, 1987: 152).

The Unity Movement had an influence in the CTMWA from the 1940s, although the union was generally a moderate one before the early 1960s and 1964. The union was taken over by a left-wing reform group, in “an event inspired by people from within the tradition of the Unity Movement,” including John F. Bosch and John “Johnny” Ernstzen, who became union’s first full-time general-secretary in 1968 (Rudin, 1996: 21, 131 note 503, 137-138, 188, 196 note 720, 198-201; also see Matiwana, Walters, and Groener, 1989: 28).

While the ICA fostered a moderate type of unionism, based on benefits not shopfloor struggle (Maree, 1992: 626-627), the Cape’s socialist left-wing traditions challenged this development, as shown in the existence of several more radical, predominantly Coloured-based, registered unions. Key examples were the non-racial Food and Canning Workers Union (FCWU) formed in 1941 with a largely Coloured worker base, and the Western Province Motor Assembly Workers Union (WPMWU) established in 1961 and all-Coloured worker base. It co-founded NAAWU in 1981. The CTMWA, from the 1960s, can also be counted among these trade unions. More research is needed on such registered unions (Ulrich and van der Walt, 2022).

The FCWU had historic links with the ANC and SACP, its most prominent early leaders included Ray Alexander, Oscar Mpetha, Betty du Toit, Maria Williams and David Jantjies (Frederikse, 1990: 13). The WPMWU and NAAWU were partly influenced by militants who had been influenced by Unity Movement ideas, like Joe Foster, who became FOSATU general

secretary in 1981,⁷ and leading spokesperson for “workerism.” FOSATU “workerism” was a unique South African left-wing current that argued for autonomy from the ANC and SACP, and for large, bottom-up unions to forge a worker-run society (see Byrne, Ulrich and van der Walt, 2017; Forrest, 2011: 14-15; Gwande, 2022).

All of these unions engaged in the new unionism that started in the 1970s onwards. The WPMWU / NAAWU played an important role in developing the politics of FOSATU, alongside post-1973 unions like MAWU (Byrne, 2011; Forrest, 2011: 20-21, 25-27). These unions ended up in COSATU and were merged with others into new industrial unions and the FCWU merger formed the Food and Allied Workers Union (FAWU) in 1986. The traditions of the CTMWA, which had not been affiliated with FOSATU, were blended with the traditions of unions like FOSATU’s T&GWU and leaders from the FCWU, MAWU and NAAWU became prominent in COSATU. Much of the early SAMWU leadership came from the CTMWA. Notably, Ernstzen was SAMWU first general secretary, serving until 1994.

One result was that independent left, workerist as well as SACP influences were carried into COSATU, and these facilitated more critical views of the ANC, including after 1994. Since the independent left (meaning non-ANC and non-SACP) currents were historically (relatively) much stronger in the Western Cape (and Cape Town) than elsewhere, unions with a Cape Town base or history, and union leaders from Cape Town, were often notable in this regard. Some such leaders, who adopted a confrontational approach towards the ANC, were expelled from their unions (e.g., Rey, 1998), but others chose work within, and try to influence, the left-wing of the ANC / SACP / COSATU alliance, this was the path taken by NUMSA (Forrest, 2011: 420) and most of the SAWMU left.

Second, SAMWU’s ability to and interest in organising precarious workers in Cape Town is based on a long history of fighting for the interests of the low-paid, vulnerable, and generally precarious Coloured and black African workers going back into the CTMWA years. The union’s struggle against precarity did not start with the onset of large-scale neo-liberal restructuring of the labour market in the 1990s but dates back to earlier decades. The union’s roots, in the form of the CTMWA as a union focused on a largely Coloured workforce in a

⁷ In most South African unions, the “general-secretary” is the most powerful post. It is an elected position in unions from the FOSATU / COSATU tradition.

racially structured urban economy, and many of whom were precarious workers long before neo-liberalism. As the union shifted from the late 1960s towards organising black African, mainly migrant, workers, it had to deal with another segment of the workforce, with even fewer rights, worse employment, and lower wages.

This was reinforced by the merger with the general unions, and the imprint of their own traditions. The WPGWU, for example, had historically focused on black African workers in the Western Cape, who were concentrated in the least favourable jobs and who were – before the Wiehahn labour reforms of 1979-1981 – excluded from the ICA system (Maree, 1992: 558-562). The reforms turned the ICA into a non-racial LRA, which would give workers rights irrespective of their race. FOSATU unions like MAWU and T&GWU aimed at “justice for all workers” and “the building of a united labour movement” as the basis of a common, democratic society (Gwande, 2022: 59, 66, 68), and pushed the apartheid government to remove any requirements for segregated unions in the new LRA (Adler, 1994). This background facilitated the construction of SAMWU’s trade union identity as that of a fighting, class-based body that is committed in practice, and not just in resolutions and intentions, to all vulnerable workers.

SAMWU in Cape Town had an extra advantage, which was that the ANC did not control the Cape Town municipality (except for a brief period) or the Western Cape provincial government (ever). This was due, in large part, to the very large white and Coloured population. Many Coloureds did not vote ANC, often seeing it as alien or hostile (Adhikari, 2006: 175-187; also, Eldridge and Seekings, 1996; Seekings, 1996). SAMWU in Cape Town then did not face the dilemmas of SAMWU in ANC-run cities and regions, of both fighting and championing the ANC at the same time. It was instead facing governments headed by the largely white and Coloured-supported Democratic Party, later the DA. Campaigning against the municipality was not seen as a threat to the ANC, like in Johannesburg (see Musi, 2001). It could even get ANC support, as the branch’s struggle was directed against the DA.

This meant that SAMWU’s leaders and structures in that area had far more freedom to tackle government-driven neo-liberalism and that they generally played a much more prominent role in post-apartheid struggles against municipal neo-liberalism than elsewhere. It also meant that SAMWU leaders in the city were not drawn into local ANC patronage networks, as has been the case in some of the other big metros (for examples, see McKinley, 2014; Majavu, 2020; van Rensburg, 2018).

To bring this argument together, the importance of the socialist left (consisting of a distinct group of Coloured radical intellectuals) in the Western Cape, and Cape Town, and the ANC's far weaker position in the (Coloured) majority of the Cape Town working-class facilitated a left-wing trade union identity that could consistently fight municipal neo-liberalism and the precarious labour it promoted. At the core of this politics was a more socialist, independent, and class-based politics.

The emphasis on *class* by CTMWA and SAMWU was also shaped by how these bodies tackled the racial divisions in the Western Cape, and Cape Town, working-class. There is a long (and continuing) history of division between black African and Coloured workers in the Cape, not just in Cape Town but in cities and towns like Port Elizabeth (today, Gqeberha) and Uitenhage (renamed Kariega). This division has had serious effects on unions, but its enduring impact has been downplayed in labour studies and union histories (Buhlungu, 2010). The classical labour process theory, as developed by Braverman, suggested that workers would become more unified as deskilling reduced differences and workers were massed in common jobs (Adler, 1994: 62-63). But such developments only sometimes united workers across race in South Africa, because shopfloor politics was very much shaped by the structure of the larger society (Adler, 1994: 62-63, 66-68, 205-206).

An example is the WPGWU's failure to recruit Coloured workers, which can be explained by the racially structured labour system, cultural, linguistic, and residential divisions between black African and Coloured workers, including between urbanised Coloureds and black migrant hostel dwellers. Apartheid policy designated the Western Cape (and parts of the Eastern Cape, like Port Elizabeth / Gqeberha), as employment areas for Coloured people under the Coloured Labour Preference Policy (CLPP) adopted in 1955. Under the CLPP priority in jobs, housing, and other opportunities were reserved for coloured workers first (Black Sash, 1981: 3; MacShane, Plaut and Ward, 1984: 44; Cole, 2013: 8) In practice this meant that Coloureds were hired before black Africans, who got jobs Coloureds rejected, and were mostly isiXhosa-speaking migrants from the Eastern Cape.

Many workers in each racial group had precarious employment, but black African migrants occupied the most insecure positions. The two groups had different rights, including an industrial relations system that (before 1979-1981) channelled Coloured workers into registered unions through the ICA, with bargaining rights. This meant many Coloured workers

had little interest in new, post-1973 unions. The groups literally spoke different languages and WPGWU meetings, usually in isiXhosa and sometimes in black townships, were alienating. These factors allowed for a distrust between the two races that played out in the industrial relations arena (Maree, 1992: 560-562, 626-628). For instance, many black members of the WPGWU considered Coloureds unreliable in strikes, partly because Coloured workers have been used as scabs (Maree, 1992: 627, 582; Adler, 1994: xvi). As Adler (1994: 135-136, 187) says, economic development was tangled with state policies and laws, and the existing racial divides, and “working class formation was ... thus fractured on lines of race.”

But some unions did manage to unite black African and Coloured workers across race lines. The FOSATU-linked unions in the automobile sector, that went on to form NUMSA successfully united black African and Coloured workers. Like FOSATU generally, these opposed racial exclusion and segregation in the statutory industrial relations system. The Coloured-based National Union of Motor Assembly and Rubber Workers of South Africa (NUMARWOSA), formed in 1967, was a key player. This union was the WPMWU’s Eastern Cape counterpart and also a co-founder of NAAWU. NUMARWOSA was taken over by a more militant group around Freddie Sauls, who was influenced by the left, around 1971 – about the same time the Foster group took over WPMWU and it started to organise black African workers on a large scale (Adler, 1994: 219-253; also see Forrest, 2011: chapters 1-5; Maree, 1992: 631-679). It emphasised issues around race discrimination, but also the common class interests and the need for workers’ unity, developing a class-based, non-racial and a socialist outlook.

The CTMWA situation shows many parallels. The union was also taken over by a reform group, democratised and moved to the left. As in the auto sector in the Cape, Cape Town’s municipal workforce was racially structured, white workers dominating skilled and white-collar jobs, Coloured workers usually in jobs like refuse removal, and black Africans, only counted 6 percent of labourers in 1950 (Rudin, 1996: 47- 48). The Ernstzen leadership pushed to move the CTMWA from its history of relying on petitions and the ICA, democratised the union, and actively recruited black African workers (Hemson, Legassick and Ulrich, 2006: 285; Rudin, 1996: chapters 4 and 5). It did not join the UDF, but it did involve itself in the 1980s union and community struggles and was part of the push to non-racial union organising associated with FOSATU, and this was carried on into COSATU and shaped SAMWU. SAMWU was also an early opponent of privatisation, highlighting the issue in COSATU as

early as 1988, and in the 1990s it aimed at a socialist restructuring of local government (see below). In summary, like the unions that became NAAWU and later NUMSA, it stressed a class-based and socialist outlook, in place of race-based worker divisions.

To bring this section together, left traditions, the efforts of some (more radical) unions and union leaders to overcome racial divides, the FOSATU, UDF and COSATU traditions, and a class-based socialist politics, all helped shape the trade union identity of CTMWA / SAMWU into one that stressed class, workers' unity, and organising. Overall, the union identity of CTMWA / SAMWU, deeply shaped by Cape Town, led to a "particular response to the rise of insecure work" (Heery and Abbott, 2000: 157), and clearly enabled a preference for actively organising precarious municipal workers, even in opposition to the ANC. This helps explain why SAMWU has worked so consistently on this issue, and why it has deployed its power resources to do so. This study shows that SAMWU has a long history of fighting for the interests of the most exploited, low-paid, vulnerable black African and Coloured workers, and that it continues to construct an identity as a class-based movement, organising precarious workers, pushing for fulltime permanent employment and the entrenchment of labour rights in the city of Cape Town (and elsewhere).

1.7. Structure of the thesis

Chapter one lays the foundation by exploring the arguments, context, contributions, and rationale of the study. The arguments presented cover a considerable period and informs the historical and sociological analysis of the union developed in this thesis and demonstrates the value of the trade union identity model and contributes to and builds on existing debates in labour studies.

Chapter two is a literature review and theoretical framework. It outlines: labour studies and SAMWU, union types, and trade union identity. The chapter also offers an historical account of precarious work and trade unions as well as a history of neo-liberalism and trade unions.

Chapter three "Industrial Relations in a Divided Working-Class: Making a Fragmented Movement" discusses the divided working-class and coerced labour, and then gives a detail account of the labour movement in South Africa. Key topics include: the rise of Coloured and black African trade unionism in South Africa; Coloured workers' entry into trade unionism;

the early importance of state sector unionism; the Industrial and Commercial Workers Union (ICU), black African worker support for trade unions; the growth and consolidation of Coloured and black African trade unionism; the rise and fall of SACTU; the new unionism and South African trade unions; and the development of FOSATU and COSATU from 1970 -1990.

Chapter four entitled “With Precarious Labour in the Apartheid City: The CTMWA, 1910s into the 1970s” explores: municipal Government and Coloured and Indian residents into the late 1970s; municipal government and black Africans into the late 1970s; Cape Town and the shaping of the early CTMWA; Cape Town’s precarious Coloured municipal labour before neo-liberalism; the CTMWA’s developing union identity and organising precarious labour; conservative and left aspects of the CTMWA identity; and the impact of the early 1960s.

Chapter five is a high-level detailed examination of Cape Town after 1973; mass struggles and the Union Identities of CTMWA and early SAMWU in Cape Town. Key topics explored include Cape Town in the context of 1970s apartheid; the 1970s economic crisis and the start of a popular revolt; community-based and workplace-based struggles in Cape Town; revolt in the schools and townships of Cape Town; Cape splits in community-based struggles, and the Unity Movement; the UDF and the National Forum; unions and struggles unique to Cape Town.

Additional themes covered in the chapter are the development of the CTMWA’s union identity from the 1970s to the early 1980s; effective structures and the move to a “living wage”; the casuals and the unions; building beyond Cape Town; the CTMWA’s evolving identity in terms of struggles beyond the workplace; CTMWA and the first phase of (municipal) neo-liberalism; from economic crisis to municipal neo-liberalism in 1980s South Africa; municipal neo-liberalism in 1980s Cape Town; transition from the CTMWA to SAMWU; 1980s municipal privatisation and the CTMWA and early SAMWU; COSATU, the UDF and the demise of apartheid.

Chapter six reflects on SAMWU, the double transition in South Africa and the fight against precarious labour. It details: COSATU in the 1980s and 1990s, trade unions in the new dispensations in South Africa, SAMWU and the “paradox of victory” in the municipalities, SAMWU and the local government transition, neo-liberalism and changing employment patterns in post-apartheid municipalities in South Africa, and SAMWU, COSATU and the RDP, and the drift to political unionism.

Chapter seven describes SAMWU's fight to block neo-liberalism in Cape Town. The chapter discusses: Cape Town and SAMWU during the transition, municipal restructuring of Cape Town from 1996- 2000 under the ANC and from 2000 to 2015 under the DA.

Chapter eight presents a detailed account of the work that SAMWU did to fight municipal neo-liberalism by directly organising so-called non-SER, i.e., precariously employed, municipal workers and focusing closely on the City of Cape Town. Amongst things covered in this chapter are fissured municipal workers, the law governing employment relations specifically the LRA, SAMWU's effort to organise and recruit the fissured municipal workers, and protests and strikes in Cape Town, as well as internal and external challenges in organising fissured municipal workers in Cape Town.

The final chapter summarises and provides general conclusions of the thesis. It locates neo-liberalism and precarious employment in South Africa and globally, and explains how it is a major challenge to trade union survival and revival locally and abroad. It stresses how municipalities across the country are making use of precarious labour and highlights SAMWU's opposition to this since its formation in the 1980s.

Chapter Two: Literature Review and Theoretical Framework

2.1. Introduction

South Africa has a well-established tradition of labour studies, dating back to the 1920s but flourishing from the 1970s, partly inspired by a new wave of unionism starting at the time. This led to the emergence of new work in labour history (Bozzoli and Delius, 1990) and Industrial Sociology (see Webster, 1995), and fruitful interactions in shared areas like labour studies (Adler, 1996) and platforms such as the History Workshop at the University of the Witwatersrand amongst others (Lissoni, Nieftagodien and Ally, 2010).

The field of labour studies is much too large to cover in this thesis, some of it falls under the discipline of history (Forrest, 2011; Johnson, Nieftagodien and van der Walt, 2023b; Lambert, 1988; Rudin, 1996; van Duin, 1988), and some is grouped under Industrial Sociology and is more focussed on current issues (Barchiesi, 2007; Kenny and Bezuidenhout, 1999; Ludwig 2019; Musi, 2010; Pillay, 2013; Webster and Buhlungu, 2004), some accounts cross this disciplinary divide (Buhlungu, 2001; Kenny, 2021; Maree, 1992; van der Walt, 2023b).

Labour studies has declined in South Africa recent years, partly because the COSATU unions, though large, just do not have the same impact and authority as in the 1980s and 1990s (see e.g., Buhlungu, 2009; van der Walt, 2023a), but remains important. This chapter provides an evaluation of the literature, focusing on union responses to precarious work and on SAMWU. This requires some discussion of issues like neo-liberalism, precarious work, and the dynamics of trade unions, including competing approaches to analysing unions. It locates current day precarious work within the larger context of the rise of neo-liberalism internationally from the late 1970s, and in South Africa from the 1980s, under the NP, and in the 1990s, under the ANC – including at the municipal level. Since COSATU and its affiliates, like SAMWU, are in a formal Tripartite alliance with the ANC (and SACP), this situation poses significant challenges.

2.2. Labour studies and SAMWU

There is an extensive literature on unions dating to at least the 1970s, with a heavy emphasis on COSATU, and its main predecessor, FOSATU. Alternative federations like FEDUSA have been largely ignored (van der Walt, 2023a). This includes discussions of aspects of the history and politics of FOSATU and COSATU (Adler, 1994; Baskin, 1991; Byrne, 2011; Hemson, Legassick, and Ulrich, 2006; Maree, 1992), and their key affiliates and associated unions including MAWU, NAAWU and NUMSA (Adler, 1994; Forrest, 2011), the National Union of Mineworkers (NUM) (Allen, 1992; MacShane, Plaut and Ward, 1984; Moodie, 2016), the South African Commercial Catering and Allied Workers Union (SACCAWU) (e.g., Kenny, 2009, 2018), the South African Society of Bank Officials (SASBO) (Moyo, 2022) and the T&GWU (Cole, 2018; Hemson, Legassick, and Ulrich, 2006). As COSATU's presence in the state sector has grown, there has been growing attention to unions like NEHAWU and the South African Democratic Teachers Union (SADTU) (Bezuidenhout, Bischoff, and Nthejane, 2017).

While some COSATU unions have been neglected, this is not quite the situation for SAMWU. There is a significant amount of material dealing with union, and the CTMWA that helped found it. These works provide vital information, but their focus does not adequately address the issues that my research examines. The unions appear in general accounts of the wave of new unionism that started in the 1970s (Baskin, 1991; Friedman, 1987; Buhlungu, 2001), studies of popular politics in the UDF era (Pillay, 1989), and in later studies of the current state of COSATU and its affiliates as organisations (Bezuidenhout, Bischoff, and Nthejane, 2017). For example, Buhlungu's 2001 PhD on democracy and leadership in the new unions examines these aspects of CTMWA and SAMWU history, as part of a larger picture of the new unionism that started in the 1970s.

There are several studies that focus on the CTMWA and SAMWU. Rudin's 1996 PhD provides the only complete study of the 70-year history of the CTMWA and also explores early SAMWU. John Mawbey, a former FOSATU stalwart who ended up in SAMWU via T&GWU, wrote an incomplete and unpublished history of municipal workers with an emphasis on the CTMWA and SAMWU (Mawbey ca. 2016). More recently, Lawrence Ntuli of SAMWU was commissioned to write a popular history of the union, but this has not yet been published or released yet and cannot be cited. These studies were interested in how the CTMWA and

SAMWU developed, and at their key breakthroughs and struggles, but even then, they do not look systematically at how CTMWA/ SAMWU addressed non-SER labour.

SAMWU also appears in accounts of the onset of post-apartheid municipal restructuring in the 1990s and 2000s. Some of these studies examine union's role in larger struggles against neo-liberal restructuring, and in coalitions like Anti-Privatisation Forums (APFs) in Cape Town and Gauteng (Buhlungu, 2004; Catchpole, 2002; Jordhus-Lier, 2013; McKinley, 2012; Xali, 2006). Other studies focus on the union's role in such battles, with the emphasis on Cape Town and Johannesburg (Barchiesi, 2007; McKinley, 2011; Musi, 2010). This includes accounts that were produced by SAMWU leaders and researchers past and present like Rob Rees, Roger Ronnie, Maria van Driel and Sandra van Niekerk (Rees, 2009, 2011; Ronnie and van Niekerk, 2009; van Driel, 2003). This work is based on case studies covering (relatively) short periods, and on neo-liberal restructuring of municipal services., rather than municipal employment.

Generally, it can be said that the battle to completely stop this neo-liberal restructuring and the development of an alternative model was lost and bodies like the APFs collapsed. As this happened, studies started to shift to focus more on how SAMWU addressed the issue of precarious workers in municipalities. This work was also centred on case studies of short periods. Rees' 2009 and 2011 accounts examined SAMWU in Tshwane (Pretoria) amongst labour brokered workers, which he attributes to a combination of their conditions, the centrality of these workers in driving organisation, and the union's class-based politics. Ludwig's 2019 study was much more ambitious, looking at SAMWU in the Cape Town, Ekurhuleni, and Johannesburg, with work on Johannesburg expanded in other papers (Webster and Ludwig, 2017a, 2017b). Work on Cape Town, however, only looks at a few cases, rather than providing a long historical perspective, attuned to the specific dynamics of Cape Town, that I argue (see earlier) is essential and is a key component of my study.

The work by Rees and Ludwig was done in the Industrial Sociology mould of focussing on contemporary scenarios consisting of case studies over a short period of time, and on developing and using concepts and categories, especially the PRA model. This is founded on the argument that workers can defend their interests by collective mobilisation of power resources (Schmalz, Ludwig, and Webster, 2018: 115). Power is "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance" and embedded in social relations (Schmalz, Ludwig, and Webster, 2018: 115). The four "power

resources” are associational power (based on workers’ associations), institutional power (using other institutions), societal power (using influence in the larger society), and structural power (arising mainly in production). The problem, as stated earlier, is that this maps what unions have the potential to do against what they do, and does not explain why unions act the way they do.

2.3. Labour studies, union types and trade union identity

As noted earlier, Rees (2009) has also pointed out that another model, the “organisational form” approach that argues that craft, general and industrial unions – industrial unionism is the preferred COSATU model – different capacities to organise non-SER labour, is also inadequate on this issue. The organisational form approach is part of a larger concern in labour studies with categorising union types and using these categories to explain union actions.

In labour studies of South Africa, another major approach has been to categorise unions by “political” form. The key types, defined earlier, are business unionism, political unionism, and “social movement unionism” (Lambert, 1988; Webster, 1988), with COSATU usually seen veering between the last two types. These types were “often mapped onto organisational types” (“organisational form”): social movement unionism gets treated as bottom-up and mass-based, business unionism is seen as bureaucratic and stagnant (van der Walt, 2023a: 38), and political unionism as “often hierarchically organised, with an oligarchic form of representative democracy” and dominated by political parties (Pillay, 2013: 14; also, Bezuidenhout, 2017: 219).

These categories are still the standard framework used (e.g., Bezuidenhout, Bischoff and Tshoaedi, 2023) but there are several problems with the categories themselves. The labels are often used in vague and inconsistent ways and drift over time, especially social movement unionism which has come to mean almost any militant unionism (Pillay, 2013; Seidman, 2011). The differences between the types are not always clear, especially between social movement and political unionism. Many unions do not fit into the categories all that well, including today’s COSATU. The categories are based on a narrow set of cases, mostly COSATU-linked blue-collar unions like NUMSA, and do not deal with a range of cases, such as politicised but non-party unions like Solidarity/ *Solidariteit* unions, and with right-wing unions in general (van der Walt, 2023a). The link between organisational form and political type also does not work

well. For example, South African business unions like IMATU have far smaller and weaker bureaucracies than unions with a social movement or political unionism background, like NEHAWU, NUMSA and NUM (van der Walt, 2023a).

Neither organisational form (Rees, 2009), nor political categories, like social movement unionism (Barchiesi and Kenny, 2008) are good at predicting union behaviour. Unions of the same type, no matter whether we use organisational form or political type to draw differences out, can act in very different ways. Whether we describe COSATU as social movement unionism or political unionism, it's clear that COSATU unions engage the same issues very differently e.g., SAMWU works with non-SER workers much more seriously than most of its fellow COSATU affiliates. Maybe the categories describe unions in such broad ways that they are limited in their usefulness.

This thesis will not try to resolve these problems by creating new categories, but will keep them in mind, and (see later) I will argue that the CTMWA and SAMWU show a changing mixture of these categories. But much more important, I argue that to understand why SAMWU's approach to atypical workers, especially in Cape Town, a different approach is needed. Hyman's "trade union identity" model is a useful approach. It can be traced back to the early 1990s when he was attempting to develop a framework for understanding the historically developed union identities that he believed provided the (often unrecognised) basis for union strategy (Taylor, Mathers, and Upchurch, 2011: 19).

Hyman's work on union identity is set up in the industrial sociology tradition of developing concepts through comparisons. It is centred around three ideal type ideological orientations: firstly, the union as labour market regulator (i.e., a market actor); secondly, the union as an organisation for representing and improving workers' status and for promoting justice more generally (i.e., a society actor); and thirdly, the union as "school of war" in the struggle between labour and capital (i.e., a class actor) (Hyman, 1996: 63; also see Connolly, 2011: 122; Meardi, 2013: 3; Simms, 2011: 97-98; Taylor, Mathers and Upchurch, 2011: 19-20).

The union as labour market regulator is associated with business unionism, as the union is seen as an organisation whose primary purpose is to secure economic benefits for its members, mainly through improving the terms and conditions of employment through collective bargaining (Hyman, 2001: 6). Here, trade unions focus on wages and working conditions as

they are rooted in a simple working-class consciousness, and characterised by fear of losing jobs (Meardi, 2013: 2). Business unionism was influential in the development of industrial relations as a field of inquiry in Great Britain and the United State of America, which focused on rule making at the workplace (Meardi, 2013: 2). From this point of view, the trade union is seen to not have a broader social and political role (Hyman, 2001: 6; Meardi, 2013: 2). Many of the old, registered trade unions in South Africa, as well as some contemporary ones, like IMATU, fit this model.

The union based on championing workers and as promoting justice in the larger society views the union as an organisation that should exert more influence on the market and the state, and that should participate in civil society, challenging existing moral economies in the workplace (Hyman, 2001: 15). This implies that the union should struggle against repression by the state and brutal resistance by employers (Hyman, 2001: 17). This, according to Hyman, aims at building a larger working-class unity against a class enemy, and is expressed in a distinctive iconography of power, unity, and rebellion (Hyman, 2001: 17). Finally, the union as school of struggle model aims at the total transformation of society, rather than simply winning gains in the current order, and lends itself to more direct involvement in struggling for state power. It shares elements and imagery with the preceding model. Unions like FOSATU and COSATU have, it can be said, shown elements of both types (union as champion and union as a school of struggle) over the years.

Hyman notes that elements of all three approaches co-exist in many unions, and this is partly because these are imprinted on unions by their histories and social contexts (Simms, 2011: 98). Hyman emphasises that many unions have an often-contradictory admixture of two of the three ideal types (Hyman, 2001: 4). Unions that match just one ideal type are hardly ever seen in practice (Simms, 2011: 98). For example, many unions that are today more-or-less business unions may retain class struggle imagery and reference a more militant past, which then complicates the identity and creates challenges. Furthermore, institutional contexts play an important role in which parts of a union identity get prioritised and how the identity evolves (Simms, 2011: 98).

What is crucial here is that the model rejects prescriptive approaches that centre on what unions *should* do, highlighting how evolving union identity shapes what unions *can* do; the PRA also looks at what unions can *potentially* do in terms of the power resources they have, but the union

identity model looks at what specific unions can do with those potentials. To help map the possibilities, Hyman argues that the basic components of union identity are built around: the union's representation, structure, framing of agendas, and types of power mobilisation (Hyman, 1996; Taylor, Mathers, and Upchurch, 2011: 19).

There is a polarisation of union identity between a revolutionary or anti-capitalist orientation, a social integration or social cohesion orientation, and narrower orientation around occupational interest (Taylor, Mathers, and Upchurch, 2011: 19-20). This can be expressed in a geometry of unionism that locates each of the three ideological orientations of union identity at each of the three vertices of a triangle of competing ideas, ideologies, and strategies (Simms, 2011: 98).

Looking at examples using a comparative and historical method suggests several main types of real-world unionism: craft, "political economism," business, syndicalist, social democratic and communist (Taylor, Mathers, and Upchurch, 2011: 19). For example, "political economism" was the dominant form of union identity during the post-war period in Western Europe (Taylor, Mathers, and Upchurch, 2011: 19). It combined collective bargaining, with a concern to influence the broader political, legal, and economic framework in which collective bargaining took place. It was consolidated by complex process of institution-building associated with the welfare state and corporatism (Taylor, Mathers, and Upchurch, 2011: 19). The institutional framework articulated a reciprocal relationship between labour, capital, and the state, and involved the exchange of union restraint for labour-friendly or labour-neutral government policies (Taylor, Mathers, and Upchurch, 2011: 19-20). This institutional framework broke down with the rise of neo-liberalism from the 1970s, but political economism, as an orientation, remains central to many Western unions.

2.4. Historicising precarious work and unions

The issue of precarious employment has been a major theme in labour studies on South Africa since the 1990s, framed around the idea that a growing periphery of insecure workers has weakened the unions by eroding the conditions of the "core" workers, a massive growth in precarity (Ashman, 2015; Barchiesi, 2007; Buhlungu and Webster, 2006; Kenny and Webster, 1998; Kenny and Bezuidenhout, 1999). The initial work on post-apartheid precarity, and its effects on COSATU unions did not use the term SER, speaking instead mainly of labour market

flexibility, but the SER / non-SER contrast has become central since. Nowadays “core” workers are usually identified with SER workers, and the periphery means those that are atypical; “atypical” employment” usually means employment that does not conform to the SER (Fourie, 2008: 111; Hinterseer, 2013: 4-5; Hunter, 2016: 1; ILO, 2012: 27-28).

“Precarious” work or employment is a more useful description of the workers in these non-SER jobs, than the notion of “atypical” work because it clearly indicates the main feature of these jobs, although the terms can usually be used interchangeably. Precarious employment included multiple types, unlike the SER: non-permanent work, part-time work, temporary work, fixed short-term work, casual jobs, and labour brokered work (Fourie, 2008: 111). It is often described as casual work or even as “informalized” work (e.g., Pillay, 2008), but this is not correct as many atypical workers are on contracts. For example, part-time employment based on “zero-hours” or “on-call” contracts are common in Europe (Gumbrell-McCormick, 2011: 295). There is no guarantee of any work or pay in a specific period, but there is a contract (Gumbrell-McCormick, 2011: 295).

Post-apartheid, big retail chains like Shoprite subcontracted their directly employed shelf packers to several labour agencies, with the workers then paid by many different employers, with different conditions of employment, they normally worked full-time hours for lower wages and no benefits (Kenny, 2003: 110-111). Their job security was fragile because the contractors dealing with the retail companies kept changing (Kenny, 2003: 110-111; 2016: 30-31). Casual employment in retail has increased by 44.7 percent between 1987 and 1997 (Nnaeme, 2017). The wholesale and retail trade had around 33.4 percent of staff in casualised work by 2020 (McKinley, 2020).

Many casual workers had worked for several years for the same retail company (Kenny, 2016: 31). For example, Shoprite subcontracted its directly employed shelf packers to agencies as early as 1996, and the workers continued to work full-time, but at lower wages with no benefits (Webster, 2005). Casual and part-time workers were also employed as shelf packers, cashiers, and stores controllers. Changing employment systems in the retail sector has re-segmented the sector into core workers and flexi-workers (Kenny and Webster, 2008) and this situation was still in place in Shoprite in South Africa, as well as in Shoprite in other African countries, like Namibia, by 2020 (Mathekga and Maciko, 2018; also, Njadvera, 2021). The COSATU retail union SACCAWU was hugely weakened, with two major retail chains cancelling recognition

agreements once the proportion of casuals overtook full-time workers, taking the union below 51 percent of staff (Kenny and Webster 1999).

Pillay (2008: 50) points that sector like clothing, textile, and leather, experienced an increase in subcontracted and informalized labour, with former garment factory workers often used as subcontracted home workers at a similar wage but without other benefits (Pillay, 2008: 50). Jantjie Xaba's (2020) research on the (privatised) steel company, ISCOR, now ArcelorMittal, revealed that the company promoted labour market flexibility resulting in an increase in precarious forms of employment such as casual labour and labour provided by subcontractors (Xaba, 2020: 341). The number of full-time permanent jobs decreased from 8 500 to 6 000 between 1998 and 2016 (Xaba, 2020: 341).

As pointed out earlier when talking about municipalities, the use of precarious work is not just happening in the private sector, but in the state sector. Labour brokers, and service and other contractors, are key to precarious labour in the private sector, as well as the state sector, but with the added dimension that when labour or services are begin to be contracted from the state to the private sector, this is not just outsourcing but also privatisation as it's a transfer of functions form the state (van der Walt, Bolsmann, Johnson and Martin, 2002).

In municipalities, it takes place in various ways, ranging from workers employed *directly* but precariously by the municipality, for example, short-term contracts including casual labour, and labour employed *indirectly*, through various contractors. These can include labour suppliers or "brokers", as well as contractors providing municipal services, such as solid waste management. These latter make extensive use of precarious workers.

Van der Walt, Bolsmann, Johnson and Martin (2002: 59-61) noted that all public universities in South Africa have outsourced their support services post-apartheid, starting with the University of Venda in 1995. NEHAWU opposed outsourcing but could not stop it, and lacking a strategy to organise outsourced workers, lost thousands of members (van der Walt, Bolsmann, Johnson and Martin, 2003: 281-282). In his research on labour broking at the South African Post Office, David Dickinson (2015) found extensive use of different labour brokers as well as the SOC itself directly employing people on a long-term basis through repeated short-term contracts and that these workers were neglected by the CWU (also see Donnelly, 2016). Mondli Hlatshwayo (2018: 378) studied the precarious employment of Community Health Workers in

South Africa's Gauteng and Eastern Cape provinces, and he found a pattern of workers employed long-term on one-to-two-month contracts with low wages and poor working conditions are poor (Hlatshwayo, 2018: 378).

Atypical work can have advantages for employees, such as more flexibility in where, when, and how long to work. Whereas highly skilled workers are more protected and powerful while working under non-standard contracts or through agencies than more easily replaced staff (Mendonca, 2020: 432). Not every employee provided by a third-party is a low-wage, precarious non-SER worker. For example, municipalities spent R1.26 billion on consultants in the 2018-2019 financial year to help draft their financial statements (Gerber, 2020), in some cases at rates higher than the same staff working for local government. Skilled consultants have structural power, in the PRA meaning, because of their skills and labour market position. High-skill workers in high-demand, such in IT or professional work, can in some cases earn *more* wages through such contracts than in standard jobs (Adler, Bezuidenhout, Buhlungu, Kenny, Omar, Ruiters and van der Walt, 2000). On the other hand, lower skilled workers in the markets with high levels of unemployment, like cleaners, will tend to be find non-SER jobs much less desirable. Given the south African context, vulnerable workers in these situations, these are mainly black Africans, Coloureds, and women.

Obviously, precarious work can also have clear benefits for employers. It is clear from the examples already given, and those that follow, that most labour provided by brokers and third-party contractors to the state e.g., in cleaning, has been low-wage and vulnerable, employed in worse conditions than workers in full-time employment, and that the main employer e.g., the university has been motivated by the ideal of cutting labour costs by using these external service providers.

Precarious work arrangements in these cases usually lead to an increase in vulnerability, precarity and labour market flexibility (Hunters, 2016: 1). For example, in a situation of outsourcing, the worker's contract with an employer, who is contracted to a client (Hunter, 2016: 3). The workers are then in a tripartite employment relationship – worker, contractor, and client – and find it difficult to hold either the client or the private company accountable (Theron, 2003: 1277). Unions face a fissured workplace, with no single negotiating partner, and a continually changing workforce as contractors change. This means that the associational and structural power that unions can wield is weakened (Webster and Ludwig, 2017b: 178).

It is not exactly this coincidence that, as Nieftagodien (2017: 179) points out, precarious workers often earn less, in terms of wages and benefits, than workers in the SER or “core,” and are often non-unionised. Many, for example, are excluded from medical aids and skills development. For example, the Sector Education and Training Authority (SETA) system in South Africa, which was demanded by the unions, is funded by payroll deductions, and provides money for training. Third-party workers are often left out, as there is no union and no employer willing to take the responsibility of using SETA funds (Theron, 2003: 1277). In effect, while the SETAs provide skills development benefits and are paid by all workers, real-world access is often restricted to full-time permanent workers. Lower wages and benefits are not just due to a general lack of unions amongst atypical workers but are also driven by the fact that contractors often compete on price, so pressure to cut labour costs is high.

The move to labour market flexibility poses a serious problem to workers in terms of job security, remuneration, and trade union representation. The “fissured workplace,” complicates collective bargaining. Generally, also, when the commercial contract between the client and the private company is terminated and / or broken, the employment contract is automatically broken. Resultingly, the extensive use of third-party workers, whether from labour brokers, service contractors or the EPWP programme undermines organisational rights and collective bargaining. At a given workplace, a growing precarious workforce supplied by third parties will tend to fall outside unions, leaving unions to represent a limited and in likelihood shrinking “core” of workers (Kenny, 2020). A large amount of employment in the booming “gig economy” is precarious work.

The right to freedom of association, unions, bargaining, and strikes is established in the 1996 South African Constitution, as well as in the 1995 LRA. For example, Section 23 (2) of provides that “every worker has the right to (a) form and join trade union (b) to participate in the activities of a trade union; and (c) to strike” (Constitution of the Republic of South Africa, 1996). South Africa is also signatory to the African Charter on Human and People’s Rights and to the International Labour Organisation’s (ILO) conventions and Decent Work commitments. South Africa re-joined the ILO in the 1990s, and ratified Conventions No. 87 (freedom of association and protection of rights to organise, 1948) and No. 98 (the right to organise and collective bargaining, 1949) (Blackburn and Cross, 2016: 518). The ILO’s Decent Work Agenda calls for the employment opportunities that provide security at the workplace, are productive, remunerate fairly, and provide protection of the workers and their families (van der

Walt and Taljaard, 2018: 215). The United Nation's Sustainable Development Goals include inclusive and sustainable economic growth, with full and productive employment and decent work (United Nations, 2015; also Slack, 2015: 3).

Such rights are not openly or formally removed using non-SER workers in South Africa but are often breached with impunity by such practices. Without a real option to use the LRA, the important right of freedom of association is undermined. Workers need to be able to associate to build unity and promote common interests in an organisational manner (Budeli, 2009: 57). Without the right to freedom of association, workers are more likely to be fragmented and weak, and this weakens them in relation to the employer. They are effectively although not openly denied the right to join trade unions, and in terms of the PRA, will tend to lack the associational power provided by a union.

Despite being mindful of the situation, few unions have addressed the expansion of atypical employment effectively (Pernicka, 2005: 209). In South Africa, this issue has been identified by many scholars in the labour studies as one of the main failings of post-apartheid trade unions. For example, leading labour scholars Sakhela Buhlungu and Eddie Webster (2006: 253) have long argued that the membership of the country's biggest federation, COSATU, has become one of permanent, full-time employees: 92 percent of COSATU members are in permanent, full-time jobs, despite COSATU having passed numerous resolutions to organise precarious workers (Buhlungu and Webster, 2006: 254; Webster, 2006: 22). Absolute union numbers in South Africa are high and stable at over three million, but union density has declined, and only a third of workers are covered by collective bargaining (van der Walt, 2019b: 24-25). Since atypical workers are fall outside the unions, they lack an organised voice. This incentivises employers to continually expand their use of atypical labour, usually through contractors, as it is often cheaper, flexibly employed and voiceless / docile (non-union). This results in "eroding the core" workforce and undermining labour rights (Kenny and Webster, 1998).

It is also the case that the neo-liberal period is strongly associated with the proliferation of precarious employment, often adopted as part of having more flexible labour, weaker unions and reduced labour costs, a deliberate management strategy (Goslinga and Sverke, 2003: 290-291; OECD, 2018; Pernicka, 2005: 207; ILO, 2011; Rasak and Babatunde, 2017: 18-34). The spread of neo-liberal globalisation can certainly create jobs, but it also undermines serious

progress towards decent work – secure and productive employment with adequate remunerations, basic workers’ rights, workers’ health, and safety – as it generates a “race-to-the-bottom” by rewarding labour abuses with more Foreign Direct Investment (FDI) and lower prices (van der Walt, 2019a).

Neo-liberalism promotes precarious work, and the fissured workplace, and this weakens not just workers, but unions. A 2016 ILO report revealed that casual, contract and outsourced jobs, and on-call work such as “zero-hours” contracts, were prominent features in labour markets worldwide (ILO, 2016). There is a marked increase in atypical, precarious forms of work in Europe, created a major challenge for unions (Gumbrell-McCormick, 2011: 293-295). In Sweden, around 60 percent of the workforce under the age of 25 are on fixed-term contracts, in Germany around 80 percent of the workforce under 20, and in France, there is talk of a “precarious generation” (Gumbrell-McCormick, 2011: 295-296). For example, the civil aviation industry in the European union (EU) was liberalised, resulting in the development of a low-cost carrier business model with a “no frills” strategy precarious employment (Mendonça, 2020: 435). There was an increase, between 2005 and 2014, in part-time, temporary agency, and fixed-term contracts among pilots and flight attendants. Ryanair, the Irish ultra-low-cost carrier, obtained many flight attendants through agencies on zero-hours arrangements (Mendonça, 2020: 437).

Asian countries have also witnessed a remarkable increase of agency, subcontracted or outsourced employment throughout the past decades (ILO, 2016). In 2011-2012, contract labour in India was around 34.7 percent (ILO, 2016). There is a similar situation in Latin America and Africa. In Colombia, the 1993 privatisation of the port sector contributed to the restructuring of labour market (Hawkins, 2018: 21). Thousands of port workers who previously belonged to trade unions, protected by collective bargaining and indefinite employment contracts, faced an increase in non-standard work arrangements and informal hiring and firing (Hawkins, 2018: 21). In Buenaventura, the busiest sea point city, a host of one-person, small, medium, and large labour agencies have emerged around the port hiring out low-paid, temporary workers to the port operating companies (Hawkins, 2018: 21). African countries have experienced an increase in atypical employment, in almost every sector. In Nigeria, atypical employment has increased since the federal government adopted the neo-liberal policies, and is dominant in the arts, aviation, construction, hospitality, manufacturing, media and the state (Okafor, 2012: 713-716). The use of atypical employment is influenced by

company size, competition, increased demand for services or products, labour costs, skills needs and the regulatory framework (Okafor, 2012: 7615).

The same pattern is also evident in South Africa. For example, a 1992 survey of 101 companies showed that 68.3 percent had outsourced workers during 1994-1998, and that 90.6 percent of workers affected were blue-collar (cited in van der Walt, Bolsmann, Johnson, and Martin, 2002: 18). GEAR itself increased the pressure to use precarious workers with a more open economy, budget austerity, and promotion of a free market approach. For example, universities adopted outsourcing to reduce the impact of falling state subsidies and because of ideas like focusing on “core business,” and this led to a situation where services like cleaning, security and gardening were outsourced and moved into the private sector (van der Walt, Bolsmann, Johnson and Martin, 2002). Since these workers were a major COSATU constituency in this period, this obviously affected unions, and saw unions, such as NEHAWU, losing members yet being allied to the ANC. Thus, the ILO’s Decent Work Agenda is undercut by the balance of forces towards capital and against unions, which undermines the foundations of sustained, win-win class compromises (van der Walt, 2019a).

Although this literature is very useful, it is weakened by the tendency in industrial sociology to be ahistorical: it dates the rise of precarious work to the neo-liberal period starting in the 1990s, and second, when it uses the SER framework, it suggests that the SER was in fact “standard” in earlier years (see van der Walt, 2019a). This leads to the idea that unions were strong in the past *because* they were based on SER workers, or the “core,” and so, the rise of precarious work – called “atypical” – is a new, and dire, threat to unions (van der Walt, 2019a). In the case of COSATU, the argument goes, the federation was initially based on large blue-collar workers in the private sector, who were easy to organise, and once “atypical” work started to spread, this weakened unions like NUM and NUMSA, and pushed the federation to become more reliant on workers in the state sector, like NEHAWU, which rest on workers in more secure jobs (Bezuidenhout, Bischoff, and Nthejane, 2017).

But using a historical approach, in dialogue with this industrial sociology, shows that the picture is more complicated and encourages the development of a finer analysis, and shows some challenges in the literature. First, using the SER as the basic comparison, and presenting putting the issues as an eroding SER “core,” is problematic, because the SER has never been standard in modern South Africa, and precarious work never “atypical.” Second, the new

unionism, including FOSATU and COSATU, and unions like CTWMA, NAAWU, MAWU, NUMSA and SACCAWU, organised large numbers of non-SER workers before the 1990s (Forrest, 2011; Ulrich, 2007; on CTMWA, see later). Bring this together, this means that non-SER work did not start with neo-liberalism, although the last-named obviously promotes it, and it did not start with ANC-led (or DA-led) neo-liberalism or GEAR in the 1990s and 2000s, but (as noted earlier) had an earlier phase under the NP in the late apartheid years.

In the next part I will explain and develop these insights further. Webster (1994) pointed out in earlier work that the apartheid manufacturing industry had segmented labour markets, which were linked to race and skill. The “primary” labour market offered “some job security, relatively stable employment, and higher wages,” and was divided into two. The “independent primary labour market” was based on “advanced or specialised” skills, and “likely to require independent initiative or self-pacing,” and included “technical supervisory, craft and professional” work (Webster, 1994: 317-318). It was comprised of almost all white workers, including white artisans (craftsmen), many of them in craft unions under the old ICA.

The “subordinate primary labour market” included the “the jobs of the traditional working-class – production jobs in the unionised mass production industries; plant jobs in auto-assembly, steel making and machine manufacturing” (Webster, 1994: 317-318). These were semi-skilled jobs, with black African and Coloured, also some white, workers. The last two groups were often in registered industrial unions with the old ICA. The “secondary labour market” consisted “in the first instance of jobs that require limited skill” but what “marks these jobs as secondary is *the casual nature of the employment ... it offers virtually no job security*” (Webster, 1994: 317-318, my emphasis).

This was up to “50 percent of the workforce” *in manufacturing*, and “consists *almost entirely of Africans*, many of whom are migrant workers living in hostels” (Webster, 1994: 317-318, my italics). These would have been outside of the old ICA but covered by the 1953 Native Labour (Settlement of Disputes) Act and the successor, the 1973 Bantu Labour Regulations Act that set up works committees as an alternative to unions (Budeli, 2012: 471). This did not mean they had no unions, as black African workers were in unions since 1917 (see later), just that these unions did not have the same rights and access to bargaining as the registered unions under the ICA. Such workers were often in unregistered “parallel” unions linked to white, Coloured, or Indian or mixed registered unions. As an example, the (Coloured)

NUMARWOSA set up a (black African) United Automobile, Rubber and Allied Workers' Union (UAW). This also co-founded NAAWU. The FCWU had an allied African Food and Canning Workers Union, and as we will also see, the CTMWA had a parallel called the Cape Town African Municipal Workers Association (CTAMWA), or sometimes called the African Municipal Workers Association (Mawbey, ca. 2016: 162-167, 233-234; also see Rudin, 100-101).

Webster (1994) looked at manufacturing (metal sector, specifically foundries), but there are many other examples of how employment relations was shaped by race in the periods of segregation and apartheid, with an unequal labour relations system, different labour markets, and the SER applying to a small part of the workforce. African black (migrant) labour recruitment on the mines was closer to the SER than it might be thought, as workers had strict contracts with set lengths and were recruited through two giant recruiting agencies run by the mines. However, as early as 1987, sections of the mining industry were subcontract labour to private companies, affecting 5 percent of workers on collieries, rising to 16 percent by 1994 (Kenny and Bezuidenhout, 1999: 185-192). On the gold mines, subcontracted employment accounted for 3 percent in 1987, rising to 10 percent in 1994, or 29 657 workers (Kenny and Bezuidenhout, 1999: 185-192).

Work by David Hemson (1977) and Bernard Dubbeld (2002) shows that stevedoring (loading) companies, the docks, which were owned by SAR&H (now Transnet), and the SOC made large-scale use of African black casual workers throughout the twentieth century. There were roughly 3 000 to 4 000 dockworkers working on a casual basis, on average three to four per week, in 1940s and 1950s Durban (Hemson, 1977: 91) They were not guaranteed any permanent work, but on the other hand there was a constant demand for dock workers in Durban (Dubbeld, 2002). This gave workers some structural power as they were able to move between different stevedoring companies looking for better wages on a particular day (Dubbeld, 2002). The casual dock workers had a long history of struggles to improve their working conditions and wages, and in larger political and economic struggles in the 1940s and 1950s and played a role in the new unionism that started in the 1970s including T&GWU (Dubbeld, 2002; also see Cole, 2018; Hemson, 1977).

Bridget Kenny's work (2016, 2018, 2021) has examined the retail sector in South Africa and shows a long history of part-time and casual labour, well before neo-liberalism, although neo-

liberalism has increased its use. It was promoted by the state to increase appeal of retail sector jobs for whites, especially women, and reduce high labour turnover (Kenny, 2016: 26-27). In the 1930s, casual labour existed in the retail sector was legally allowed, defined as a temporary employment of not more than fourteen days in three months; in the late 1930s, this was shifted to more than two days per week (Kenny, 2016: 27). By the 1950s, casual labour was normalised, and defined as a worker who work not more than three days per week (Kenny, 2016: 27).

These workers were included temporary workers hired during holidays, festive seasons, and busy months (Kenny, 2016: 27). Lacking rights to paid leave or to notice of termination of a contract, casual workers were given a premium wage of one-and-a-third (Kenny, 2016: 27). The premium was intended to discourage the substitution of casuals for permanent workers, and to compensate casual workers for working without benefits or leave rights (Kenny, 2016: 27). They were not included in the bargaining unit of registered trade unions. The system was presented as advantageous to the casuals, like young white men who were students, working to gain work experience, or white women working from 11:00 to 15:00, so that they can leave work early for domestic and childcare duties (Kenny, 2016: 26-27).

In the 1960s onwards, the use of black African workers was increasing in the retail sector, the use of casual workers expanded, and employment standards fragmented (Kenny, 2016: 30-31). This continued in the late apartheid and post-apartheid period, and while casual workers continued to be viewed as temporary, many were employed for lengthy durations while excluded from basic protections and benefits (Kenny, 2016: 30-31). Some were students working in their spare time, and both white and black African workers also arranged for their children and relatives to work as casual workers for extra income (Kenny, 2016: 30-31). Permanent, full-time, and unionised workers did not take casual workers seriously because of their subordinate status, with unions like SACCAWU focusing on workers in what we can call the SER (Kenny, 2016: 30-31).

The importance of examining the SER in a historical way shows that labour markets were fractured and race-structured under apartheid, and workers with jobs closer to the SER, like those in the “subordinate primary labour market” in manufacturing (Webster, 1994) and black African (migrant) mine workers (e.g., MacShane, Plaut and Ward, 1984; Moodie, 2016) often had relatively few rights, low pay, and few benefits. Workers of all races could be found in

various forms of “atypical” work, but based on what we have seen here, the racial system meant that SER-type jobs were predominantly white, and lower skill casual jobs were predominantly black African. Some unions, like in retail, ignored atypical workers long before neo-liberalism.

The next argument to unpack is the one that a lot of the new unionism organised large numbers of precarious workers before the 1990s, many of them workers in the “secondary labour market.” It is true that semi-skilled factory workers, often on Fordist assembly lines in sectors like auto, meaning the “subordinate primary labour market” in manufacturing (Webster, 1994), played a key role in the new unionism (Adler, 1994; Maree, 1992). Sometimes this layer is almost presented as the base of the new unionism (von Holdt, 2002). But this is not the case. Migrant and other precarious workers were in fact a very large part of the new unions, “by building unity between workers, they believed, that they can bring about change in their lives” (Webster, 1994: 321). These workers had an important influence on formations like FOSATU, MAWU and UAW (Buhlungu, 2001; Forrest, 2011; Ulrich, 2007). A large part of the new wave of struggle centred on fighting to equalise employment conditions, with FOSATU for example on registering in the new non-racial industrial relations system established with the Wiehahn reforms on condition that racial segregation was not required, and the system included migrant and foreign workers (Ulrich, 2007).

This confirms Lucien van der Walt’s points (2019a: 16; also see Ulrich and van der Walt, 2022), in a survey of African labour history, that the SER is not standard but “quite rare,” and that instead of being the precondition for unions, is very often a *consequence* of union organising. The term SER is itself a problem as it was never standard, and on the other side, precarious work has never been “atypical,” which are also good reasons to speak of “precarious” rather than “atypical” or ‘non-SER” employment. This is also why I often speak of the “so-called” SER, not “the SER.” It is important to historicize precarity, avoiding a “year zero” approach that treats it as a novel challenge for unions, or as reducible to neo-liberalism.

It was obviously much harder to unite workers, level-up conditions, organise precarious labour, expand rights and win progress towards the SER in the “face of authoritarian, racist and violent colonial [and apartheid] regimes, forced labour and mass unemployment” but workers “made decisive progress from the 1930s” (van der Walt, 2019a: 16). As Jeff Rudin (1996: 124) notes, not only did unions face the adverse economic conditions, but many “were historically founded in conditions of illegality.” This means that the disinterest or failure of many COSATU unions

to organise non-SER workers since the 1990s, despite the much better situation provided by the LRA, the Constitution, and a Tripartite alliance that means the ANC government relies on union support, is *not* properly explained by the fact of neo-liberal restructuring.

In this way, history brings us back to the issue of understanding not just *how* but *why* unions respond to current challenges in particular ways, which brings us back to the issue of trade union identity. As Heery and Abbot (2000: 155, my emphasis) note, if employees “are becoming more insecure, then surely this reflects, at least in part, *the decline of trade unionism*, the primary institution upon which employees have relied for protective regulation at work.” Since a decline in the numbers of workers under SER directly threatens unions as organisations through a loss of membership, which is key to political and economic power, and means financial losses for trade unions (Pernicka, 2005: 208), a failure to act, which is possible, requires a more detailed explanation. Since there are long histories of relatively successful and sustained union responses to precarity – including in the making of FOSATU and COSATU – it is important to avoid pessimistic accounts that see unions as doomed by precarity.

2.5. Historicising neo-liberalism, including in municipalities

The section above made the arguments that precarious work existed on a larger scale before neo-liberalism – although it is promoted by neo-liberalism – and that successful unions are not the simple product of so-called SER jobs, and that union failures around non-SER workers are not due in a direct way to neo-liberalism. Now I want to make the last part of the arguments criticising the literature, which is that not just precarious work, but also neo-liberalism preceded the ANC (and DA) governments.

From the late 1970s the apartheid government can be said to have started the “dual transition” by experimenting with political reforms, like the Wiehahn reforms, the introduction of Black Local Authorities (BLAs) in 1983 and the Tricameral Parliament in 1984 (see later), and a major move to neo-liberalism. A 1985 White Paper on Industrial Development Strategy questioned whether local industries should continue to receive extensive state aid, rather than being pushed to raise their productivity (Clark, 1993: 166). In speeches in the same year, senior NP leaders stated that the government would be promoting “free enterprise” and effecting privatisation (Beretti, 1986: 17).

SOCs were increasingly seen as inefficient, unsustainable, and poorly managed (Cheteni and Khamfula, 2018: 5; Jauch, 2002: 5; van der Walt, Klerck and Helliker, 2022). Privatisation of state assets was also seen as a strategy to transfer important resources from the state to white private business, before majority rule, and to depoliticise services (Clark, 1993: 166).

The moves to neo-liberalism included a significant amount of corporatisation, commercialisation, and privatisation of state assets. SASOL was privatised from 1979, with 70 percent of its shares sold on stock exchanges, the remaining 30 percent owned by the apartheid government (Community Resources and Information Centre, 1989: 60-61). Seventy percent of the sold shares were bought up by big private South African firms, notably Anglo American, Sanlam, Old Mutual and Rembrandt (Community Resources and Information Centre, 1989: 60-61). More shares were sold in the years that followed.

In 1985, SAR&H was reorganised and renamed the South African Transport Services (SATS), corporatised into a distinct entity. In 1987, the NP formed a government privatisation unit, issued a White Paper on privatisation and deregulation, and announced that state corporations such as ESKOM would be commercialised (Gentle, 2011: 12-13; van Driel, 2003: 65). The White Paper argued that the state must reduce its involvement in the economy and expand the space for the private sector (ILRIG, 1999: 26; Republic of South Africa, 1987). It defined privatisation as “The systematic transfer of appropriate functions, activities, or property from the public to the private sector,” and argued that “services, production and consumption can be regulated more efficiently by the market and price mechanisms” (Republic of South Africa, 1987: 8). It proposed that that privatisation should be done in the following methods, namely: partnerships, leasing of business rights, sale of assets, and contracting out of services that were previously provided by the state (RSA White Paper, 1987: 8).

President P.W. Botha announced more privatisation plans in early 1988, and steps were soon taken (Clark, 1993: 165-166; Freund, 2018: 210; Gentle, 2011: 13; Greenberg, 2006: 10; Jardine and Rix, 1996: 63; NALEDI, 1999: 21; van der Walt, Klerck and Helliker, 2022; van Driel, 2003). The giant state iron and steel company, ISCOR, was sold off by 1989. The state-owned diamond mines were restructured as Alexkor, a registered and fully commercialised company. ESKOM started to be commercialised, and the SAR&H, which had been changed into a SOC called SATS in 1981, was restructured into Transnet in 1990. Various homeland governments contracted out water supplies to private operators in the late 1980s (Ruiters, 2002:

42). In 1991, the National Sorghum Breweries was privatised, and the operations of the Department of Posts and Telegraphs (P&T) were broken into the South African Post Office and Telkom, Telkom was commercialised, registered under the Companies Act., and paid tax and operate on corporate lines (van Driel, 2003: 65; Hentz, 2000: 203).

There were modest steps towards privatisation at the municipal level in the 1980s, which will be discussed in chapter seven. After coming to power in 1994, the ANC-led government, backed by COSATU, was faced with a daunting economic reform task, as South Africa was isolated from the world economy and economically stagnant, while the apartheid legislations had left deep scars in the socio-economic structure (van der Berg, Burger, Burger, Louw and Yu, 2005: 4). Then, the ANC-led government was faced with two transformative challenges. Firstly, a predominantly social one of dealing with gross inequalities created by the apartheid system, and specifically, improving the lot of millions of people, mainly black Africans and Coloureds, and secondly, an economic one of getting the economy revived in order to be able to have the necessary money to finance the redistribution and reconstruction required (van der Ber et al., 2005: 4).

The ANC-led government adopted the state-led RDP in 1994, a broadly Keynesian and social democratic reform package that served as the ANC's 1994 election manifesto (Reed and de Wit, 2003: 30-31; Kanyenze, Kondo and Martens, 2006; Hausmann, Sturzenegger, Goldstein, Muci and Barrios, 2022). The RDP originated in COSATU and was meant as an alternative to the neo-liberal methods of economic revival being promoted at the time by the NP and big business (Forrest, 2011). It outlined ambitious reforms for the country, based on a leading role for the state, and was accepted by the ANC as part of the growing closeness of the ANC, COSATU and SACP at the time, shown by an overlapping leadership, and many COSATU leaders, Jay Naidoo (former general-secretary of COSATU) becoming a Minister for the RDP in President Nelson Mandela's first Cabinet. Not only did ANC members assume many leading positions in COSATU, but former COSATU leaders became prominent in the ANC leadership and ANC-led government. A notable example was Cyril Ramaphosa: former head of the NUM, he became ANC secretary-general, played a major role in the CODESA negotiations, and became Deputy President.

The RDP rejected neo-liberalism, it envisaged markets being regulated and shaped by the state as well as by democratic bodies, so the ANC took office based on a redistributive and

interventionist policy (Frye, Farred and Nojekwa, 2011: 271; Nattrass, 2014: 129). It was defined as an “integrated, coherent socio-economic policy framework that seeks to mobilise all South African people and the country’s resources towards the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future” (quoted in Turok, 2011: 153). It emphasised that the South African economy should be stimulated through increased demand for producer and consumer goods and services, including through mass public works programmes (Luiz, 2002: 594). The RDP was intended to address poverty, inequality, and the legacies of apartheid by meeting basic needs, investing in job creation, housing, welfare, water and sanitation, health care, transport, undertaking land reform and having a people-driven approach (Luiz, 2002: 594). Concrete, ambitious targets were set: universal primary health care, compulsory free education to all South Africa children, one million government-provided houses by the year 2000, 2.5 million new jobs over a ten-year period, clean running water and sewerage to one million homes within five years and restructuring of government institutions to be representative of the larger society (Mothabi, 2017: 66).

The RDP achieved some of its targets, notably the building of 997 771 low-cost RDP houses between 1994 and 2000. The RDP also managed to provide running clean water to 1.3 million people living in rural areas and more than 3 million people had access to sanitation (Mothabi, 2017: 67). On the other hand, the RDP failed to grow the economy by its predictable 4 and 6 percentages; the South Africa tax base dropped, and it impacted the government’s revenue negatively; and the value of the rand dropped by more than 25 percent (Mothabi, 2017: 68).

The RDP was never implemented, and was formally replaced by the neo-liberal GEAR policy in 1996 (van der Ber et al., 2005: 4; also, Pitcher, 2012: 244; Hausmann et al., 2022: 17). This was a package of orthodox neo-liberal measures, including fiscal austerity, the restructuring of state assets through commercialisation, corporatisation and privatisation, increased labour market flexibility, and the deregulation of trade as well as capital movements (Habib and Valodia, 2006: 232; Reed and de Wit, 2003: 30-31; Swilling and Callaghan, 2021; van Driel, 2003: 65).

It should be noted that GEAR was not adopted due to conditionality-based lending by the International Monetary Fund (IMF) or World Bank, but a “home-grown” plan by the local ruling class (Gentle, 2011: 10-11). Neo-liberalism was thus entrenched after apartheid ended, rather than introduced by the ANC (van der Walt, Kleck and Helliker, 2022). After the adoption

of GEAR, the ANC-led government had drafted and published a sequences of strategic economic planning documents that reflected the shifting priorities of the policy makers (Hausmann, Sturzenegger, Goldstein, Muci and Barrios, 2022: 17; Hofmeyr and Patel, 2022: 15). These included the Accelerated and Shared Growth Initiative for South Africa (ASGISA) published in 2006, the New Growth Path (NGP) published in 2010, and the National Development Plan (NDP) published in 2012 (Hausmann at el., 2022: 17; Hofmeyr and Patel, 2022: 9).

These policy documents had in common a focus on the reduction of unemployment, poverty and inequality, and the transformation of the economy into an inclusive one (Hausmann at al., 2022: 17). However, neo-liberalism remained the preferred strategy to attain these goals. ASGISA, published in around 2004 and made a national policy in 2006 is a case in point (Pitcher, 2012: 148). It continued to embrace liberalisation, and private sector-led growth, although it placed increased emphasis on skills development, strengthening state capacity and boosting infrastructure through SOCs (Pitcher, 2012: 248). It promoted the international competitiveness of the tradable sector, and reducing currency volatility (Hausmann et al., 2022: 17).

The subsequent NGP focused on the ASGISA theme of government investment in infrastructure via SOCs, and public services, such as education, as enabling economic growth (Hausmann et al., 2022: 17). In 2012, the government published the NDP, a broad-ranging document that was not simply an economic policy framework (Hofmeyr and Patel, 2022: 9; Hausmann et al., 2022: 17). It aimed at dramatically reducing poverty and inequality in 2030, and included issues like health, security, and a low carbon economy (Hausmann et al., 2022: 17). Then, drawing on the NDP, the National Treasury published the Economic Transformation, Inclusive Growth and Competitiveness framework that again stresses the need to modernise infrastructure to reduce barriers to entry (Hausmann et al., 2022: 17).

In other words, neo-liberal values have guided ANC government since at least 1996, under the late president Nelson Mandela, his successor presidents Thabo Mbeki and Jacob Zuma, and the current president, Cyril Ramaphosa. Concrete steps have been taken in various areas, sometimes picking up where the NP left off. The sale of state-owned houses accelerated and, so that by 2012 more than 90 percent of the state-owned houses in former black townships were sold off, or transferred by means of benefits scheme (Sefika, 2012: 70). TELKOM was

partly privatised through listings on stock exchanges although the government retained around 30 percent (van Driel, 2003: 65). The ANC has avoided huge selloffs, rather emphasising corporatising and commercialising SOCs, like the ESKOM, the Post Office and Transnet, and promoting various types of Public-Private Partnerships (PPPs) that retained a role for the state beyond simply that of regulator. PPPs entailed the state bringing in the private sector through leases, concessions, and outsourcing, or “build, operate and transfer” (BOT) arrangements, and all commonly done at municipal level.

Some features of GEAR policy, notably privatisation, also served other goals of the ANC-led government, like economic development and BEE. For example, the Gautrain, an advanced high-speed commuter rail service in Gauteng province that came into operation in 2012, was a successful PPP by the Gauteng provincial government and the private sector, via the Bombela Concession company (Pitcher, 2012: 251). The company is a consortium awarded 20-year a BOT (Pitcher, 2012: 251). Bombela contributed R3 billion to the project, and the government contributed R23 billion (Pitcher, 2012: 251). There are some interesting features. Most of the materials used to build the Gautrain were sourced locally (Pitcher, 2012: 251). The Gautrain project has contributed to skills training and development, and the project contracted construction work to firms that recruited unionised workers (Pitcher, 2012: 251).

The ANC-led government has used privatisation extensively in its pursuit of BEE, a transformation framework in which “black” means all people racially disadvantaged under the old government, i.e., black Africans, Coloureds, and Indians (Pitcher, 2012: 244).⁸ The objectives of BEE are to promote “black” ownership of land and economic assets, aiding “black” small and medium businesses; expanding “black” ownership of shares in existing private firms, by setting targets for BEE; and challenging the racialised structure of the workforce through employment equity measures with a focus on increasing black representation at the senior levels of the private sector, the state and SOCs (Pitcher, 2012: 244-245; Shava, 2016: 161).

BEE consists of a set of regulatory and funding mechanisms intended to redress, essentially, historic economic marginalisation, understood primarily in terms of access to business opportunities and to senior management roles. Rather than use measures like nationalisation to

⁸ A legal challenge later added Chinese.

achieve these goals, the BEE focus is on managing markets – and the neo-liberal framework – to achieve BEE outcomes.

In addition to fostering employment equity, the state promotes BEE in three main ways: charters with specific industries, based on BEE targets agreed by the private sector; ensuring that government traditionally awarded to the private sector are allocated to BEE-accredited firms; and using privatisation deals for BEE purposes. For example, Gautrain project drew in roughly 350 BEE firms, and the total value of procurement is estimated at around R3.24 billion (Pitcher, 2012: 251). The sale of TELKOM shares included heavy discounts for BEE investors; BEE consortiums were involved in purchases of shares in TELKOM, state forestry companies, and the small Sun Air small airline company (Pitcher, 2012: 245).

In municipalities, privatisation has been used for BEE / BBBEE. For instance, in 1997, the ANC-run Tygerberg City Council in the Western Cape outsourced refuse collection service to a private company called Billy Hattingh and Associates in a section of Khayelitsha township, north of Spine Road (Xali, Qotole, and Barchiesi, 2001: 8). Billy Hattingh and Associates signed a contract with the local authority, with residents acting as entrepreneurs (Xali, Qotole, and Barchiesi, 2001: 8). This PPP saw the firm give local entrepreneurs a truck and a monthly fee to collect waste (Hemson, 1998: 20; McDonald and Ruiters, 2006; Miraftab, 2004; Theron and Visser, 2010; Xali, 2001). It is one of many such contracts in the Cape Town municipality (more are discussed later). In the Northern Cape Province, Sol Plaatje Municipality entered a three-way partnership with Billy Hattingh and Associates, which sub-contracted to local entrepreneurs to provide waste management services (Samson, 2003: 42-43).

In 2004, BEE was reframed as a more inclusive Broad-Based Black Economic Empowerment (BBBEE), which aimed to ensure that smaller firms, and township communities, also benefitted (Breakfast, Okafor, and Bradshaw, 2014: 29-30; Habiyaemye, 2022: 81). Measures to expand BEE now came to include skills development, pressuring BEE-accredited contractors to make more use of local labour, rather than just their existing workforce, and to subcontract out functions to smaller BEE firms. Under Jacob Zuma, the ANC began to use a rhetoric of “radical economic transformation,” which retained the heavy use of state contracts for BEE, but focused on huge deals, like railways recapitalisation; extensive state funding for black capitalists, including by using the state’s Public Investment Corporation (PIC); and increasing BEE targets

in the charters with the private sector (Bhorat *et al*, 2017; Jonas, 2019). Revisions to the Mining Charter were the most controversial and ended in litigation.

The BEE system has been controversial. First, many deals involved politicians, senior officials, and other politically connected people (Pitcher, 2012; Johnson, 2015: 36-37; Breakfast, Okafor, and Bradshaw, 2014: 32). Makgaba (2021: 412) argued that BEE resulted in a diversification of the ruling class, primarily benefiting post-apartheid political elites and their clients (Makgaba, 2021: 412). A small black African capitalist elite emerged, but in partnership with local white and international capitalists (Fourie, 2022: 832).

The second main criticism was that the BEE system reinforced neo-liberal thinking amongst the ANC and corporate leadership (Fourie, 2022: 832, 840). It incentivised business and government to keep pursuing neo-liberal policies like privatisation (Fourie, 2022: 840). The Gautrain project, for example, benefited black political elites, who gained access, local white capital, and international conglomerates (Fourie, 2022: 840).

In a similar way, Makgaba (2021), argued that while the “radical economic transformation” phase increased BEE targets and pressures, it remained located inside the neo-liberal framework. For example, the revised Mining Charter relied on shaping the markets, and the cooperation of the private sector (Makgoba, 2021: 410). The focus was a shallow reallocation of resources to elites, hidden by the argument that all blacks were oppressed: black elites were presented as having the same basic interests and experiences as the black working-class, their empowerment somehow benefitting all blacks. In this way, the ANC’s discourse under Zuma remained left-wing and Africanist in posture, while market oriented in practice, an approach some call “talk left, act right” (Makgaba, 2021: 412).

The third criticism was that not only did BEE measures focus on elites, but actively perpetuated the basic inequality between the classes. Most black Africans were working-class and poor, and the measures did not address their basic situation, while giving black African elites and the ANC leadership an interest in perpetuating that situation. This can be seen at the municipal level, where PPPs are BEE-accredited but use cheap (mostly black) precarious labour, outside of the municipal collective bargaining, employment, and union systems.

The state also actively subsidises the spread of precarious work, including in municipalities, through the EPWP system. As the workers are paid by national government, they do not affect

municipal bills. Municipalities such as Cape Town, Johannesburg, and Ekurhuleni have been using the EPWP system to obtain temporary workers to conduct tasks like public cleaning, i.e., waste collection and street cleaning (Stoke and Lawhon, 2022: 8). The jobs provide financial compensation and experience, but wages are exempted from NMW rulings, and are roughly half the national minimum wage (Stokes and Lawhon, 2022: 8). Wages differ among the EPWP workers by sector but *must* be below the cost of living as that cost is used to set the national minimum wage (Pitcher, 2012: 252).

For the purposes of this thesis, an additional issue is to be highlighted: municipal PPPs, especially service contracts and labour broking, have been key to driving the expansion of atypical municipal labour. These, plus the use EPWP workers, help municipalities cut costs including the wage bill. They also affect industrial relations by moving workers out of the main bargaining unit, and creating a fissured workplace, in this way “outsourcing” a large part of the industrial relations issues that the municipalities would otherwise face. From the late 1980s but accelerating in the 1990s, many municipalities, among them Durban municipality, Dolphin Coast, Mbombela (Nelspruit), Johannesburg, Fort Beaufort and Stutterheim towns privatised some of their services (Khan, 2005: 58-59; Ronnie and van Niekerk, 2009: 30).

This was closely associated with declining labour standards and de-unionisation. Rees (2009: 111) has shown, for example, that Cape Town, eThekweni (Durban), Gqeberha (Port Elizabeth, in the Nelson Mandela Bay municipality) and Tshwane (Pretoria) have made extensive use of labour brokers to cut labour costs, avoid labour problems, and fill vacancies. The use of labour brokers contributed to the decline of SER work in the municipal sector, and direct municipal employment fell from 240 000 in the 1990s to 190 000 in 2005 (Rees, 2009: 112).

Privatisation has also created fertile ground for corruption. Corrupt deals have centred on rigging the allocation of tenders, including through bribes and insider connections; contractors being overpaid, sometimes because rigging leads to more expensive tenders being successful, sometimes because payments are adjusted upward after contracts are signed; and contractors being paid for substandard, incomplete, inappropriate, or even the non-supply of services or products.

There is always scope for corruption within government, but the thousands of procurements and other deals involved in privatisation are hard to monitor and easily manipulated by insiders

(Chipkin, Tshimomola, and Brunette, 2014). The Zuma era has been dubbed one of “state capture” because of the huge scale of corruption. The term “state capture” refers to a systematic plunder of state resources by a “shadow state” of political insiders and private investors focused on the bigger SOCs, like ESKOM and Transnet (Jonas, 2019: chapters 4, 7, 12; also see Bhorat *et al*, 2017). Such corruption is also seen at local government as ward councillors, municipal officials and private companies collude to win municipal tenders. It is enabled by a centralised and complicated procurement system (Chipkin, Tshimomola and Brunette, 2014). In 2015, it was noted that 61 allegations of corrupt tenders had been submitted to Corruption Watch for Johannesburg, 29 for Tshwane, 19 for eThekweni and 11 for Cape Town (Corruption Watch, 2015: 3).

This brings us to the fourth criticism of BEE, which is that it creates huge challenges for COSATU through the Tripartite Alliance. COSATU is openly opposed to narrow elite-focused BEE as well as privatisation, corruption and state capture, however, its partner, the ANC is centrally actively involved in all of these developments, and its leaders have a vested interest in BEE and neo-liberalism. For example, in the 2000s, there was reported corruption in the city of eThekweni (Durban) award of a bus service contract to the Reman Alton company. The company did not meet all BEE requirements, presented misleading information, and used political influence to win the contract (Khan, 2005: 58-59). The CEO had an ANC and UDF background, and connections to key ANC people in government including the Mayor and the Minister of Public Transport (Khan, 2005: 58-59). Remant Alton buses were also provided to the ANC to take people to and from rallies (Khan, 2005: 58-59).

These developments are not contained outside of COSATU, because they spill over into federation and its affiliates. Many union leaders are involved in the BEE system centred on the ANC (see e.g., Buhlungu, 2010). COSATU and its affiliates have been involved in BEE deals – including privatisation – through union investment companies (Pitcher, 2012: 254), including in sectors organised by COSATU unions. Even where the situation does not involve corruption, it clearly means that many COSATU leaders and companies are linked into the ANC, BEE, and neo-liberalism by direct economic benefits – at the same time as COSATU criticises BEE and neo-liberalism.

A key BEE success story is Cyril Ramaphosa, in the 1980s a militant NUM leader and the first general secretary of NUM. After apartheid, he became a billionaire through BEE deals –

moving from a militant organiser of black mineworkers to a major shareholder in the mines. In 2012, he was a senior figure in the Lonmin platinum mining company, when police shot and killed striking miners at Marikana, (see Kenny, 2020). After COSATU turned against Zuma, it shifted support to Ramaphosa, including in battles inside the ANC, where many COSATU and SACP leaders are prominent, and helped him win the ANC in 2017, and then become state president in 2019.

2.6. Trade union responses to neo-liberalism

The final body of literature that I will engage is that on union responses to neo-liberalism, locating South Africa within a larger context. Unions are, other than faith-based bodies, the largest, stable civil society organisations in the world (van der Walt, 2019b). Unions are the primary organised means by which workers, who earn their living sell their labour, struggle to equalise the workers' bargaining power with the employer (Albo, 2009: 122). Unions have also been amongst the most powerful, effective social movements for the advancement of freedom and justice (Kanyenze, Kondo and Martens, 2006: 159). Trade unions have a long history of campaigning, sometimes in alliance with other organisations, for universal participation in politics, civil rights such as the freedom of association and assembly, and programmes to meet the basic social needs of all (Albo, 2009: 122). Unions have been outspoken critics of failed government policies (Kanyenze, Kondo and Martens, 2006: 150), and they have helped topple unjust governments such as in the defeat of apartheid, in which FOSATU, COSATU and other labour organisations played a central role.

Union struggles have historically opposed capitalists, and the rise of neo-liberalism is, in part, a policy response intended to weaken unions (Albo, 2009: 122). Neo-liberalism rolls back gains made by trade unions and workers in the past and halts the push by unions for greater worker control in firms and government policies (Albo, 2009: 122). Thus, the neo-liberal policy of labour market flexibility is not just about cheaper labour but also a means to weaken trade unions and increase corporate power (Albo, 2009: 122). Older class compromises, like the Keynesian welfare state that institutionalised union power and fostered what Hyman called a "political economism" union identity (Taylor, Mathers, and Upchurch, 2011: 19) were abandoned. Commitments to improving working-class lives were replaced by labour-saving measures including atypical work arrangements and cheap mass immigration (Albo, 2009: 121-122) and a push to de-unionise workplaces.

The neo-liberal push for atypical work has had mixed reactions from unions. Unions generally opposed all atypical employment, as this weakened union power and reduced union membership and income (Gumbrell-McCormick, 2011: 297). Initially, many unions did not want to organise atypical workers because they would be viewed as accepting atypical work arrangements. With the growth of atypical employment, many unions have come to accept that atypical work is here to stay, and recognised the need to organise, and represent the interests of, atypical workers (Gumbrell-McCormick, 2011: 297).

This is difficult for a range of reasons. Besides those mentioned earlier, like the fissured workplace, it can be noted that atypical workers, especially young workers, change jobs and locations frequently, which poses a challenge for unions relying on workplace, occupation and industrial organising models (Gumbrell-McCormick, 2011: 299). New technologies and industries have blurred the distinctions between traditionally well-demarcated industries and occupations (Gumbrell-McCormick, 2011: 299), and limited the need to concentrate workers in large numbers. Big companies, both private and SOCs, have reorganised their activities into complicated networks of contractors and sub-contracting, distancing the workers and from the main company (Hardy, 2016: 81-82; Tucker, 2020: 373-374; Weil, 2014: 7-8). Many of these workers are non-union, and relatively cheap; hiring, remuneration, training, supervision, and management are shifted onto the contractors list of responsibilities (Hardy, 2016: 81-82; Tucker, 2020: 373-374; Weil, 2014: 7-8).

The fissured workplace entails workers having differentiated contractual status, linked to different employers, and creates legal and practical difficulties for collective bargaining (Gumbrell-McCormick, 2011: 299), and workers may not see each other as having common interests. For example, immigrants often form a significant part of the atypical workforce. It is difficult to recruit documented as well as undocumented immigrants, as some are seasonal workers and others fear losing their jobs (Gumbrell-McCormick, 2011: 301), and local workers are often hostile. Recruiting and organising highly skilled atypical workers, like technicians, is another challenge, especially when they are separated from other workers for the same firm or supply chain (Gumbrell-McCormick, 2011: 301). These workers tend to think unions are not necessary.

There are, then, higher costs in recruiting and organising atypical workers, particularly temporary workers, and the immediate gains for the unions are relatively small (Gumbrell-McCormick, 2011: 299). Across the globe, union membership among atypical workers is much lower than among full-time permanent workers. For example, only 16 percent of temporary workers are unionised in the UK, compared to 28 percent of permanent workers, while only 22 percent of part-time workers are unionised compared to 30 percent of full-time workers (Gumbrell-McCormick, 2011: 299). Unions, in failing to recruit atypical workers, are weaker in their campaigns, strikes and collective bargaining (Gumbrell-McCormick, 2011: 299). A major challenge for unions is to convince workers that the union can be of practical assistance and that the spirit of workers solidarity is essential (Gumbrell-McCormick, 2011: 300).

How a union goes about representing atypical workers is deeply shaped by their trade union identity (Hyman, 1996, 2004), and context. The union's constitution, structure, ideology, the country's industrial relations system, and the economic situation are among the factors at play (Gumbrell-McCormick, 2011: 297; Mendonca, 2020: 433). There have been reforms of union structures, policies, and actions, often framed as part of a larger trade union revitalisation project (Gumbrell-McCormick, 2011: 299-300). The nature of, and seriousness of, the challenges that unions face varies by country, as do the opportunity structures within which they operate, affecting whether and how unions engage with atypical workers (Gumbrell-McCormick, 2011: 300).

There are some success stories. In the Netherlands, for example, a multi-industry union called FNV Bondgenoten has organised east and central Europeans working as seasonal agricultural workers and immigrants employed through cleaning companies servicing the Dutch railways and the Schiphol airport (Gumbrell-McCormick, 2011: 300). The *Sindicato Nacional do Pessoal de Voo da Aviação Civil* in Portugal made use of social media, flyers, and face-to-face meetings, framing precarious jobs at Ryanair as part of a larger social problem in the country Portugal (Mendonça, 2020: 440). It was able win support from social movements and political parties, raise public awareness and get widespread support for strike actions (Mendonça, 2020: 440). It also successfully lobbied the European Union to force the carrier to comply with the European employment and labour laws framework (Mendonça, 2020: 440). As a result, the union managed to recruit 90 percent of Ryanair cabin crew workers and negotiate with the employer (Mendonça, 2020: 440-441).

The South African situation is more complex, as neo-liberalism is not centred on rolling-back some long-institutionalised class compromise, like the Keynesian welfare state, or an attack on pre-existing rights. The 1995 LRA – setting up the country’s most inclusive labour rights and statutory industrial relations system ever – happened long after neo-liberalism started and was a remarkable development at a time when labour rights were being gutted worldwide. While corporatism was being phased out in many countries, COSATU helped secure the launch of the National Economic Development and Labour Council (NEDLAC) in 1995, which provides a space for policy discussions and social pacts. The post-apartheid government is also openly committed to alleviating poverty and promoting decent work. These developments co-exist with neo-liberalism.

As a result, precarious forms of labour in South Africa are often used to get around or mitigate the impact of the LRA, and unions, and in response COSATU (as indicated earlier) has pushed back by using its influence in the Tripartite Alliance to clamp down on atypical work through LRA amendments. For example, amendments to the LRA and the Basic Conditions of Employment Act (BCEA, effective 2015 and adopted in large part due to COSATU pressure, restricted the scope for labour broking, and included stipulations to prevent people being permanently employed as casuals (Bagraim, 2019). This top-down approach co-exists with COSATU resolutions to organise atypical workers, although, as indicated, these resolutions are not often turned into action. Where unions do try, they face divisions between more permanent, in-house employees, and the casual and outsourced workers that are not simply structural in nature (Kenny, 2016: 31). In retail, for example, unionised permanent staff have often looked down on casual workers as young and less experienced, and they were ignored by the union (Kenny, 2016b).

It was hoped, by COSATU, that tripartite national-level bargaining would ensure organised workers’ a direct influence on law, and economic and social policy (van der Walt, 2019a: 5). NEDLAC was intended to enable a consensus between business organisations, the state and organised labour (Kim and Westhuizen, 2015: 1; Maree, 1998: 45; Vettori, 2005: 300). Initial parties to NEDLAC included COSATU, Business South Africa (BSA), the National African Federated Chambers of Commerce (NAFCOC), the smaller National Council of Trade Union (NACTU), FEDUSA, and “community” representatives (Gostner and Joffe, 1998:133; see subsequent sections for more on NEDLAC).

NEDLAC has however generally failed to consider union proposals for alternatives to neo-liberal growth models, numerous union objections to existing policies have been ignored, and GEAR itself never served at the body (van der Walt, 2019a: 5). As elsewhere, corporatism has promoted union bureaucracies, eroded workers' control, and helped contain unions within official channels (van der Walt, 2019a: 5). The basic corporatist assumption of a common interest in eradicating poverty, decent work, and empowering workers, is dubious (van der Walt, 2019a: 4). For example, given the global race to the bottom in manufacturing, states have few incentives to adopt a Decent Work Agenda as it will push up costs (van der Walt, 2019: 5). At the same time, the unions are declining in power and vision, reducing their capacity to win major concessions through bodies like NEDLAC (van der Walt, 2019a: 7).

2.7. Conclusion

As this chapter has shown, SAMWU and the larger COSATU federation have long faced challenges posed by neo-liberalism, including the spread of precarious work. Neo-liberalism did not start with the ANC, and precarious work did not start with neo-liberalism. But neo-liberalism has promoted precarity, and in government, the ANC has promoted neo-liberalism, including at municipal level. In the 1980s the ANC, COSATU and SACP shared a commitment to opposing privatisation, but once in government, the ANC shifted course, shown in policies like the RDP and GEAR, and in linking privatisation to BEE. Neo-liberalism and precarity are challenges to the unions, but COSATU faces the additional challenge of being in the Alliance with the ANC, which promotes these measures, meanwhile also involving union leaders and investments in BEE privatisation deals that reinforce the Alliance.

Neo-liberal measures, dating back to the 1980s under the NP in south Africa, have had some successes. The GEAR policy, for example, strengthened the country's finances, lowering interest rates, and bringing inflation under control (Reed and de Wit, 2003: 30-31). For example, in 1997/8, South Africa's fiscal deficit dropped from 10 percent to 4 percent of the Gross Domestic Product (GDP), and foreign reserves increased (Reed and de Wit, 2003: 30-31). Inflation dropped from an average of 15 percent in the 1980s and 1990s to an annual rate of 5.2 percent in 1999 (Habib, 2013: 81). The average annual growth rate increased to 2.8 percent, from 0.6 percent in the last eight years of apartheid rule (Habib, 2013: 81).

Generally, however, growth has been uneven, with low productivity, wealth concentrated in the hands of a few (Moleko and Swilling, 2020). Employment figures continued to worsen, affecting up to 30 percent of the adult working age population by the early 2000s (Reed and de Wit, 2003: 31). Even using a narrow definition of unemployment, based only on active work seekers, 35 percent were unemployed at the end of 2021 (Hofmeyr and Patel, 2022: 17). An expanded definition of unemployment that includes all the economically active population places it at 46 percent (Hofmeyr and Patel, 2022: 17-18; also see Statistics South Africa, 2020, 2021). Unemployment is highest amongst youth and women and black Africans. The economy simply does not absorb enough people, leaving vast numbers behind (Hofmeyr and Patel, 2022: 18). Poverty, driven largely by income inequality – wages and unemployment – is entrenched amongst the lower income majority, mainly black Africans but including a significant number of Coloureds (Moleko and Swilling, 2020).

It is important to note that neo-liberalism exists worldwide but is shaped in important ways by local contexts. For example, the linking of privatisation to BEE is shaped by South Africa's past, and the politics of the ANC, and the existence of the Alliance shapes how the largest union federation, COSATU, can respond. Lastly, Limited state capacity, complicated procurement systems, corruption, including Zuma-era state capture, and ANC-infighting, also mean that even market-friendly policies are shaped led to poor implementation and many failures, like ESKOM's increasingly unreliable power supply (see Bhorat *et al*, 2017; Chipkin, Tshimomola and Brunette, 2014 Jonas, 2019: chapters 4, 7, 12; van der Walt, Helliker, and Klerck, 2022).

While BEE and BBBEE have been quite correctly, criticised for benefiting a small number of well-connected individuals, and being linked to privatisation and precarity, they have created access to thousands of government contracts and promoted the emergence of a substantial, state-backed black capitalist group that overlaps with the leadership of the ANC-led government (Pitcher, 2012: 254). A larger effect has been that access to contracts and business opportunities have been presented as the “only possible way for the poor to get themselves out of poverty, the working-class and poor majority understood as people who need to find means to become entrepreneurs and exploit their own human capital” (Fourie, 2022: 840).

Another effect has been to draw COSATU leaders and resources into BEE and neo-liberalism, especially through the connections to and overlaps with the ANC that the Alliance represented, while at the same time, COSATU unions criticise BEE for being narrow and try to fight against

precarity and privatisation for being anti-worker. This indicates the importance of looking at the history and politics of unions, and how these shape union responses to issues. COSATU unions share common features, but also show significant variations in how they act. As this chapter and the previous one have indicated, and as I will argue in what follows with reference to SAMWU and its main predecessor, the CTMWA, Hyman's "trade union identity" provides a way to understand these complexities.

Chapter Three: Industrial Relations in a Divided Working-Class: Making a Fragmented Movement

3.1. Introduction

All working-classes are divided. In the South African case, the divisions include those of skill, race, gender; of settled versus migrant labour; of ethnicity and language; of legal rights; of politics, union type and union affiliation; and division by type of employment. This is reflected in a fragmented union movement, and a wide range of union identities. It is not possible to provide, in one chapter, a complete discussion of all these issues. This chapter will focus on the working-class in South Africa, which was shaped by a racially structured capitalism, and examine how this had a significant impact on the nature of industrial relations, on industrial relations and workers' rights, and on unionisation over time.

This chapter aims, above all, to provide the background against which developments in Cape Town, and the rise of the CTMWA and SAMWU – the focus of the next chapter – can be better understood. This chapter will focus on the emergence of a fragmented labour movement, shaped by a dualistic industrial relations system, exemplified by the 1924 ICA and the 1953 Native Labour (Settlement of Disputes) Act, both of which included divisions not just between white and black African, but between Coloured, Indian, and black African. This was further complicated by the existence of a large, organised white working-class with strong unions: class and race were not identical.

3.2. A divided working-class and coerced labour

Before the 1860s, there was a steady increase in the area under white rule in what would later become South Africa, but the territory was marginal to the world economy and a “patchwork” of British colonies, Afrikaner republics and African polities (van der Walt, 2007: 23). There was no central government, little in the way of economic integration and capitalist production was largely confined to farming near the Southern coast.

With the opening of large-scale diamond (1860s) and gold (1880s) mining, it was transformed, becoming a focal point of the world economy, attracting massive investment, and Britain, waging war against the independent Afrikaner as well as black African polities, forged it into one white-ruled Union of South Africa in 1910 (van der Walt, 2007). The new capitalist economy, centred on the Witwatersrand, was built on colonial relations of domination, meaning that black Africans, and to some extent Coloureds and Indians, provided a cheap labour force – lacking rights, they could be subject to racist laws, many of them coercive (like contracts on the mines that criminalised strikes and “desertion” for black Africans), and this was key to the new economy (van der Walt, 2007: 24-29). This structure would be systemised from 1910 in the form of a dualistic labour system, represented by the ICA and the Native Labour (Settlement of Disputes) Act.

This emergent capitalist society was manifested itself in the establishment of gigantic foreign-owned mining companies, land expropriation and labour-repression, and massive labour immigration from abroad, was marked by a vast array of oppressive labour legislation and regulations (Mothabi, 2017: 63). Pre-colonial and pre-capitalist modes of production and life were upended (Le Roux and Davis, 2019: 97). Labour control was a centrepiece of colonial and apartheid rule from the 1860s. Key features included a migrant labour for black African men, drawn from traditional lands that now became labour reserves, harsh contracts, pass laws controlling movement as well as labour supplies, low and racially discriminatory wages, and the repression of black workers organisations and strikes. The basic modern labour pattern, set out on the mines, was extensive use of black African migrant labour, coercive and racist measures against black African labour in general, racist restrictions on Coloured and Indian labour, and a white working-class that dominated the skilled and supervisory roles, but also included many poorer elements.

The state played a major role in creating and disciplining the labour force, in providing infrastructure (for example, docks, rail, power and telecommunications were dominated by the state for almost a century) and in regulating the workplace itself (van der Walt, Klerck and Helliker, 2022). This was consolidated in the Union of South Africa, launched in 1910, which unified the territories under British rule into a self-governing, white-dominated British Dominion. The 1911 Native Labour Regulation Act put in place criminal sanctions for the breach of employment contracts by black African workers in sectors like mining (Budeli, 2012:

467). This Act, also known as the Masters' and Servants Act, effectively made leaving the job, or striking, illegal.

The 1913 Land Act did not allow black African people to buy, hire and occupy 93 percent of the land reserved for and owned by white people (Moosa and Potgieter, 2018: 2; Wolpe, 1972: 436). Regardless of blacks being the majority (70 percent at the time), they could only have rights to around 7 percent – increased to 13 percent in 1936 – of the land (Bhorat, Naidoo, and Yu, 2014: 2; Moosa and Potgieter, 2018: 2; Mothabi, 2017: 63). The effect was to ensure a heavy reliance on wage labour, as the reserved land was not enough for an independent existence, and this is why these reserve areas, later called homelands, were a major source of migrant labour.

This land was held under “customary” tenure and allocated by chiefs. Wolpe (1972: 436) made the interesting observation that to make sure that territorial segregation happened, the Land Act did not allow white people to occupy land in the reserves. He argued that the migrant labour system enabled ultra-cheap labour, as the family income was supplemented by farming in the reserves, and the families were not (like Coloured, Indian, and white working-class families) completely dependent on wages. The system also promoted “tribal” divisions, with for example the mines having hostels segregated along ethnic lines and organised under *indunas*. The laws controlling migrants, the pass laws that restricted where black African men could work, and the hostels, which were closed compounds, closed in the exact sense that people could not enter or leave without permission, i.e., access controls.

A labour-repressive system affecting black Africans including closed compounds, pass laws and contracts criminalising quitting and striking desertion” were important. Coloureds and Indians were also sources of cheap labour, as these workers also lacked political rights, and faced substantial official and social discrimination on racial lines. In this situation, white workers were faced with an ongoing threat of replacement by cheaper, rightless black African, Coloured, and Indian workers, leading many to demand protection in the form of job reservation, and generally seeking a better deal from the other classes of whites (van der Walt, 2007). They initially stressed legal protection so that they do not find themselves competing with the much large number of much cheaper, coerced black African workers, especially on the mines, or with Coloureds in the Cape and Indians in Natal (Budeli, 2012: 467). As jobs became more mechanised, skilled white workers became easier to replace with much cheaper,

semi-skilled people from other racial groups, and meanwhile, skilled black African, Coloured, and Indian workers worked for lower wages (van der Walt, 2007).

It was the white working-class that set up the first unions, starting in the 1880s, and these fought many bitter battles, as even white workers lacked statutory union rights before the ICA (Gentle, Callinicos, Jansen, Nieftagodien and Jordi, 2018; van der Walt, 2007). Most large strikes before 1920 were supported by white workers, some put down by the army. As the white-based unions grew, they set up political parties, notably the South African Labour Party (SALP) founded in 1909. Most embraced, by this time, what Jon Hyslop called “white labourism,” a mix of anti-capitalist and socialist positions with racist and segregationist positions regarding workers of other races (van der Walt, 2007; also, van Duin, 1988). Before the mid-1920s, there was no system of state-managed industrial relations and white workers did not have trade union rights, at the same time the white-based unions were very militant and prepared to fight white capitalists, both over issues around wages and conditions, but also against threats of replacement cheap labour of colour (van der Walt, 2007).

These issues helped trigger the white workers’ Rand Revolt in 1922, an armed insurrection, after which the Pact, a coalition of the NP and the SALP, was elected (van der Walt, 2007). Following the First World War, there was an economic depression and steep inflation (Jordaan and Ukpere, 2011: 1093-1094). Workers of all races came out on strike, with a massive strike by black mineworkers in 1920. Black African mineworkers, lacking unions, pulled off a mass strike, demanding higher wages and the abolition of the reservation of certain jobs for whites (the job colour bar) (Budeli, 2012: 468). They were defeated, their wages kept low, and so the result was a victory to the mine owners and government (Jordaan and Ukpere, 2011: 1094).

The gold mine-owners were at the time looking for other ways to cut costs to prevent profits from decreasing, and to save less profitable mines from closure (Jordaan and Ukpere, 2011: 1094). Firstly, the white workers were informed that wages might not increase (Bendix, 2010: 60). Then, marginal mines were earmarked for closure, which would result in the retrenchment of white mine workers (Bendix, 2011: 60; Jordaan and Ukpere, 2011: 1094; also, Budeli, 2012: 468). Third, there was an ongoing introduction of labour-saving machineries that could be operated by black African workers, or even by unskilled whites, in both cases at much lower wages (Jordaan and Ukpere, 2011: 1094). Last, the mine-owners announced that they would

increase the proportion of black miners to white miners, retrenching thousands of white workers.

White mine workers viewed all of these as an attempt on the part of mining bosses to replace them with cheap black African labour, and this also alarmed the larger white working-class (Callinicos, 1987: 154; also, Bendix, 2010: 60). In January 1922, about 25 000 white mine employees on the Witwatersrand gold mines went on strike protesting increased use of black cheap labour and the looming retrenchments (van Duin, 1988: 61). The strike spread beyond the mines and across the whole country, and as it dragged on, white strikers took up arms and launched an armed insurrection (Bendix, 2010: 60; Krikler, 2005; also, Gentle *et al*, 2018). The Smuts government sent in the army and the strike was destroyed and the main (white) union federation collapsed (Bendix, 2010: 60). By the end of the strike, 500 strikers were wounded, 153 were killed and several strike leaders were hanged (Bendix, 2010: 60).

Mine-owners and the government were shocked by the rebellion and the power and solidarity of the white workers, and they were fearful of another surge of industrial unrest (Bendix, 2010: 60). It was concluded that there is a need to establish statutory machinery for collective bargaining and the settlements of labour dispute between employees and employers (Bendix, 2010: 60). This was introduced by the Smuts government, and when this was ousted by the Pact, the bill, which became the ICA, was passed.

This granted “employees” in a range of sectors the right to register government-approved unions, which then allowed them to represent their members on state-backed bargaining (industrial) councils within which labour matters such as working conditions, wages and the racial allocation of jobs could be negotiated; if this did not reach a solution, workers could strikes without dismissal (de Bruyn, 1984: 31; Callinicos, 1987: 152; Jordaan and Ukpere, 2011: 1094; Budeli, 2012: 468).

These councils were permanent collective bargaining institutions where employers’ organisations and registered unions were represented, and followed a process set out by law (Callinicos, 1987: 152; Bhorat, Naidoo, and Yu, 2014: 3).

As Coloureds, Indians and whites were classified as “employees” under the ICA, they were eligible for membership of registered trade unions and Industrial Councils” (de Bruyn, 1984:

31). An employee was someone who “by or working for, an employer, and receiving or being entitled to receive, any remuneration” and “in any manner assists in the carrying on or conducting of the business of the employer” (de Bruyn, 1984: 31; also, Budeli, 2009: 67; Callinicos, 1987: 152).

Many black Africans were obviously employees, but the ICA excluded most on the grounds that “pass-bearing natives” subject to other (racial) laws, which meant that (almost all) black African men were outside the ICA. Black African women were, technically, covered as “employees” but few worked for wages and of those who did, most were in sectors not covered by the ICA. The ICA also excluded agriculture, domestic work, large parts of the state sector, and essential services, and so union rights were never universal even for whites, and the civil service was covered by other laws ((Callinicos, 1987: 152; van der Walt, 2023a). There was some discretion allowed employers in other sectors to voluntarily recognise unions, or at least, staff associations, and this may explain why municipal workers were able to get some collective bargaining rights as the years passed. It was only with the 1995 LRA that almost all sectoral exclusions were removed.

Black African workers were not actually banned from having unions, as is sometimes thought, but black African-based unions were unable to register in terms of the ICA, either because the workers were pass-bearing, or because they were in excluded sectors (De Clercq, 1979: 71). This placed them outside the collective bargaining system, and at the same time ensured that they remained cheap labour (Bhorat, Naidoo, and Yu, 2014: 3). White-based unions were on the other hand in a much stronger position to protect the interests of their members (Major, 2005: 478; also, Bhorat, Naidoo and Yu, 2014: 3).

The Pact put through other laws and policies that would have a huge impact on the union movement (Callinicos, 1987: 152). The Mines and Works Act, first passed in 1911, which provided a basis for legal job reservation for specific races, was amended and extended (Bhorat, Naidoo and Yu, 2014: 2; Budeli, 2009: 60). The Act gave the state the power to declare certain jobs for certain races and was used for whites – but it also specifically included Coloureds who had also have jobs reserved (Callinicos, 1987: 154; Lewis, 1987: 132; also, Bendix, 2010: 62; Jordaan and Ukpere, 2011: 1094). Along with the ICA, this helped formalise segmented labour markets, white workers increasingly concentrated in the primary labour markets. So, the problem of a huge, cheap, rightless labour black African force, which was also outside the ICA,

was addressed by separating it into a distinct secondary labour market (Jordaan and Ukpere, 2011: 1094), marked by coercion and precarity (Ulrich and van der Walt, 2022).

The Wages Act of 1925 provided the government with the power to unilaterally determine wages in designated areas, where there was no agreement under the Industrial Conciliation, or in sectors and jobs falling outside bargaining councils (Budeli, 2009: 63). The state could set high wages in certain jobs as a way of discouraging employers from using blacks to replace whites (Kenny, 2009: 88; Mothabi, 2017: 265). The Act did not mention race and could and did apply in some cases to black African workers (Budeli, 2009: 63). Excluded black workers were supposedly represented by the Labour Department (De Clercq, 1979: 71), although some predominantly black African-based unions like the ICU did make representations to the Wage Board for wage increases. This lobbying could have some success, but final rulings were made by the Minister, and not based on collective bargaining. The Wage Act is the basis of today's NMW Act, which now covers all almost all workers.

A final major policy of the Pact was the promotion of local industry through economic protectionism, using trade controls, subsidies, parastatal corporations, development financing (van der Walt, Klerck and Helliker, 2022). Large state corporations existed before the Pact. With the creation of the Union of South Africa, various operations from the older colonies were merged. This led to the formation of the Post Service Company in 1910, soon the P&T and the giant SAR&H in 1916; there was a rapid roll-out of development funding by the state through the PIC founded in 1911 and the Land Bank in 1912 (van der Walt, Kleck and Helliker, 2022: 560). SAR&H managed and expanded the national transport grid, including the ports (Cheteni and Khamfula, 2018: 4). Smuts established the Electricity Supply Commission (ESCOM, later called ESKOM) in 1923 to regulate, produce and distribute electricity (NALEDI, 1999: 27; also, Cheteni and Khamfula, 2018: 4).

But the Pact expanded moved these operations beyond the focus on infrastructure (van der Walt, Kleck and Helliker, 2022). In 1928, it set up ISCOR, which started on a small scale but grew over time into one of the biggest producers in the southern hemisphere (Freund, 2018: 103). A state mining company, Alluvial Diggings (later called Alexkor) was established the same year (NALEDI, 1999: 21). South African Airways (SAA) was created in 1934, the first national carrier (Cheteni and Khamfula, 2018: 4). The South African Broadcasting Corporation (SABC) was created in 1936 (Mmaboko, 2005: 2-3; also, Cheteni and Khamfula, 2018: 4).

ESCOM was also expanded from its focus on supplementing the power supply, to become the dominant force in generation, distribution, and transmission from the 1940s (van der Walt, Klerck and Helliker, 2022: 561; also, Clark, 1993; Freund, 2018). The state's Industrial Development Corporation (IDC) established in 1940, became a major investor (Clark, 1993; Freund, 2018).

The return of the NP to office in 1948 was followed by a huge expansion of state employment and of parastatal operations, and once the homelands were started, each got its own small state corporations (van der Walt, Kleck and Helliker, 2022: 561-562). The IDC helped set establish SASOL, an oil-from-coal parastatal, in 1950 and another chemical company, FOSKOR ("Phosphate Development Corporation" in 1961 (Cheteni and Khamfula, 2018: 4; Freund, 2018: 103; van der Walt, Kleck and Helliker, 2022: 561). ARMSCOR (Armaments Corporation of South Africa) was created in 1968 for the manufacturing of weapons, as well as managing research and development of ammunition, military vehicles, and military machines (Cheteni and Khamfula, 2018: 4).

These parastatals provided infrastructure, like a huge railway system, as well as cheap inputs like low-cost power and metals for the local economy, and helped the NP consolidate its support base (Mostert, 2002: 9; also, Cheteni and Khamfula, 2018: 5). State corporations were used to win over the white working-class, they employed whites at a far higher rate than private industry. ISI was linked to what was called the "civilised labour policy," whereby private firms got additional aid for employed, and state departments prioritised, labour living at "European" standards. A key intent of the policy was on creating protected work for poor and less skilled whites, outside of the mines, to reduce white poverty.

By the mid-1950s, ISCOR had 20 000 workers, almost half of them were white, ESKOM had 13 000 workers, two-thirds of them were white, and SASOL 4 000 workers, almost half were white (Freund, 2018: 92-93). The Pact had stressed building a local white capitalist class, and after 1948, there was a heavier focus on Afrikaner businesses specifically (van der Walt, Kleck and Helliker, 2022). While white workers were prioritised, Coloured workers were also included to some extent in the "civilised labour policy," and benefitted in some ways such as preferential (over black Africans) employment in SAR&H harbours in the Cape (Goldin, 1984: 111; Trotter, 2013: 50). The Pact introduced the first national welfare system, including a non-contributory old age pension, and again, the focus was on whites, which later provided some

coverage (at lower levels) to Coloureds as well. In 1955, NP adopted the CLPP, designating as Coloured Labour Preference Areas the Western Cape, as well as parts of the Eastern Cape, the idea being to reduce the employment and residence of black Africans (Goldin, 1984: 112; Trotter, 2013: 51).

The policy of ISI had mixed effects, but it led to a large expansion of the manufacturing sector. While mining was based on a simple divide of white/ skilled/ urban/ free worker, usually in craft unions and in primary labour markets, and black African/ migrant / less skilled / unfree, usually without unions and in secondary labour markets, the manufacturing sector had a middle layer of semi-skilled workers of all races, often organised in industrial unions (Kenny, 2020; Krikler, 2005; van der Walt, 2007; Webster, 1994). As the factories grew, and mechanised, the industrial unions would become more important, these semi-skilled factory workers were important to unions like MAWU, NUMARAWOSA, UAW and NUMSA (Adler, 1994; Maree, 1992; von Holdt, 2002). It was here that the labour markets were clearly segregated into independent primary, for skilled and usually white employees, subordinate primary, for the semi-skilled, and secondary, mainly black African migrants and workers (Webster, 1984).

Besides continuing ISI and expanding the state sector the NP government installed in 1948 intensified and systematised racial laws, and increased repressive legislation, in terms of its apartheid policy (Bhorat, Naidoo and Yu, 2014: 3; Hino, Leibbrandt, Machema, Shifa, and Soudien, 2019: 131). In 1949, Ben Schoeman, the new Minister of Labour, established an Industrial Legislation Commission of Enquiry (the Botha Commission), to investigate the state of industrial relations (Lichtenstein, 2005: 299; also, Budeli, 2012: 469).

The 1940s had seen a big surge of union activity, including by black African workers (see below). The terms of reference mandated the Commission to address the issue of racially mixed trade unions, and to examine options for black African workers (Lichtenstein, 2005: 299). By the 1940s, numerous unions registered under the ICA (“registered unions”) had Coloured, Indian as well as white members, and some, like the FCWU, were allied to “parallel” but unregistered unions for black Africans, in this case an African Food and Canning Workers Union.

Black African workers were invited to testify before the Botha Commission, although many were suspicious (Lichtenstein, 2005: 299). The black workers who testified demanded full

recognition within the ICA (Lichtenstein, 2005: 299). Many who testified came from registered unions and also requested that the ICA be expanded to include black Africans, although the most right-wing, like the white miners' union, were opposed. In 1956, the ICA was amended (Ulrich and van der Walt, 2009: 3094; Rudin, 1996: 177-178; Webster, 1994: 320). It did not allow new racially mixed unions to register and forced existing registered racially mixed unions to establish separate structures under a white executive, and it included provisions for job reservation, including against Coloureds.

Meanwhile, the Botha Commission released its recommendations for black African workers in 1952 and suggested they have recognised unions but not under the laws applying to other races (Lichtenstein, 2005: 299). As Alex Lichtenstein (2005) argues, this paternalistic approach represented a middle position between the existing complete exclusion and requests from black-based unions, some registered unions, and even from some employers, to incorporate these workers into labour legislation as “employees,” either in separate branches or in mixed unions (Lichtenstein, 2005: 299).

Schoeman ignored the Botha Commission's recommendations when he presented the Native Labour (Settlement of Disputes) Act to Parliament in August 1953 (Lichtenstein, 2005: 300). He rejected recognition of any kind (Lichtenstein, 2005: 300). However, he acknowledged that the manufacturing sector was increasingly dependent on black African workers, and that there was no direct means of settling labour disputes (Lichtenstein, 2005: 300). Instead, he argued for an alternative machinery for resolving issues around black African workers' employment conditions (Lichtenstein, 2005: 300).

The Native Labour (Settlement of Disputes) Act of 1953 established an elaborate, hierarchical, and authoritarian structure of industrial relations for black African workers: it allowed the Department of Labour to take care of these workers' interests without their participation (Lichtenstein, 2005: 300). Workers in agriculture, domestic work and mining were excluded (Lichtenstein, 2005: 300). All strikes by black African workers were now completely banned, and it was made categorically clear that no black African worker could belong to any registered trade union (Lichtenstein, 2005: 300). The Act did not offer any collective representative mechanism to voice workplace grievances beyond toothless works committees for black African workers (Lichtenstein, 2005: 300). The Minister was of the view that the “Native worker is only interested in trade unions when he feels that he is not receiving a decent wage”

or his working conditions are bad, so if the state could establish mechanisms “which will enable them to channelise their grievances and bring them to the attention of the authorities,” they would lose interest in unions (Lichtenstein, 2005: 302).

It should be noted that the Native Labour (Settlement of Disputes) Act of 1953 did not outlaw black African-based unions, but it shut the door on access to the ICA (Lichtenstein, 2005: 302), and made it clear that even black Africans who did not carry passes, like women (at the time) were excluded. The CLPP was intended to reduce the employment and residence of black Africans in large parts of the Cape (Goldin, 1984: 112; Trotter, 2013: 51). At the same time though the NP was consistently working to gut the Coloured franchise, and through the 1950 Group Areas Act (GAA), unleashing massive, forced removals of Coloureds, black Africans and Indians (see next chapter).

Meanwhile the state clamped down on unions being involved in politics. It started to block unions from funding political parties, a result of which was that its one-time ally, the (white) SALP, was severely weakened. Another step was a sweeping 1950 Suppression of Communism Act, targeted at the Communist Party of South Africa (CPSA), which had a strong presence in registered and unregistered unions (Thomas, 2007: 124; also, Budeli, 2009: 65; Budeli, 2012: 469). The Act made the CPSA an illegal organisation – it was reformed in 1953 but as the secret underground SACP –and also allowed the state to ban identified “communists” from public activity, which pushed out many union leaders (Budeli, 2009: 65), as well as affected ANC activists, including prominent CPSA figures. “Communist” referred to adherents of the ideas of Marxism or furthering its ends, which could be interpreted quite widely.

It should be noted here that not all white people were in favour of apartheid. The NP did not win the white popular vote in 1948 or in 1953 but benefitted from a first-past-the-post constituency system, its main rival was Smuts’ party, which did promote some form of white rule. There were numerous white members in the CPSA, some active in registered unions, like Ray Alexander of the F CWU, and they too fell victim to the NP. As Ian Liebenberg (2013: 20-21) points out, white opposition to apartheid included communists, leftists like Trotskyists, and liberals. The Liberal Party was repressed, with members imprisoned, harassed, and vilified (Liebenberg, 2013: 20). Communist and non-communist whites were active in the Congress of Democrats in the 1950s, which was allied to the ANC, and some whites, including even some liberals, opted for armed struggle in solidarity with the oppressed people, their numbers

including senior figures in the ANC's armed wing, Umkhonto we Sizwe, (MK) (Liebenberg, 2013: 21).

3.3. The rise of Coloured and black African trade unionism in South Africa

As seen in the above, there was a divided working-class, members of which had unequal rights, and a dualistic industrial relations system. Unions dated to the 1880s, when they were founded by white workers, the first ones set up by immigrants of British background. These early unions were craft-based, exclusive to those qualified in specific trades (carpentry, masonry, printing, plumbing etc), which excluded all other workers regardless of race (Ulrich and van der Walt, 2009: 3094). A large workplace could have a dozen such unions (van der Walt, 2007), their structural power based on their rare skills. South Africa has its own skilled artisans, mostly Coloured and white, but these lacked the specific skills needed with the country's industrial revolution so there was a large influx of artisans from abroad, mostly white British (Callinicos, 1987). As mechanisation eroded skills, more of these unions relied on race rather than craft to strengthen their position, leading to some industrial unions for whites-only (Ulrich and van der Walt, 2009).

3.3.1. Coloured workers' entry into trade unionism

Coloured workers were in a paradoxical situation, free workers and above the unfree black African workers but pushed below the white workers through racist laws and practices. Coloured artisans remained an important part of the skilled workforce in the Cape, notably in Cape Town and Port Elizabeth, and some white-based craft unions in these areas admitted Coloured members (van Duin, 1988; van der Walt, 2007). The racial division between Coloured and white, and racial segregation, was less sharp in these areas than between Indian and white in Durban, or black African and white on the Witwatersrand (see Bickford-Smith, 1995; Goldin, 1987). In 1906 in Cape Town, the city's Trades and Labour Council, which linked together local unions, backed the formation of a General Workers Union for Coloured and white workers in Cape Town, and joint protest marches against unemployment by Coloureds and whites took place (van der Walt, 2011). The Cape Federation of Labour Unions was formed in 1913, and did not join the larger, racially exclusive South African Industrial Federation, and lasted into the 1940s (Lewis 1987: 94-95; van der Walt, 2011). It had affiliates

like the (mainly Coloured) Tailors' and Tailoress' Union, led by Coloured unionists like M.A. Gamiet (van der Walt, 2011).

The Cape Colony also had a non-racial qualified manhood franchise, allowing a minority of black Africans and Coloureds to vote based on educational or property qualifications, and it excluded poorer whites (van der Walt, 2007: 27). Although around 85 percent of voters were white men, Coloured voters were important in some Cape constituencies, like the District Six area. This was retained at the provincial level after Union, and despite efforts to abolish it, survived in limited form at municipal level into the 1960s. Section 35 of the 1909 South Africa Act of 1909 maintained the qualified franchise in the Cape, and the similar but much stricter one in Natal (Skovsholm, 1999: 239). This allowed some black and Coloured voters on the common roll in local and provincial elections (Parnell, 1998: 148). The Social Democratic Federation (SDF), a broad left group including anarchists, guild socialists, Marxists, and moderates (van der Walt, 2011), well as a breakaway from the SALP, the Democratic Labour Party formed in 1915, sought the Coloured vote, as did the CPSA after it was formed by the SDF and other groups in 1921.

Dr Abdullah Abdurahman was the first person of colour to be elected to political office and was regularly elected to the Cape Town municipal council from 1904 onwards, playing a prominent role in local government. He was also elected to the Cape Provincial Council from 1914 onwards. He led the African Political Organisation (APO, later called the African People's Organisation and founded in 1902), as its president from 1904 until his death in 1950 (Adhikari, 1994: 105; 2006: 471). The APO also had a women's wing called the "APO Women's Guild" which was formed under the leadership of Scottish-born Mrs Hellen "Nellie" Abdurahman (née James) married to Dr Abdurahman (Plaut, 2020: 100). The APO supported the unemployed demonstrations, and also worked with Coloured unionists, Jewish activists and the SDF to unionise the Coloured and white cabinet makers, painters, printers and paperhangers (van der Walt, 2011).

The APO was a Coloured organisation and emerged out of the heightened political awareness that came from growing segregation after 1902, and threats to the qualified franchise (Adhikari, 1994: 105). It dominated Coloured politics for decades, growing into a national body thousands of members in branches countrywide, and was possibly bigger than the ANC in the 1930s (Adhikari, 1994: 106). The core was the Coloured "petty bourgeoisie" of mainly skilled

artisans, small retailers, clerks, teachers, and professionals (Adhikari, 1994: 106). The APO had some rhetoric about the need to cultivate “racial pride” amongst Coloureds, but it basically wanted integration into Cape colonial society, embraced the idea of non-racialism as a matter of principle (Adhikari, 1994: 106). The APO was moderate in its approach, but although based on a middle-class grouping, had a consistent interest in union work, and tried without much success to set up its own unions in the late 1910s as an alternative to the Cape Federation of Labour (Adhikari, 1994; Goldin, 1987; Lewis, 1987; van der Walt, 2007, 2011).

3.3.2. The early importance of state sector unionism

Industrial Sociology has tended to ignore the long history of state sector trade unionism in South Africa, partly because an intense interest in blue-collar unions in the private sector like NUM and NUMSA made a deep impact on the field (van der Walt, 2023a). This is problematic since “the South African state has been the single biggest employer, investor, spender and receiver of revenue in the country,” and unions were active the state sector as early as 1903 (van der Walt, 2023a: 26-27). In the early 1970s, state sector unions accounted for a third of total union membership in the country, with at least 36 unions and staff associations, including the biggest single union in the country, the South African Association of Municipal Employees (SAAME) comprised of white workers (van der Walt, 2023a: 28).

The state sector was always an important part of the history of Coloured and black African unionism. The APO’s main achievement in organising employees was in the establishment of the (Coloured) Teachers League of South Africa (TLSA), inaugurated in June 1913 (Adhikari, 1994: 101) with Harold Cressy, Dr Abdurahman’s protégé, elected as its first president (Adhikari, 1986: 27). Cressy was the first person of colour to graduate with a BA degree from the University of Cape Town in 1910. Coloured teachers, close to 1 700 in number, were scattered over a wide geographical area, some were isolated in deep rural areas (Adhikari, 1994: 114). The APO assisted Coloured teachers in overcoming this fragmentation and provided the organisational resources necessary to launch the League (Adhikari, 1994: 114). The first organisation for Coloured teachers, was more like a professional body than a trade union. Later it would become aligned to the Unity Movement (Hirson, 1995; Soudien, 2019). The APO had been quite willing to lobby the government to give preference to Coloured workers in state employment in the Cape, specifically, in SAR&H and municipalities, even before the “civilised labour policy” was implemented by the Pact from 1925 (Bickford-Smith, 1995: 214; van der

Walt, 2011: 143), and continued to do so under the Pact government. The APO had thousands of members and was notably larger than the ANC before the 1940s (Goldin, 1987)

By 1910 white-based craft unions organised workers in the state sector, including municipalities. For example, the Amalgamated Society of Engineers operated in the state railways, while the revolutionary syndicalist Industrial Workers of the World (IWW also known as the Wobblies) organised strikes on the Johannesburg municipal tramways in 1910 (van der Walt, 2007: chapter 4). Notable leaders included Andrew Dunbar, the general-secretary in Johannesburg; T.W. Thibedi; and Bernard L.E. Sigamoney. Revolutionary syndicalism argued that unions should organise to directly overthrow capitalism and control the workplaces, and rejected parties and governments (van der Walt, 2007: chapters 1-2). Tramway unions were common, another example being the Durban Municipal Transport Employees Union formed in 1912 (Walker and Weinbren, 1961: 371-372, 374).

One of the first unions specifically for the municipal workforce (as a whole) was the Cape Town Municipal Employees Association (CTMEA) which was formed in 1906 (Rudin, 1996: 45). As in other parts of the economy, unions were shaped by the racial division. For example, the CTMEA organised white workers (Rudin, 1996: 45). In Durban, there was a Durban Indian Municipal Employees Union, set up in 1917, and a (white) Durban Municipal Employees Society (van der Walt, 2023a: 27; Walker and Weinbren, 1961: 371-372, 374). There was also a Johannesburg Municipal Coloured Employees Union (Rudin, 1996: 99).

In 1917, the CTMEA joined with similar unions in Bloemfontein, Port Elizabeth, and the Transvaal to form what became the national (white) SAAME, although some unions stayed outside, like the Durban Municipal Employees Association, which was formed in the same year (Nthinya, 2014: 19; Walker and Weinbren, 1961: 371-372, 374). The APO set up its own short-lived municipal union for Coloureds around 1919 (Rudin, 1996: 37). White municipal workers held strikes in Johannesburg in 1911, 1919 and 1920, East London in 1920, Durban in 1919 and 1921, Cape Town in 1921 (van der Walt, 2007; Walker and Weinbren, 1961: 28-30, 63-75, 78-84)

The CTMWA emerged as part of this process. For a long time, it was incorrectly thought that the union dated to the 1940s, but Jeff Rudin's research shows that it was founded 1918-1919,

and relaunched in 1928 (Rudin, 1996: 37). I will return to the history of the CTMWA in the next chapter.

3.3.3. Black Africans and the unions

Black African workers had gone on strike for many years, but actual unions started in the last phase of the First World War (van Duin, 1988: 61; Gentle *et al*, 2018: 6). The first all-black African union was formed in 1917 in Johannesburg, the Industrial Workers of Africa (IWA), a general union (Wickens, 1974: 393-394; van Duin, 1988: 61-62; van der Walt, 1998: 31-32; also, Tricontinental, 2019). It was founded by the International Socialist League, which then embraced the politics of revolutionary syndicalism and was influenced by the IWW (van der Walt, 2007). Van der Walt (1998: 32) makes an interesting observation about this breakthrough black African union:

The Industrial Workers of Africa was based upon, revolutionary syndicalist aims and principles. As such, it was analogous to the revolutionary syndicalist unions established across the globe in the early twentieth century; the first African trade union in South Africa history was a revolutionary syndicalist union formed at the height of the wave of international syndicalist organising in the 1910s ...

It was modelled on the Industrial Workers of the World (IWW) (Tricontinental, 2019). Notable leaders were Fred Cetiwe and Hamilton Kraai (Wickens, 1974: 393-394). They joined the International Socialist League, which had been set up by radical white workers who rejected the SALP's politics (van Duin, 1988: 61-62). The very same group of white unionists organised evening classes for the black African workers on unions and socialism, and were among the first white activists to bridge the colour divide by helping black African unions (van Duin, 1988: 61-62). In 1918, the radical Industrial Socialist League founded a revolutionary syndicalist union, the Sweets and Jam Workers Industrial Union in downtown Cape Town, mostly Coloured workers but some black African Xhosa-speaking workers too (van der Walt, 2011: 139, 155). This body was not the same as the *International Socialist League* in Johannesburg but had the same basic politics (van der Walt, 2011). The two Leagues, along with the SDF and other groups, formed the CPSA in 1921.

In 1919, Cetiwe and Kraai brought the IWA to Cape Town, focussing on the docks, which were owned by the state's SAR&H and run by that SOC in hand with private shipping and stevedoring companies (van der Walt, 2011). The docks employed Coloured and black African workers (mainly migrants), and many of these workers were casuals. Meanwhile another union has been formed earlier that year, with 24 black African and Coloured members, and some support from the Democratic Labour Party, and led by the immigrant leadership of Clements Kadalie (Friedman, 1987: 12; Mahlangu, 1987: 501; Tricontinental, 2019 van Duin, 1988: 63; Wickens, 1974; Zania, 1990: 68). Many of the ICU's original members were also dock workers in Cape Town, *SASPU Focus* (1983: 24-25) notes that "The stevedores were the backbone of the Industrial and Commercial Union (ICU) when it first started in Cape Town in 1919."

3.3.4. The ICU, workers, and the state

The IWA and the ICU organised a joint strike on the docks that led to substantial wage increases (Budlender, 1976; van der Walt, 2011), and the increase was achieved by direct negotiations between the ICU and the employers (*SASPU Focus*, 1983: 24; van Duin, 1988: 63-64). The dock strike, which tackled the SAR&H, greatly elevated the status of the ICU, and it laid the foundation for an expansion of the union to other parts of the country later (van Duin, 1988: 63-64). In 1920, the ICU merged with the IWA as well as other black African- and Coloured-based general unions that were emerging round this time in areas like Port Elizabeth (van der Walt, 2011; Wickens, 1974). It also spread to Namibia, where its base was also a mix of black African and Coloured workers, and where it also faced the SAR&H, the country being under South African rule from 1915 (van der Walt, 2023b).

In its early years, the ICU focussed on the Cape and was directed by many Coloured leaders. Its headquarters were in Cape Town (Bradford, 1986: 49). The union was denied registration under the ICA (*SASPU Focus*, 1983: 24-25). From 1924, it grew quickly across the rest of the country, and becoming primarily black African-based, and the early Coloured working-class leaders were largely replaced by petty bourgeois black African leaders including clerks, teachers, and traders (Bradford, 1986: 49). The headquarters moved to Johannesburg in 1925 (van Duin, 1988: 64). The ICU become a mass-based movement and campaigned over general political issues. Its support base spread to many countries in southern Africa (van Duin, 1988: 63-64), including Namibia in 1920, Swaziland in 1926, Zimbabwe in 1927, Lesotho in 1928 and Zambia in 1931 (van der Walt, 2023: 3). At its peak in 1927, ICU membership in South

Africa was over 100 000 (Johnson, Nieftagodien and van der Walt, 2023) and it was heading a rural revolt (Neame, 2015). Its loose stricture allowed it to organise “women and men, the urban labourers in many different industries, and the farm workers, labour tenants and peasants” as well as the self-employed (Johnson, Nieftagodien and van der Walt 2023: xiii; Tricontinental, 2019). It would also have represented vast numbers of workers employed in secondary labour markets. Its dock organising had “given the lie to the still prevalent idea that migrant workers are difficult to organise industrially” (Budlender, 1976: 24).

It should be emphasised, in closing this section, that from the start a significant part of the ICU’s membership, in both South Africa and Namibia, was from workers employed by the state and especially the SAR&H (van der Wat, 2023b). The ICU led three main strikes, and two were in the SAR&H. However, “a leadership crisis in the union, and pressure by the state contributed to its decline” (Molapo, 2004: 19) and a lack of strategy and strong structures (van der Walt, 2007) and it was in the shadows in South Africa by 1933. In Cape Town, it was sidelined by a registered and better organised Coloured-based Cape Town Stevedoring and Dock Workers Union, led by the CPSA’s Ray Alexander and Johnny Gomas (SASPU Focus, 1983: 24-25). The dock workforce still included “large numbers of contract workers in the ranks” (Budlender, 1976: 18).

3.4. The growth and consolidation of Coloured and black African trade unionism

The passage of the ICA strengthened Coloured trade union activities, as Coloured workers had the same basic rights as Indian and white workers. It must be remembered that the ICA was universal as it excluded large parts of the state, as well as whole sectors: agriculture and domestic work. The exclusion of large parts of the state had negative effects on Coloured, Indian, and white workers, but the exclusion of agriculture and domestic work only slightly affected white workers but would have had huge effects on Coloured (and Indian) workers at the time. For example, the first national census of Union listed 59 767 Coloured people working on farms and 53 975 Coloured women working in domestic service, compared to 49 789 in

industrial occupations (Lewis, 1987: 65-66).⁹ However, many Coloured workers who could, did unionise, often in moderate business unions (Maree, 1992: 560-562).¹⁰

By the mid-1930s, Coloured workers were to be found in both unregistered and registered unions, staff associations, and among the registered unions, both in the form of coloured-only registered unions, and in racially mixed registered unions. They were also to be found in unions that included black Africans and Indians. As noted, for example, they were in the ICU. In 1928, the first national black African-based trade union federation, called the South African Federation of Non-European Trade Unions (FNETU), was formed by the CPSA (van Duin, 1988: 67). It was based on industrial, unlike the ICU's general unionism, with unions in the clothing, laundry, baking and furniture industries, and the federation represented close to 10 000 workers in the Witwatersrand region alone (van Duin, 1988: 67). As the name indicated, it was for all "non-European" workers and it even had a few white members. It suffered serious setbacks because of crises in the CPSA which affected FNETU's leadership (van Duin, 1988: 67). Consequently, it was restructured in 1930 (van Duin, 1988: 67).

3.4.1. The war years and afterwards

The 1930s and 1940s saw a massive growth of unionism amongst black African and Coloured workers (van Duin, 1988: 67-68). Large numbers of workers joined mixed registered unions, or allied black parallel unions (Ulrich and van der Walt, 2009). In 1938, the Non-European Trade Union Co-ordinating Committee (NETUCC) was formed with the aim of bringing together existing trade unions (van Duin, 1988: 67-68). Whites were excluded from the NETUCC office but allowed to be part of NETUCC's executive (van Duin, 1988: 68). In 1941, the first successful black African mineworkers' union was formed, the African Mine Workers' Union (AMWU) (van Duin, 1988: 70-71). It organised on the gold mines, particularly among migrant African workers (van Duin, 1988: 70-71).

The same year, 1941, a federation for black trade union called the Council of Non-European Trade Unions (CNETU) was formed as a coordinating body of black trade unions under progressive leadership (Hemson, Legassick and Ulrich, 2006: 246-247; Mahlangu, 1987: 502; Masiya, 2014: 445). CNETU was closely linked to the CPSA, although it included a dissident Trotskyist caucus (Ulrich and van der Walt, 2009). In 1947, the CNETU-linked AMWU

⁹ The figure is a bit inflated as it included housewives (Lewis, 1987: 65).

¹⁰ Maree (1992: 560-562) points to the long history of moderate Coloured unions, which were more like benefit societies, with passive members, than fighting shopfloor movements.

organised a mass strike demanding a minimum wage of 10 shillings a day (van Duin, 1988: 70-71). This was backed by the ANC and CPSA but thwarted by the police, and AMWU and CPSA leaders were arrested (van Duin, 1988: 70-71). It had been hoped the strike would turn into a general strike (Masiya, 2014: 445). CNETU was arguably moving towards political unionism (Masiya, 2014: 445).

However, the labour movement, registered and unregistered alike, went into a crisis from the late 1940s. CNETU and the AMWU collapsed, the registered unions split over issues of race and the NP's new labour laws were introduced (Ulrich and van der Walt, 2009). The main body for registered unions, the multi-racial South African Trades and Labour Council, which included unions like the FCWU, also fell apart (Mahlangu, 1987: 502) and many of its left-wing leaders were affected by the Suppression of Communism Act.

3.4.2. Political unionism: The rise and fall of SACTU

The main grouping of registered unions, and the largest union federation, that emerged from the splits was the moderate Trade Union Council of South Africa (TUCSA) formed in 1954 (Ulrich and van der Walt, 2009). TUCSA included Coloured, Indian, and white workers, and was segregated from 1956, in line with apartheid laws. It occasionally made efforts to organise black African workers but backed off when pressured by the NP apartheid regime. A white-only, pro-NP and pro-apartheid South African Confederation of Labour (SACOL) was formed in 1957 and it included unions like the right-wing South African Mine Workers Union (Ulrich and van der Walt, 2009).

The main body for black African workers that emerged at the time was a federation by the name of the SACTU, formed in 1955 (Labour, 1980: 59; Nyameko, 1980b: 32; also, Hemson, Legassick and Ulrich, 2006: 246-247; Masiya, 2014: 445). It attracted a few registered trade unions, like the F C W CWU, but most of its members were in unregistered bodies. SACTU was mainly supported by Coloured workers and black African workers, although it had some white members.

SACTU embraced the principles of non-racialism and political trade unionism (Mahlangu, 1987: 502). The political tradition emerged from the perspective that labour have the responsibility to address not only labour matters, but also socio-economic issues because workers' struggles in the factories and those in the townships were inseparable (Barrett and Mullins, 1990: 25-26). From its formation, SACTU declared that "The struggle for higher

wages, better working and living conditions, the right to have African trade unions, the right to collective bargaining, strike, assembly, and association must be combined with the struggle for political, social, and economic emancipation (Nyameko, 1980: 28). SACTU declared total support of the national liberation movement, and its declaration of principles stated that (quoted in Nyameko, 1980: 29):

The future of the people of South Africa is in the hands of the workers, only the working class, in alliance with other progressive minded sections of the community, can build a happy life for all South Africans, a life free from unemployment, free from racial hatred and oppression, a life of vast opportunities for all. But the working class can only succeed in this great and noble endeavour if it itself is united and strong, if it is conscious of its inspiring responsibility.

The workers of South Africa need a united trade union movement in which all sections of the working class can play their part unhindered by prejudice or racial discrimination. Only such a truly united movement can serve effectively the interests of the workers, both the immediate interests of the higher wages and better conditions of life and work as well as the ultimate objectives of complete emancipation for which our forefathers have fought.

Its aim was to liberate the working people and end apartheid (Labour, 1980: 59). SACTU was closely aligned to the ANC and the underground SACP, and its policy was all about the unity of all workers regardless of race, colour, or creed, and it stressed militancy and action (Labour, 1980: 59).

SACTU's move into political issues was shaped by the fact that the wage system in place was deeply shaped by the apartheid system (Masiya, 2014: 446). Therefore, SACTU allied with the ANC, a recently formed South African Coloured People's Congress (the APO had faded away by this time), the South African Indian Congress, and the South Africa Congress of Democrats to form the Congress Alliance (Masiya, 2014: 445). This took it SACTU into the sphere of political unionism (Lambert, 1988), and a role in the non-racial Congress of the People that the Congress Alliance organised in Kliptown, Soweto in 1955. Here people put forward their demands and vision of the common South Africa that they wanted to live in (Masiya, 2014: 446). This congress was where the Freedom Charter was adopted (Masiya, 2014: 446). The Freedom Charter demanded, amongst other things, land redistribution, democracy, work,

security, houses, free and equal education (Masiya, 2014: 446). The Freedom Charter became the base document for all movements in what became known as the “Congress tradition,” including SACTU (Masiya, 2014: 446). As “a statement of principles and policy,” it has remained the “guiding philosophy” of the Congress movement (Lodge and Nasson, 1991: 5).

Although the Congress Alliance (besides SACTU) was racially structured, the movement adopted a clearly non-racial position, the Charter stated that “South Africa belongs to all who live in it, black and white,” and that people of all races “will fight for, side by side,” for “liberty” (as quoted in Lodge and Nasson, 1991: 331, 335). By the 1980s, people in the Congress tradition were often called “charterists,” meaning that the struggle was non-racial, that “whites could join as participants and even leaders,” and “that the ANC was politically paramount, and that alliances between different social groups and classes were necessary” (Lodge and Nasson, 1991: 24). The apartheid government declared the Freedom Charter a Communist document (Masiya, 2014: 446), and many Congress leaders were arrested (Masiya, 2014: 446).

Within this framework, SACTU combined union work with the recognition that pushing for an end to apartheid was key to winning workplace rights and improved conditions (Hemson, Legassick and Ulrich, 2006: 246; Masiya, 2014: 446). It did not just focus on workplace issues, but also looked at political matters (Masiya, 2014: 446). Its campaigns mixed these issues, including a campaign for £1 a day, joining mass demonstrations against the extension of pass laws to black African women, and opposing the Suppression of Communist Act and the Native Labour (Settlement of Disputes) Act (Nyameko, 1980: 32; Mahlangu 1987: 502).

SACTU, when it undertook union organising work, also deliberately organised amongst so-called atypical labour, which afflicted black Africans in particular. For example, SACTU targeted the SAR&H railways for organising. Almost half of the SOC’s black African workforce, 43 467 workers, were listed as casuals, many of whom were kept on as casuals “for years,” remaining low wage, “daily paid and subject to dismissal on only 24 hours’ notice”, without leave or pension rights (Luckhardt and Wall, 1980: 171). The SAR & H (Non-European) Workers Union affiliated to the federation, and SACTU ran a campaign that specifically demanded, among other things, “permanent, not casual labour after three months” (Luckhardt and Wall, 1980: 176).

The federation peaked at around 55 000 members, much smaller than TUCSA (Hemson, Legassick and Ulrich, 2006: 246), and operated in a hostile environment with constant repression (Mahlangu, 1987:502; also, Baskin, 1991: chapter 1; Forrest, 2011: 5). After the

ANC was banned in 1960, and the ANC and SACP leaders launched MK, SACTU became involved in underground work and recruitment as well (Hemson, Legassick and Ulrich, 2006: 246). For example, SACTU national executive member Vuyisile Mini, who had organised on the Port Elizabeth docks, became a regional MK commander, and was hanged for these activities. Many activists involved in union work were jailed or executed or banned, or died under mysterious circumstances (Mahlangu, 1987: 502; Masiya, 2014: 446).

3.5. The new unionism and South African trade unions, 1970 -1990

A considerable number of SACTU leaders went underground or into exile (Mahlangu, 1987: 502), and SACTU and most of its affiliates collapsed as functioning union structures by the late 1960s (Hemson, Legassick and Ulrich, 2006; Lambert, 1988). There was some movement in other areas, however, like the formation of the Coloured NUMARWOSA in 1967 with 4 500 members, affiliated at the time to TUCSA, the WPMWU and the UAW (Forrest, 2011: 18, 20). Relations soured with TUCSA and many of these more radical TUCSA unions worked instead with new unions that were formed after 1973, like MAWU, and ended up in FOSATU (see previous chapter). The new unionism of the 1970s were influenced by a range of currents, including radical students, the New Left, SACTU veterans, TUCSA dissidents, and Trotskyists (Baskin, 1991; Byrne, 2011; Byrne, Ulrich and van der Walt, 2017; Forrest, 2011; Hemson, Legassick, and Ulrich, 2006). Only one SACTU affiliate remained active, the Food and Canning Workers Union, and it played an important role. The CTMWA was part of this process, but was never affiliated to SACTU, TUCSA or FOSATU, and remained, for most of its existence, based in a single city (see next chapter for more on the CTMWA),

The period from 1970s and 1990s saw the formation of many new unions, as well as major changes in employment practices and industrial relations, especially after the Wiehahn commission of 1979 (Barrett and Mullins, 1990: 25; Lichtenstein, 2005: 302; Sitas, 2016: 30). The early 1970s was marked by numerous industrial actions, notably the huge strike wave in 1973 that started in Durban (Budeli, 2012: 471; Sitas, 2016: 27-28; Ulrich, 2005: 6-8, 2007). Ulrich (2005: 6-8) and Sitas (2016: 27) note that between 61 000 to 100 000 black African as well as Indian workers embarked on wildcat strikes demanding an increase in their wages and better working conditions. As in the late 1910s and the 1940s, inflation was a big factor, workers concerned about the rising costs of living, and as unemployment rose in the context of

difficult economic times. Some of these workers were earning as little as R78 per month (Sitas, 2016: 27). These strikers were drawn from, amongst others, chemical, textile, transport, metal, and furniture industries (Sitas, 2016: 27). It is notable that black African workers, many of them migrants, were involved.

Black African workers now (re-)organised themselves into unions in large numbers (Budeli, 2012: 471). Notable unions formed after 1973 were MAWU and the National Union of Textile Workers (NUTW), both later part of FOSATU (Sitas, 2016: 28; Ulrich, 2005 :6-8). MAWU's membership base in Natal grew quite quickly and the by mid-1974 the union had 3 883 members from 68 factories (Forrest, 2011: 15). Some of the new unions established links with the more radical registered unions, notably MAWU with NUMARWOSA and its unofficial parallel, UAW. The linking up of black workers in new unions, and Coloured workers in existing unions, was an important development in the 1970s (Adler, 1994; Maree, 1992; Ulrich, 2005, 2007)

After the 1973 strikes, the apartheid government promulgated the Bantu Labour Regulations Act to regulate the conditions of employment for black African workers (Budeli, 2012: 471). It aimed to undermine the development of black African trade unionism, but unlike the Native Labour Act of 1953, it allowed these workers to be directly represented through workplace liaison committees (Budeli, 2012: 471). These workplace committees had very little bargaining power (Budeli, 2012: 471), but were sometimes used strategically by the unions (e.g., Maree, 1992; Forrest, 2011; Ulrich, 2007). It should be noted that the Bantu Labour Regulations Act's provisions still excluded workers employed in gold and coal mining, in agriculture and government services (Budeli, 2012: 471).

At the same time, the apartheid government meanwhile cracked down, with harassment, imprisonment and bannings of union leaders; similarly, many employers victimised the new trade unions' leaders (Sitas, 2016: 27). An attempt to set up a SACTU office was closed almost immediately and SACTU supporters tended to work in the new unions instead (Hemson, Legassick and Ulrich, 2006). Many employers flatly refused to negotiate (Ulrich, 2005: 6). The unions continued to grow, many linked through a Trade Union Advisory Coordinating Council (TUACC) formed in 1973 (Ulrich, 2005: 6-8; also, Sitas, 2016: 28). TUACC, mainly based in the Eastern Cape, Natal and the Witwatersrand, supported democratic, non-racial industrial unions. The TUACC's aim was to guarantee that workers could exercise control over their own

unions and the TUACC structure, and that elected workers' leaders are represented at every level of the organisation (Ulrich, 2005: 7; also, Forrest, 2011; Maree, 1992).

3.5.1. Wiehahn and after

The continued, even explosive, growth of unregistered black African-based trade unions in the 1970s¹¹, and lack of control over them, and ongoing industrial actions and pressure from the international community, showed that the situation, like that after the Rand Revolt, was unsustainable. This led the apartheid state appoint the Wiehahn Commission of Inquiry in 1977 to look into labour legislation (Barrett and Mullins, 1990: 25; Budeli, 2009: 69; Habib and Valodia, 2006: 228-229; Kim and Westhuizen, 2015: 89; Rachleff, 2000: 293, Sitas, 2016: 33).

The Wiehahn Commission's report, released in 1979, proposed important changes to the South African industrial relations (Budeli, 2012: 471). It made the following notable recommendations: South Africa's statutory system of collective bargaining and dispute resolution be deracialised, with black African workers (outside of the homelands) included and black African unions allowed to register and participate in the collective bargaining and dispute resolution system (Wood, 2002: 135). It also proposed the establishment of an Industrial Court to arbitrate unfair labour practice claims (Wood, 2001: 135). Essentially, it called for the extension of the ICA to all workers, and it did not remove the sectoral exclusions of the ICA (van der Walt, 2023a). It argued that unions should be given freedom to determine their rules, with the right to strike (if correct procedures were followed) and freedom of association to all workers (Budeli, 2012: 471). It also recommended employers' bargain, in good faith, with trade unions (Wood, 2001: 135). Additionally, the Wiehahn Commission challenged race-based job reservation, arguing that all workers be allowed into apprenticeship positions for skilled jobs, and that the segregation of workplace facilities be abolished (Jones, 1985: 162).

The ICA of 1956 was amended in 1979, 1980 and 1981, and renamed the Labour Relations Act, with further amendments taking place between 1982 and 1991 (Budeli, 2009: 70). Union pressure blocked attempts to exclude migrant workers (and foreign workers) from the system

¹¹ These trade unions were often called "independent" trade unions because they were not recognised in the South African industrial relations and so, not registered (Maree, 1985: 287; also, Budeli, 2009: 69). But we cannot call the union movement of the 1970s the "independent unions" because it included many registered unions (van der Walt, 2023a).

(Ulrich, 2005, 2007). The amendments provided freedom of association to all workers of all races, giving trade unions the right to organise all workers regardless of race into common structures; the definition of an “employee” was amended to include all workers of all races (Budeli, 2009: 70). This was subject to registration, and while registration was opposed by some unions, like SAAWU, most, like those of FOSATU, decided on it. However, FOSATU affiliates only agreed to register as non-racial unions.

At last, the dualistic industrial relations system had come to an end, but a very stratified working-class, divided into segmented labour markets that were closely linked to race and skill remained in place (Webster, 1994), as noted earlier. The long-term effects of segregation and apartheid included highly unequal education and wages, vast numbers of workers were casual or in other types of precarious work. Large numbers of workers were outside of the reformed ICA / LRA, by being in excluded sectors or under homeland laws (van der Walt, 2023a). The NP remained in power along with its repressive legislation. Some segregation, called “petty apartheid,” was removed but “grand apartheid” including the homeland system remained in place.

The NP government clearly hoped the new industrial relations system would provide a peaceful channel for dampening down protest, as part of the same reform package that included the BLAs and the Tricameral Parliament (see later), all intended to retain power. This was highly mistaken, as unions grew more rapidly, using the new rights, and became increasingly openly involved in the larger anti-apartheid struggle. The state continued to crackdown on the unions, and on suspected ANC and SACP activities, and trade unionists who died in detention included Neil Aggett of the FCWU and Andries Raditsela of FOSATU’s Chemical Workers Industrial Union.

3.5.2. From FOSATU to COSATU

FOSATU, successor to the TUACC and founded in 1979, was the strongest section of the new unionism (Byrne, Ulrich and van der Walt, 2017: 254-255; Matajo, 1984: 43; MacShane, Plaut and Ward, 1984: 120; Narismulu, 1998: 270; Seun, Awodun, Chiwetu and Oluwatimileyn, 2023: 125). As a non-racial union federation, FOSATU was formed by ten unions (Barcheisi, 2007: 53; Blackburn and Cross, 2016: 520; Dwyer and Zeilig, 2012: 101-102; Pillay, 2013: 16; SASPU, 1986: 24; Masiya, 2014: 447).

FOSATU adopted a programme of five key objectives: firstly, a united labour movement independent of race, colour, creed or sex; secondly, a strong, democratic, shopfloor-based union organisation; thirdly, national industrial unions in a tight federation; fourthly, continuing worker education programme; and lastly, social justice, decent standards of living and fair conditions of work for the working-class as a whole (MacShane, Plaut and Ward, 1984: 120). With effective regional and national structures, democratic principles, structures of real workers' control and disciplined action, it was the largest trade union federation in the early 1980s with membership of 45 000 at its formation, which grew to 120 000 in 1984, and increased to 140 000 in 1985 (SASPU, 1986: 24; Byrne, Ulrich and van der Walt, 2017: 255). Its membership was drawn from mainly black African and Coloured workers, and its largest union was MAWU (Barrett and Mullins, 1990: 25; Byrne, Ulrich and van der Walt, 2017: 257). It was concentrated in the private sector, in sectors like auto, heavy industry, food, light industry like textile, and transport and while the federation was committed to a non-racial policy, a remarkable feature was the unity it managed to build between black African and Coloured workers (MacShane, Plaut and Ward, 1984: 120).

FOSATU aimed at building a distinct, left-wing working-class politics and stressed strategic importance of organised working-class (Dwyer and Zeilig, 2012: 102). FOSATU did not establish formal links with nationalists or any political parties because it was of the view that nationalist movements had a tendency of turning against trade unions and the working-class after achieving independence, and while it believed that the ICU's collapse showed the need for workers' control, it believed that SACTU's collapse was because of political party control (Byrne, Ulrich and van der Walt, 2017: 260). Thus, FOSATU "strongly resisted the idea of any alliance with the ANC on the grounds that once any political alliance was allowed workers' interests would inevitably be subordinated to party interests" (Johnson, 2015: 74).

FOSATU was harshly criticised by the underground ANC and SACP, who claimed it was a sort of business unionism, but this criticism was false (Byrne, Ulrich and van der Walt, 2017). FOSATU supported township-based struggles such as school, bus, and consumer boycotts (Byrne, Ulrich and van der Walt, 2017: 264). The federation supported civic organisation's demands for political democracy, and better municipal services and housing (Barcheisi, 2007: 53). FOSATU rank-and-file members were involved in broader social conflicts and national liberation politics (Barcheisi, 2007: 53). It campaigned against the BLAs, Tricameral

Parliament and homelands, the homeland it must be noted, did not adopt the Wiehahn reforms (Byrne, Ulrich and van der Walt, 2017: 264). The federation also opposed the detention of activists and trade union leaders by the apartheid government and its homeland governments (Byrne, Ulrich and van der Walt, 2017: 264). Its unions supported gender equality in the workplaces, fought the system of influx control and provided radical union-based education (Byrne, Ulrich and van der Walt, 2017: 264).

Byrne, Ulrich and van der Walt (2017: 255-259) argue that FOSATU gave rise to a new radical alternative political tradition called “workerism,” different to the nationalism of the ANC and the Marxism-Leninism of the SACP. Contrary to ANC/ SACP caricatures, workerism was anti-apartheid but also opposed the nationalist and militarist tradition of the ANC and its nationalism (Byrne, Ulrich and van der Walt, 2017: 259). It rejected the SACP idea that socialism was a second stage to be won after the ANC achieved national liberation and rejected the “socialism” of the Soviet Union. According to workerism, apartheid and capitalism went hand-in-hand, and the oppression of black African workers required removing both apartheid and capitalism. This could only be done by a radical working-class movement independent from the nationalists and other political parties (Byrne, Ulrich and van der Walt, 2017: 256).

Workerism emphasised strong, industrial, independent unions based at the point of production and not associated to any political party (Byrne, Ulrich and van der Walt, 2017: 255). But these bottom-up worker-run unions were the heart of a larger working-class movement for radical change (Byrne, Ulrich and van der Walt, 2017: 255). This involved nurturing working-class identity, culture and history, and significant economic and political changes, with working-class control pushing back both the apartheid capitalist systems (Byrne, Ulrich and van der Walt, 2017: 255). According to FOSATU workerism, non-racial, majority rule in a united South Africa is adequate only if the workers controlled their unions, the production and distribution of wealth, and that the workers participate in the affairs of South Africa (Byrne, Ulrich and van der Walt, 2017: 259).

Another important black union federation formed in this period was the Council of Unions of South Africa (CUSA) (MacShane, Plaut and Plaut, 1984: 34-35; Seun et al. 2023: 125). CUSA was launched in September 1980 with Phiroshaw Camay as secretary general, after the failure of its unions to resolve the differences with FOSATU (MacShane, Plaut and Ward, 2023: 42-43). CUSA consisted of ten trade unions, mostly very small except for the NUM, led by the

secretary general Cyril Ramaphosa a founding member with James Motlatsi and Elijah Barayi, and launched in 1982. CUSA was influenced by the Black Consciousness philosophy which encouraged a positive effort to construct an exclusively “black” (in the broad sense: black Africa, Coloured and Indian) leadership (MacShane, Plaut and Ward, 1984: 42-43). CUSA was open to workers from all races, but mainly black African in composition (MacShane, Plaut and Ward, 1984: 42-43).

The NUM was formed in the mining town of Klerksdorp (now Matlosana) in 1982, the move initiated by CUSA. Within 12 weeks, NUM’s membership grew to 14 000, and the union had four regions, namely, Carletonville, Free State, Klerksdorp, and Westonaria (Slater, 2022). In 1983, NUM was recognised by the then Chamber of Mines as the union representing mineworkers in category one to eight in mining (Slater, 2022). It soon recruited close to 148 000 members, predominantly in the Transvaal (MacShane, Plaut and Ward, 1984: 350), making it the biggest black mineworkers’ union since AMWU but much more durable. Later NUM became one of the fastest growing trade unions of the 1980s, reaching over 300 000 members (Slater, 2022). It was vocal against job reservation, which white workers were still trying to defend on the mines after Wiehahn.

NUM soon became aligned to the ANC, differing from CUSA (Slater, 2022). Another body of unions, closely linked to the ANC and SACTU traditions (and underground) were the so-called “community unions,” the most important being SAAWU. SAAWU insisted on the inseparability of workplace issues and community struggles, and affiliated to the UDF (SAMWU, 1997: 8). It was especially prominent in industrial actions in the Eastern Cape city of East London, next to the Ciskei homeland (SAMWU, 1997: 8). Unlike SACTU, it was a general union and based on township organising rather than the shopfloor (Baskin, 1991; Friedman, 1987; MacShane, Plaut and Ward, 1984).

Unlike FOSATU, SAAWU did not target specific industries but recruited everywhere, and recruited a significant number of municipal members in the Transvaal and western Cape (SAMWU, 1997: 8). SAAWU and other community unions were broadly on the “charterist” tradition and joined the ANC / SACP criticisms of the FOSATU “workerists”. They were in turn labelled as “populists,” but not just criticised for being ANC-aligned, but also for being steered by unaccountable charismatic leaders (Baskin, 1991; Byrne, Ulrich, and van der Walt,

2017). SAAWU was involved in many strikes, and organised wherever opportunity presented, and usually drew in township communities in support.

The early 1980s saw efforts to unite the unions into a single federation. The process was complicated by political divisions, such as between “populists” and “workerists,” as well as disputes over membership numbers, distrust and accusations, and the concerns of smaller unions, like SAAWU with perhaps 20 000 members of being swallowed (see e.g., Baskin, 1991; Forrest, 2011). The CTMWA played a major role in the unity talks, helping resolve many issues (SAMWU, 1997).

In 1985 after four years of unity negotiations, COSATU was formed (Alexander, 1990: 44; Barrett and Mullins, 1990: 26; Forrest, 2011: 64-65). CUSA and some other smaller formations stayed out and formed the rival National Council of Trade Unions (NACTU) in 1986 and Phiroshaw Camay was elected president (Narismulu, 1998: 270). COSATU included key players like the CTMWA, NUM, FOSATU and SAAWU (Bennett, 1988: 71). The table below shows the ten biggest COSATU affiliates in 1986.

Name of Trade Union	Membership
National Union of Mineworkers (NUM)	340 000
National Union of Metalworkers of South Africa (NUMSA)	130 796
Food and Allied Workers’ Union (FAWU)	65 278
Commercial, Catering and Allied Workers’ Union of South Africa (CCAWUSA)	56 000
South African Railway and Harbour Workers Union (SARHWU)	34 411
National Union of Textile Workers (NUTW)	30 538
Chemical Workers Industrial Union (CWIU)	29 291
Construction and Allied Workers Union (CAWU)	26 291
Paper, Wood and Allied Workers Union (PWAU)	23 310
Transport and General Workers Union (TGWU)	18 281

Table 1: Ten COSATU affiliates and their membership figures, 1986

Source: Mahlangu (1987: 505).

3.5.3. COSATU’s political evolution

I will return to the development of COSATU in more detail in later chapters, but the key points to note for now is that COSATU membership grew very rapidly, soon becoming the biggest federation in South African history. It had almost a million members at the end of 1989 (Barrett and Mullins, 1990: 26). TUCSA grew in the early 1980s but fell apart from 1984 and was closed at the end of 1986 (Bennet, 1987). The new federation COSATU, with Elijah Barayi, as president and Jay Naidoo as general secretary, adopted FOSATU's general objectives and organisational approach. This included industrial unionism, which led to affiliates being restructured into new unions like FAWU, NUMSA and SAMWU. Unlike FOSATU, COSATU soon aligned with the Congress tradition, adopting the Freedom Charter in 1987 (Baskin, 1991; Slater, 2022).

ANC and SACP influence in COSATU grew rapidly, as "workerism" broke down as a distinct influence (Byrne, 2011), culminating in the Tripartite Alliance in 1990. Unions and unionists on the left adapted themselves to this shift, trying to push the ANC towards the left. A major example was NUMSA's development of the RDP, which was for a time adopted by the ANC (Forrest, 2011), but as I will show, the same adaptation happened with SAMWU. COSATU in the late 1980s was associated with social movement unionism including close links to the UDF and a central, sometimes leading, role in the anti-apartheid struggle (Masiya, 2014: 449-451). It suffered intense repression (Alexander, 1990: 49).

Arguably the Tripartite Alliance represented a shift towards political unionism, which accelerated after the ANC took office in May 1994, as the unions became entangled with the ANC. When the ANC adopted GEAR, COSATU campaigned and held several general strikes, but still campaigned for the ANC (Masiya, 2014: 452). The same dilemma, as discussed elsewhere in this thesis, faced SAMWU in the municipal sector. Failing to stop the ANC's embrace of neo-liberalism, COSATU instead tried to mitigate the effects through lobbying in alliance structures, for example, to tighten up the LRA to reduce flexible labour (van Driel, 2003). I will return to these issues in later chapters when discussing the evolution of SAMWU and its battles around municipal neo-liberalism.

3.6. Conclusion

This chapter has examined the historical context, and evolving political economy, that shaped the working-class, and the union movement, in South Africa. The divisions were partly the result of this context and structure, but also reflected choices made that were made, and that have themselves made enduring impacts.

The next chapter will look at how this intersected with a four-fold division in rights, and in urban space, between black African, Coloured, Indian, and white. In addition, it will examine how the paradoxical position of Coloured workers - with some access to the franchise, some scope for preferential employment, and from the 1920s, some union and welfare rights, and significant and intensifying racial oppression - was navigated by unions and other movements. An interaction of race and class, sometimes overlapping sometimes contradicting each other and opening up different possibilities, in different contexts, has been shaped labour, both as a class and as a movement, and it is to this issue that I now turn.

Chapter Four: Precarious Labour in the Apartheid City: The CTMWA from the 1910s into the 1970s

4.1. Introduction

The previous chapter examined how the emergence of a fragmented labour movement in South Africa, and how it was shaped by a racist order and uneven rights, one aspect of this expressed by the dualism between the ICA and the Native Labour (Settlement of Disputes) Act. But this took place within a larger social order that was systematised under the Union of South Africa from 1910, including intensifying urban segregation, shaped by the labour and industrialisation policies of the Pact government of the NP and the SALP in the 1920s, developed into the apartheid system from 1948, under the second NP government, and adopted economic and political reforms in apartheid's last years, including a first phase of municipal neo-liberalism. It examined how the larger society shaped labour markets and community, political and union movements and how these responded.

This chapter develops a focus on Cape Town and examines the rise of the CTMWA, and the early years of SAMWU, including how they dealt with so-called atypical employment and the initial onset of neo-liberalism. It traces the history of municipal workers in the city of Cape Town, and how the municipality and the union were shaped by state policies of segregation and apartheid, and the massive struggles that started in the 1970s. It is argued, emphatically, that CTMWA / early SAMWU had to address workers in apartheid's race-linked secondary labour market (Webster, 1994), and that the larger history under discussion is key to understanding the trade union identity of the union and helped enable an unusually active response to precarious labour in the 1990s.

4.2. Municipal government and black Africans into the late 1970s

The Union of South Africa was based on racial differentiation and discrimination. With the partial exception of the Cape and Natal, its electorate comprised white men, and only white candidates could be elected to parliament. The new state had a high level of autonomy, as a

Dominion, roughly the same as Australia or Canada, and when in 1961 it became a republic, it severed the remaining British oversight.

As noted in the previous chapter, South African society was based on a racial hierarchy, with whites at the top and black Africans at the bottom, and Coloureds and Indians in the middle. Whites, Coloureds, and Indians were free labour, but the last two faced severe racial discrimination, while black Africans suffered racial discrimination, including coercive measures and laws (van der Walt, 2011). Actually, many black Africans were not free labour in the sense meant by Marx – free of property *and* free of bondage –but often employed on terms equating to indenture, such as those set out in the 1911 Native Labour Regulation Act, lacked free movement, and were treated as a conquered people (van der Walt, 2007).

The new Union state systematised the migrant labour system (Wolpe, 1972). Migrant labour was partly a way in which African chieftains were able to resist proletarianization and maintain a hold over young men sent to the mines and their wages (Callinicos, 1987). Increasingly, the mines realised the benefits of paying migrant workers much lower wages, as their family incomes were topped up by family labour in the rural areas (Callinicos, 1987; Wolpe, 1972). State control over the mobility of black African workers was implemented through pass laws and by ensuring that these workers and their families remained in designated reserves (later called homelands), as set out in the 1913 Native Land Act (De Clercq, 1979: 70). Influx control was developed by the passes (an internal passport) that helped prevent permanent black African urbanisation and expel the unemployed from the towns of “white” South Africa.

Urban segregation was also enforced by specific laws, the segregation of public facilities, state spending and urban government. Black African men were expected to carry their passes all the time, especially when they went to parts of the cities where whites resided¹² (Bekink, 2006: 46; Swanson, 1968: 36). Many migrants were housed in closed hostels, provided by mines, municipalities and other employers, and closely monitored (Callinicos, 1987).

Pass laws were enforced and expanded, as black Africans provided cheap labour for mines, farms, factories and the state, including municipalities, and since a pass was linked to having

¹² There were some initial exemptions for the small black African educated and commercial elite (van der Walt 2007).

work, there was little freedom to choose where to work, what work to do and with whom (*APDUSA Views*, 1986). Failure to carry passes was a criminal offence and between 1916 and 1984, close to 1 770 000 black South Africans were arrested under pass laws and influx regulations for not carrying passes (Le Roux and Davis, 2019: 97).

Racial discrimination and segregation existed well before 1910 or 1948. There was a pass system in place in the old Cape Colony for servants and the slaves in the early 1800s (*APDUSA Views*, 1986; Bickford-Smith, 1995) and passes were used for black African workers in new diamond and gold mines in the late 1800s (Callinicos, 1987). The use of cheap, black African, Coloured labour also preceded the diamond and gold mines, for example, most of the Indian population arrived as indentured workers for Natal from the 1860s, including for work on sugar plantations (Callinicos, 1987). The processes of loss of land, and the imposition of taxes, that forced black African men to work in “white” areas in order to maintain their rural homesteads and families began before 1910 (*APDUSA Views*, 1986; Callinicos, 1987). Such men would have pass books, while their families would be forced to remain in the countryside. The mining industry built on and greatly expanded this migrant labour system (Wolpe, 1972: also, Walsh and Spence, 2011).

With the Union of South Africa and a more powerful and efficient state, these measures were systematised, developing a coercive cheap, labour system and segregated order in the heart of a common modern economy (Wolpe, 1972). The state practiced overt racial discrimination in governing the relations between the white minority and other races (Catchpole, 2002: 48; Liebenberg, 2013: 19-20). An important feature of this system was that it dictated where people, based on race, could live, what work they could do, what access they had to public amenities and state services, and their legal rights. The government was legalistic in the sense that while it could and did discriminate, this was usually framed by laws. People could forcibly be removed from their homes, or jobs could be reserved for a certain racial group, but through the law (Budlender, 2009: 191). In a nutshell, discrimination, repression, and inequality were mediated through the law (Budlender, 2009: 191).

Before 1910, segregation existed in many areas, but it was not systematic. Major steps were taken by with the 1923 Native Urban Areas Act and, later under apartheid, the 1950 GAA (James, 1992: 50; Swanson, 1968: 31; Vose, 1985: 447). The 1922 Transvaal Local Government Commission, chaired by Colonel. C.F. Stallard, stated that the towns are created

by and belonged to white people (Davenport, 1970: 77; Swanson, 1968: 31;). The Stallard commission pronounced (as quoted in Davenport, 1969: 95; Le Roux and Davis, 2019: 97):

It should be a recognised principle of government that native: men, women and children – should only be permitted within municipal areas insofar and for so long their presence is demanded by the wants of the white population and should depart therefrom when they cease to minister to the needs of the white man ...

The Commission was followed by the Native Urban Areas Act which entrenched segregation and pass laws (Swanson, 1968: 31; Davenport, 1970: 77). It revoked provincial and municipal legal restrictions on urban segregation, removing many local exemptions and flexibility (Parnell, 1998: 148).

The 1923 Native Urban Areas Act did recognise that some black African urbanisation existed and drew a distinction between some of those who lived in and were born in (white) towns, who had some family life and urban employment, and the migrants from the rural areas, (Parnell, 1998: 152). The migrants were the worst off, restricted where possible to hostels, and living without their families (Parnell, 1998: 152). The Act was amended on several occasions, including 1930, 1937 and 1944, to close loopholes and tighten controls, and to extend its scope (Swanson, 1968: 31; also, Davenport, 1969: 98; James 1992: 42).

The Act, interestingly, helped establish the exemption of Coloureds from pass controls (Parnell, 1998: 148). As its focus was on black Africans (“natives”), it did not revoke numerous local measures that segregated Coloureds and Indians or restricted their access to property or trading although they did have relatively more choice of place of residence and work. The Land Act and the Native Urban Areas also did not allow white people to own properties in the locations or reserves (Davenport, 1969: 99)

Much of the responsibility for enforcing this urban segregation fell on municipalities. The Act empowered municipalities to set aside land for the black African population in separate “locations” (townships) (Davenport, 1969: 99). For example, there were about 64 “locations” in 1927, and the number increased to 234 in 1937 (Davenport, 1969: 100). The municipalities were generally responsible for providing municipal services to areas outside the reserves (Ncube and Monnakgotla, 2016: 77). But the Act also required the municipalities to build

houses for black Africans living in urban areas, and in some cases, also required employers to build houses for their black Africans living in urban areas (Davenport, 1969: 99). In short, a large part of the housing stock was built by and owned by white-run local governments, as providing a way of housing the black African population, of raising revenue through rents and charges, and of limiting permanent residency, as many residents were tenants not owners. These authorities were required to keep separate revenue accounts, into which revenues contributed by township residents (revenues generated from rents on houses built by municipalities, fines, and in some cases, municipal beer hall) had to be used for the welfare of the township residents (Davenport, 1969: 99).

Municipal funding came mainly from government transfers, but importantly, also from local white ratepayers. With some exceptions in the Cape and Natal provinces, which had qualified franchises that were removed in a very lengthy process (see below), municipal government was elected by white voters, many of them ratepayers. The result was that these municipalities prioritised white areas in terms of service provision, while also running and funding locations. The exception was the small number of black African townships were directly under the Native Affairs Department (Dubow, 1986: 219-220).

Smaller municipalities were often reluctant to apply Native Urban Areas Act, fearing that the adoption of the Act might involve excessive financial responsibilities (Davenport, 1969: 100). Many larger urban municipalities, such as Bloemfontein, Durban, and Johannesburg, vigorously implemented the Native Urban Areas Act (Davenport, 1969: 100), and worked on other means to enable segregation. For instance, in 1932, after an extension of the municipal boundaries, the Durban municipality developed thousands of acres in the newly acquired Sea View, Malvern, Escombe, and Westville areas (Maharaj, 1997: 138). These areas were predominantly Indian (Maharaj, 1997: 138). Cape Town, as will be noted later, was an outlier among the cities.

The Act failed to end the existence of racially mixed areas in major cities, including Cape Town and Johannesburg, or clearly segregate black Africans and Coloureds (Parnell, 1991: 279; van der Walt, 2007). For example, Johannesburg's "Malay" area included black Africans, Coloureds, and Indian people, while Fordsburg housed Coloureds, Indians, and working-class whites (Parnell, 1991: 279). In Cape Town, areas such as Mowbray, Newlands and Harfield had both Coloured and white residents well into the 1950s, and District Six, in the downtown

areas, was racially mixed (James, 1992: 50). There were similar areas in, for example, Durban and Port Elizabeth. The Group Areas Act GAA would, later, impose full racial segregation, with no exceptions, and undertake unprecedented, forced removals, including the removal of vast numbers of Coloureds and Indians from areas designated as “white”.

The NP government elected in 1948 is known for the policy of apartheid. This, as stated, did not start segregation, but intensified it. The 1950 GAA greatly tightened up residential segregation, including for Coloureds and Indians, and reduced the scope for municipalities to skirt the laws (James, 1992: 41; Maharaj, 1997: 139; also, Bekink, 2006: 46). It served as a powerful tool for the party’s intervention in controlling the use, occupation and ownership of land and property on a racial basis (Maharaj, 1997: 135).

The Act emphasised separate educational and other services for the different race groups (Maharaj, 1997: 135), and restricted where industrial and commercial development could happen (Bekink, 2006: 46). Since it made it a criminal offence for black African, Coloured, and Indian people to own or occupy a property in areas set aside for people classified as white, it also affected businesses and investments (Havenga, 2002: 95; James, 1992: 41; Todes, Watson and Wilkson, 1986: 52). For example, Indian businesses were pushed out of white and black African areas, and black African business were confined to black African areas. Legislation barred Coloureds and whites from owning property and doing business in the black reserves, where rights were also tied to tribal or ethnic group under apartheid (James, 1992: 43-44). In the Transkeian areas, for example, Indians were barred from owning property (James, 1992: 43), but the same started to also apply to non-Xhosa-speaking black African people.

The Minister of the Interior, Theophilus Ebenhaezer Dönges, defended the Act as reducing the “points of contact” between the races (James, 1992: 51; Mabin, 1992: 405). To enforce and monitor the implementation of such policies, special administrative and policing bureaucracies such as the Land Tenure Advisory Board (later named the Group Areas Board) were created, staffed by dedicated administrators of racial laws (James, 1992: 54). The Population Registration Act of 1950 also tied everyone to a race and allowed the system to work, as it required people to be classified first. The 1952 Natives (Abolition of Passes and Co-ordination of Documents) Act systematised the pass laws as a means of regulating labour flows and black

African entry to the cities (Ramphela, 1993: 16-17), and paved the way for passes to be extended to black women.

“Petty” apartheid dealt mainly with segregated facilities, but “grand” apartheid envisaged something that not previously been in place: the idea that each reserve (later called homelands) could be developed into an independent state. Each homeland would be reserved for one of eight black groups (for example, Bophuthatswana for Tswana-speakers), homelands would be set on the road to self-government and then independence. The foundation was set by the 1959 Promotion of Bantu Self-Government Act. A large sector of the black African population was transformed, by the Bantu Homelands Citizenship Act, 1970, into citizens of their respective homelands.

Black African locations within “white” South Africa did not have their own municipalities, the argument being that full rights would be available in the homelands. The Native Urban Areas Act laid the basis for the creation of Advisory Boards instead, consisting of three black African members (either elected or appointed), and a chairman who was a white person (Davenport, 1969: 99). The 1945 Bantu (Urban Areas) Consolidation Act required white municipal authorities to establish Advisory Boards in every black African township within their area of jurisdiction (Cameron, 1991: 141; Maharaj, 1997: 263). Members of the Advisory Boards could be either elected or nominated (Cameron, 1991: 141). Their powers were purely advisory, and their functions involved considering and reporting to white municipalities on any matters referred by the Minister of Native Affairs or the local authority; any matters affecting black people in the townships which the Board may considered useful to report; and reporting any regulation which the local authority proposed affecting black people in the township (Cameron, 1991: 142). Advisory Boards could also recommend any regulation that they considered necessary in the interests of black African township people (Cameron, 1991: 142).

Grand apartheid changed this a bit, first with the notion that black South Africans would become foreigners in “white” South Africa, as citizens of the homelands, and second was that township government should be more clearly separate from white municipal government. In 1961, the NP government passed the Urban Bantu Councils Act, which made provision for representative councils with some executive and advisory powers (Cameron, 1991: 143). This allowed white municipalities to delegate powers and functions, subject to approval by the Minister of Native Affairs (Cameron, 1991: 143). The Urban Bantu Councils initially involved

nominated and elected members, from in 1970, the council members consisted exclusively of representatives (Cameron, 1991: 143). Their functions included the allocation of land for church and school purposes, the erection and use of dwellings, and influx control (Cameron, 1991: 143). The Councils struggled with a lack of power, resources, and trust.

The 1971 Bantu Affairs Administration Act set up Administration Boards for the more efficient administration of larger urban townships, and more efficient management of black labour supplies (Cameron, 1991: 145). Under the Act, 22 Administration Boards were established across South Africa (Cameron, 1991: 145). Each consisted of municipal personnel i.e., civil servants, and a board of executives, expert in agriculture, commerce and industry, and representatives of local authorities in a Board's area of jurisdiction (Cameron, 1991: 145). Most of the staff from the Bantu Affairs administration departments of white municipalities were transferred to the Administration Boards (Cameron, 1991: 145).

The Boards were given the rights, functions, and duties of local authorities as per national legislation and provincial ordinances (Cameron, 1991: 245). The main functions of (black) Administration Boards were in the fields of housing and recreational services, trading services, labour, and influx control (Cameron, 1991: 146). White municipalities continued to deliver services such as health and transport on an agency basis to black African urban townships (Cameron, 1991: 146).

The introduction of (black) Administration Boards did not lead to decentralisation of power because the Minister of Department of Cooperation and Development retained overall responsibility for urban black affairs (Cameron, 1991: 145). The Administration Boards did not have policy-making powers and regulations (Cameron, 1991: 145). Policy-making powers and regulations still resided with the Minister of the Department of Cooperation and Development (Cameron, 1991: 145). Effectively, the administration of urban black African areas was removed from the scope of (white) local government and placed under the direct control of the central state (Labour Research Committee, 1983: 28). This allowed policy to be aligned to the grand apartheid scheme.

4.3. Municipal government and Coloured and Indian residents into the late 1970s

There were very marked similarities between black African and Coloured experiences under colonialism, segregation and apartheid, but in understanding the history of the union movement, including of the CTMWA and the early SAMWU, it is also important to note some distinctive features of Coloured worker conditions and options. As noted in the previous chapter, Coloured workers were in paradoxical position, with some access to the franchise, some scope for preferential employment, and from the 1920s, some union and welfare rights, but this went together with significant and intensifying degrees of racial oppression. The previous chapter examined this mainly with reference to employment, unions, and industrial relations, while this section will start to unpack this in relation to the larger way South African society worked.

The Native Urban Areas Act and the ICA extended some rights to Coloureds, making it clear that passes did not apply and providing access to the state's industrial relations system, and the qualified franchise in the Cape, where most Coloureds lived, gave some influence in elections. The NP sought to win Coloured votes in the two Pact elections, 1924 and 1929, with promises of a new deal (Goldin, 1929). However, the NP also started to move against the qualified franchise (Skovsholm, 1999: 239). In the early 1930s, the proportional importance of the black African and Coloured electorate in the Cape was reduced by the government granting a full franchise to white women (Skovsholm, 1999: 239), and removing qualifications for white men. After the Pact, the Fusion government, formed in 1934, had the necessary majority in parliament to pass the Native Representation Act of 1936 whereby black African voters were removed from the common roll (Skovsholm, 1999: 239). Enfranchised black Africans were now allowed to vote for three white members of parliament, and two in the Cape provincial council (Skovsholm, 1999: 230-240). The 1959 Promotion of Bantu Self-Government Act, 1959, abolished this representation, on the grounds that black Africans' rights would be expressed in self-governing, then independent, homelands.

The next step was to remove the Coloured's franchise. This was a long and drawn-out process, and more controversial than the removal of the black African voters. Steps included the Coloured Affairs Department (CAD). Removal was eventually achieved by a 1951 Separate Representation Voters Act, which gave Coloured voters four MPs in segregated elections

(Labour Research Committee, 1983: 25-27). This was then challenged in the courts, and had to be brought back in amended form, but it was effective by the 1958 elections. The secretary of the Cape NP, Piet Marais, summarised the aims of such measures “If the position is allowed to continue as it exists today, municipalities in the Western Cape will eventually become overruled by Coloured majorities, because the Coloured people are steadily advancing in numbers” (as quoted in Labour Research Committee, 1983: 28). There was never a plan for a Coloured homeland, but Coloured representation in the white parliament, even indirect, was not sustainable in the apartheid vision. In 1970, new legislation meant that Coloureds could only vote for a new Coloured Persons Representative Council.

The situation at local government level was more complicated. First, the GAA aimed at full, four-way, racial segregation. Coloureds had faced some local segregation measures, varying by city and province, but the Act imposed a national policy which was soon strictly applied. Besides the well-known forced removals of black Africans that started in the 1950s, there were those affecting Coloureds and Indians.

The Durban city council, for example, worked closely with the NP to implement the GAA, with an emphasis on stopping Indian “penetration” (Maharaj, 1997: 139). In 1950, a Technical Sub-Committee consisting of the heads of different municipal departments was appointed, which drew up a detailed zoning plan, and with Durban North, Lower Berea, the Central Area, Riverside, Prospect Hall and Cato Manor were allocated for whites (Maharaj, 1997: 141). Indians were evicted from mixed areas in Cato Manor, the Old Borough, Sydenham, and Springfield, as were black Africans. In Johannesburg, Coloureds were removed from Alexandra and Sophiatown, in Port Elizabeth from South End and elsewhere, and in Grahamstown (now Makhanda) from Fingo Village (James, 1992: 42). There were extensive forced removals in and around Cape Town (see below).

By 1976, one in six Coloureds (i.e., 306 000), and one in four Indians (i.e., 153 000) had been removed under the GAA (James, 1992: 42), very similar to the proportion of black Africans who faced forced removal. A 1980 article in the SACP’s *African Communist* reported that “Between 1950 and 1978, no fewer than 374 990 coloureds and 172 156 Indians were forced to move, compared with only 8 299 whites, while further 72 215 Coloured and 59 437 Indians are marked down for future removal, compared with only 389 Whites” (Editorial Notes, 1980: 8).

Coloured voters remained on the common municipal voters' roll in the Cape until 1972 (Labour Research Committee, 1983: 28). However, separate local government structures were introduced in Coloured and Indian townships in 1962. This followed the appointment of the Niemand Committee of Investigation on the development of local government in Coloured and Indian communities and the 1962 Group Areas Amendment Act (Todes, Watson and Wilkson, 1986: 51; also, Cameron, 1991: 131).

The Group Areas Amendment Act provided for three phases in the development of Coloured and Indian local government (Cameron, 1991: 131). The three phases were, namely, the establishment of Consultative Committees under the guidance of white municipalities; secondly, the establishment of Management Committees consisting of elected and nominated members; and thirdly, the establishment of a fully-fledged municipalities with status equivalent to white municipalities (Cameron, 1991: 131). In the end, the first phase was not considered, and the system went straight to Management Committees, created from 1964 for most Coloured and Indian communities but under the guidance of white local authorities (Cameron, 1991: 133). The administrative staff of the Management Committees was appointed by the relevant white municipality (Cameron, 1991: 133). In the Cape, this co-existed with direct municipal representation until Coloured voters were moved from the common municipal voters' roll to the voters roll of the Management Committees in 1972 (Cameron, 1991: 133; Labour Research Committee, 1983: 28).

4.4. Cape Town, Coloured workers and the shaping of the early CTMWA

At the founding of the Union, Coloured people comprised nine percent of the whole South African population, well behind whites at 21 percent, and black Africans at 67 percent, but in Cape Town and the larger Western Cape they formed an absolute majority (van der Walt, 2011: 142). Most Coloureds lived in the Western and Northern Cape, and in these areas, as well as in some Cape coastal towns like Port Elizabeth at the time, the combined Coloured and white population was an overwhelming majority, with black Africans just 4 percent of the Cape Town population in 1921 (van der Walt, 2011: 142). This was a long-term pattern, so that even while the black population grew over time, Cape Town was still predominantly Coloured and white in the 1970s.

Before the GAA, it was probably the most racially integrated city in South Africa (Trotter, 2013: 51). At the time of Union, there was a substantial degree of social interaction, with some blurred areas between the races and a tolerance compared to, for example, Durban and the Witwatersrand (Bickford-Smith, 1995). People from different racial and ethnic backgrounds lived together, shaping each other's lives (Trotter, 2013: 51). As discussed in the previous chapter, there was a long history of unions that organised both Coloured and white workers, as well as of joint protests, and the "white labourism" dominant in other places was challenged by the existence of alternative traditions, represented by the Cape Federation of Labour, the SDF and the Industrial Socialist League, and Democratic Labour Party, and later the CPSA, the Trotskyists and the Unity Movement. The early ICU bridged the gap between Coloured and back African in the Cape, notably in Cape Town and Port Elizabeth, and the Cape Federation of Labour lasted into the 1940s.

This is not to say that there was not racism and discrimination. The qualified franchise was accessed by some of the skilled Coloured workers, but excluded most Coloureds, and Coloureds were mostly in low-wage, less-skilled jobs (van der Walt, 2011). As noted in the previous chapter, a large part of the Coloured workforce was in agriculture (mainly labourers and herders) and domestic labour, 17 389 of the to 49 789 in industrial occupations were labourers; there were 10 819 in "commercial occupations," and 212 clerks and 518 teachers (Lewis, 1987: 65-66).

In all occupations mentioned above, Coloured worker's wages were usually less than those of white people in equivalent posts, and Coloured workers dominated lower-end, low-wage, insecure jobs (Lewis, 1987: 66). There was segregation in churches, schools, and state spending. When the SAR&H, in the Pact years, replaced black Africans on the railways, "the increase in the employment of white labourers far outpaced that of Coloureds" and "those Coloured labourers hired to replace Africans were paid less than their white counterparts" (Lewis, 1987: 133). When Coloureds started to be included in the government old age pension, it was a substantially lower payment than whites got.

The history of the Cape Town local municipality dates as far back as 1839 when Cape Town was granted local self-government after the promulgation of the 1839 Cape Town Municipal Board Ordinance by the government of the Cape Colony (Havenga, 2002: 93). The Cape Town

municipality was then very small, governing only the central part of today's city, the City Bowl. Later, areas such as Wynberg, Goodwood, Bellville, Kuilsriver, and Simon's Town fell under the control of the Cape Town council.

The Cape Town council was always the most important local authority in the region (Catchpowle, 2002: 115; Todes, Watson, and Wilkson, 1986: 53). The city was also the site of the Cape parliament and of the central administration of the Cape Colony. It retained, with Union, the status of seat of Parliament, as well as the seat of the Cape provincial council and the Cape provincial administration; the city also had the second biggest harbour in southern Africa, after Durban. The Cape Town city council was the largest provider of municipal services in the Cape Peninsula, including electricity; the water supply system for the metropolitan area; treating of wastewater from outside its boundaries, health, ambulance services, the fire brigade and traffic control, (Rudin, 1996: 128; Catchpowle, 2002: 121). It was also responsible for transport planning (Catchpowle, 2002: 121). The municipality was one of the largest employers, along with the provincial administration and the SAR&H, which controlled the harbours and railways.

The CTMWA was formed in 1918-19, then re-launched in 1928 with 20 members, mainly unskilled, Afrikaans-speaking Coloured workers in Cape Town (Rudin, 1996). Ten years later, the CTMWA had 750 members, and by 1947, membership grew to 4 278 (Rudin, 1996: 46). The union was registered in terms of the Industrial Conciliation Act in 1942, and as recognised as a negotiating partner by the municipality (Rudin, 1996: 47). It was one of a number of municipal workers' unions that were established in the early twentieth-century, part of the long history of state sector trade unionism.

As stated in the last chapter, the unions in the municipalities reflected the divisions in the working-class. For example, the CTMWA existed along with an older (white) CTMEA and a white Tramway Workers Association (Mawbey, ca. 2016; Rudin, 1996: 39-40; Walker and Weinbren, 1961: 78). The CTMWA was, as its name says, based in one city, Cape Town, and there, in the Coloured working-class majority. It did not join any national association of municipal unions, and it did not affiliate to bodies like the South African Trades and Labour Council, TUCSA, or SACTU.

Like many registered unions, the CTMWA had an emphasis on benefits and services, rather than direct actions. Ernstzen, then working as a labourer in the Parks and Forests section of the municipality, and one of the youngest members, who joined CTMWA in 1962, remembered it as “a body here called a union but not in my mind performing any of the functions that a union should fulfil” (Ernstzen, 1984: 45). The CTMWA also had a long history of avoiding difficult decisions. Rudin (1996: 168 note 625) says there was a “established practice of passing the problem around,” moving it later meetings, or sub-committees and so on.

The city’s municipal workforce in which the CTMWA organised was racially structured, white workers dominating white-collar, skilled, and certain semi-skilled jobs, with Coloured workers concentrated in jobs like refuse removal, and the CTMWA was shaped by this structure (Rudin, 1996: 47).

The black African population was a very small part of the city, and the municipality, until the 1970s. Vivian Bickford-Smith (1998: 40) points out that in 1946 the Coloured population of greater Cape Town was the majority, at 208 451. Black Africans were around six percent of the municipal workforce in 1950 (Rudin, 1996: 47- 48). Twenty years later, Coloureds were 49 percent of workers in formal employment in the Cape Peninsula, black Africans 14 percent (Maree, 1992: 626). The CLPP actively discouraged the formation of a permanent, and substantial, black African population in the Western Cape. Black women were kept out as much as possible, as it was argued that allowing these women to live in the Cape’s urban areas would facilitate a settled black urban population (Cole, 2013: 8). Any employer who wished to employ black African workers was supposed to have a government permit, issued only when the relevant department was satisfied that Coloured labour was not available (Black Sash, 1981: 3).

Many of the black African workers legally in the city were men, migrants living in single-sex municipal or employer hostels, the largest and oldest in the Langa location, with others in Nyanga. There were also black African families in other types of township housing, and distrust between hostel-dwellers and other black residents (Ramphela, 1993: 25-29, 63). The construction of the hostels was governed by the Natives Urban Areas Act and reinforced by a range of other laws and measures (Ramphela, 1993: 1-2, 16-18). Many migrant men in Cape Town were designated temporary residents and given limited (temporary) accommodation in

the hostels, but many were in fact long-term dwellers, in some cases renting the same bed for over 25 years (Ramphela, 1993: 31).

4.5. Cape Town's segmented labour markets and precarious labour before neo-liberalism

As stated, the structure of the working-class as stated affected the structure of the unions. However, there was always a degree of choice in how to respond to the structure, and a range of approaches within unions. As noted in the two previous chapters, registered Coloured unions took a range of different positions, and changed over time.

The same is true of CTMWA. It faced two major issues in the sector it organised: divisions by occupation and labour markets, and divisions by race. The two issues were linked. So-called atypical, that is, precarious, employment was a threat to workers in better jobs, for the obvious reason that these workers were cheaper and had fewer (effective) rights. In Cape Town, the municipal use of casual labour was extensive long before neo-liberalism, and the situation was even more serious in other Cape municipalities. In Kimberley in the early 1950s, "Only one coloured was on the permanent Staff Establishment and all coloureds received inferior wages to whites" (Rudin, 1996: 98). Also, divisions amongst workers, including by race, urban versus migrant, and so on, weakened workers' structural and associational power, to use the terms of the PRA. If unions are actually, not built on SER workers but actually major reason for the existence of SER jobs in the first place (van der Walt, 2019a: 16), then stronger unions are going to be also crucial to dealing with the issue of atypical/ precarious work.

4.5.1. Cape Town's precarious Coloured municipal labour before neo-liberalism

As said earlier, the Coloured workforce itself was stratified, but it must also be said that it was divided between workers in jobs closer to the SER model, and casuals. Some jobs in the municipality had security, some perquisites, and the prospect of a fairly good pension, others did not (Rudin, 1996: 226). The Cape Town city council preferred to employ its Coloured workforce as casuals, before promoting them to permanent, full-time employees (Rudin, 1996: 227). The practice was to start everyone as a labourer, regardless of prior education or experience. For example, when Johnny Ernstzen, later the general-secretary of the CTMWA and SAMWU general-secretary, joined the municipality in 1962, he was employed as a

labourer although he was an artisan (Ernstzen, 1984: 45). There were sometimes exceptions made for people with specific, advanced qualifications, as the municipality also employed a small number of Coloured semi-professional and professional people, like doctors, nurses, and teachers (Rudin, 1996: 227-229, 227 note 856, 228 note 864).

The entry-level employment was an insecure, casual job but hard work, talent and good behaviour could make a real difference. “Evidence of the rewards available were everywhere to be seen” in the form of promoted people, including into supervisory and white-collar jobs (Rudin, 1996: 227). Some people improved their career through part-time study, and there were cases of people moving from labourer into senior management in this way (Rudin, 1996: 227-229, 227 note 856, 228 note 864). Some worked for two years before they moved into more secure employment, but others were what would be called in later years “permanent casuals” (Rudin, 1996: 227, 227 note 855). Ernstzen complained that the system did not apply to whites, as some “who came in were appointed foremen and to other managerial positions even though they had no understanding whatsoever of the nature of the work being performed” (Ernstzen, 1984: 45).

This situation shows that a complex labour market with an extensive use of so-called atypical labour, continuously operating for decades, and existing long before neo-liberalism. It corresponds to what Webster (1994) described as the segmented labour markets of the old South Africa, but not exactly. Webster’s discussion, focused on the metal industry on the Witwatersrand, was dealing with an area with a very different racial composition, and much more use of black African migrants. His division was basically between a (white) independent primary labour market based on skills, a (racially mixed) subordinates primary labour market of semi-skilled workers, and a (black migrant) secondary labour market, unskilled (Webster, 1994).

In the Cape Town municipality, on the other side, whites were concentrated in the independent primary labour market, and black African migrants in the secondary labour market, but Coloureds were in *all three*. Coloureds were also the majority in the secondary labour market in the municipality. According to Rudin (1996: 227-228 note 858) there was always a large pool of casual Coloured labour in the city, and he cited a 1976 government stating that there were “no permanent and continuous employment opportunities” for “at least the bottom 30%” of the Coloured workforce.

This made access to the city's municipal jobs highly sought after, not only were they better paid than the prevailing rates but there was scope for upward mobility (Rudin, 1996: 227-228). The appointment system for Coloureds at the municipality provided a route from the city's secondary labour market, into the municipality's secondary labour market, and from there the possibility of moving into subordinate primary labour market or even the independent primary labour market. But the segmented labour markets in the council were a permanent feature, there was no guarantee of moving out of the secondary labour market, and many stayed in it.

At a given time, the municipality had a *majority* of casual workers, and this was long before neo-liberalism. For example, around 1946, more than half of the council staff were casuals, many of them "long servicing" employees (Rudin, 1996: 227 note 855). The city was "by far the largest, single employer of coloured labourers in Cape Town" (Rudin, 1996: 226). If we think about the system of job reservation and of the large pool of Coloured casuals in the city, these casuals would have been mostly *Coloureds*, with some black African migrants from hostels filling up gaps.

Not everyone would move up. It depended on assessments, including vague qualities, like good behaviour, which gave supervisors a lot of discretion. There were cases of people being fired for "insolence" after speaking out on wages, there was favouritism (Rudin, 1996: 77-78, 209-210).

The SAAME also did its best to block access to a range of jobs available, and there was job reservation, so there was a competition for a limited number of posts. Also, even appointment to permanent jobs was no protection against measures like the early 1960s "hire and fire" scheme that allowed lower-level supervisors "the delegated authority summarily to fire hourly paid workers, including even low-level, hourly paid supervisors" without a disciplinary hearing (Rudin, 1996: 209-210). This scheme was still in place in the mid-1980s as a way of avoiding permanent staff (Beretti, 1986: 135)

I want to use the above to make the case that the SER was firstly not the "standard" at the Cape Town municipality, secondly that precarious labour did not start with neo-liberalism, and

thirdly that divisions between workers in the Cape Town municipality were not only racial or skills-based, but also differentiated in labour markets.

4.5.2. Organising Cape Town's precarious Coloured municipal labour before neo-liberalism

If there was already a large pool of casual workers in the municipality, how did the CTMWA deal with this problem before the rise of the new unionism in the 1970s? It is important to repeat that it was shaped by the racial structure of the municipality, and the jobs in which Coloured workers were concentrated. For example, in 1936 about 72 percent of CTMWA members were drawn from the refuse removal department (Rudin, 1996: 47). In 1946 there were about just 17 Coloured workers working as special constables and 22 Coloured workers working as traffic officers for the Cape council (Rudin, 1996: 47). In 1961, 57.1 percent of the CTMWA members were labourers (Rudin, 1996: 114 note 443).

Before the 1940s, the CTMWA was primarily a union of illiterate, Afrikaans-speaking labourers, "heavily concentrated in the Cleansing Department," and "responsible for rubbish collection and street cleaning" (Rudin, 1996: 47). In 1938, there were around 600 workers in this Department, and almost 85 percent were unskilled: these were mostly Coloureds, although there were 120 Coloureds with more skilled jobs (Rudin, 1996: 45-46). The CTMWA seems to have enrolled most of these workers, with the total CTMWA membership in 1938 standing at 750 (Rudin, 1996: 45-46). Many were illiterate.

In 1944, the municipal workforce was around 8 500, of which 5 000 (58 percent) was in the "lowest income group," the vast majority being Coloured, while in 1950, the municipality employed 5 120 Coloureds: 63.6 percent were unskilled and 27.4 percent were semi-skilled (Rudin, 1996: 47-48). The union by this time had expanded across the municipality, and again seems to have enrolled the great majority of the Coloured workers, as it grew to 4 278 in 1947 (Rudin, 1996: 46).

It seems clear that it had enrolled, most of the Coloured workers grouped in the subordinate primary labour market and, also, the secondary labour market, meaning, most of them were casual workers. This is supported by Rudin's (1996: 48) statement that, in 1963, 5 000 of the Association's 6 500 members were labourers. Similarly, a 1981 article in *Grassroots*, an anti-

apartheid newspaper, quoted a CTMWA member as stating: “most of the members of our union, the Cape Town Municipal Workers’ Association are the lowest paid workers” (*Grassroots*, 1981: 3).

This inclusive organising was assisted by the larger context, I argue that a major reason why this mass organising worked was that casual workers in this period were still mostly internal, directly hired by the municipality. There was not the “fissured workplace,” where workers are divided by multiple employers, contracts, and terms (also see Anner, Pons-Vignon and Rani, 2018: 8; Hardy, 2016: 81-82; Tucker, 2020: 373; Weil, 2014: 8). The workers were also all Coloured, and shared the same legal status, spoke a similar language, embraced a similar culture, resided in the same neighbourhoods, and faced racial oppression.

Once the union was recognised and registered, it became the main representative of these workers. By 1947 this was entrenched when it used its position to win a “closed shop.” This meant that Coloured workers in a wide range of jobs had to join the union as part of their terms of employment, and the municipality set up stop orders to collect membership dues for the union (Rudin, 1996: 46-47). If we use the PRA here, the CTMWA built associational power, then used institutional power to strengthen its associational power. But it did not much structural power, as it could not strike. Rudin (1996) argues that there was some reliance on municipal goodwill that contributed to the union avoiding confrontations.

4.5.3. Organising Cape Town’s precarious black African municipal labour before neo-liberalism

This then brings up the second challenge, the racial divide in the workforce. SAAME policy clearly saw Coloured workers as a threat, the union was part of SACOL which unlike TUCSA did not allow Coloured or Indian members. Job reservation meant labour markets were shaped by race, so even if white and Coloured workers were in the same labour market, like the subordinate primary one, certain jobs were reserved for whites-only. Unity amongst the workers across racial lines was improbable.

The division between especially (urbanised) Coloureds and black African (mainly migrant) workers was also important, but different. Both groups faced racial oppression, even though it was most severe towards black Africans. Despite the “civilised labour policy” and the CLPP,

many Coloured and black African workers occupied similar positions, and both could be found in the secondary labour market.

But the division between these workers was deep. The divide between the two groups went well beyond the municipality. It was seen in the racially structured labour system, cultural, linguistic, and residential divisions, and racial distrust (Maree, 1992: 560-562, 626-628). The dualistic industrial relations system, with coloured workers under the ICA and black Africans under the Native Labour (Settlement of Disputes) Act was part of this, and so was the 1956 amendment to the ICA that segregated the registered unions themselves.

Despite the “civilised labour policy” and the later CLPP, many employers preferred black African workers, especially migrants. They believed that this helped loosen the labour market, whereas strict measures would drive up wages and undermine the competitiveness of industries (Goldin, 1984: 111-113). Black African workers, most Xhosa-speaking migrants, tended to get the jobs that did not attract Coloured workers (Maree, 1992: 560-562). For example, in 1960, the Cape Chamber of Industries stated that while influx control for black Africans was necessary, there was a need for flexibility in the province’s labour policy (Goldin, 1984: 113). This was a way of saying that when Coloureds refuse certain terms, even more desperate and oppressed workers would be brought in – cheaper than improving the terms. It was estimated that no “less than 85 percent of the economically active African men housed within the municipal boundary of Cape Town in 1971-2” were migrant workers (Maree, 1992: 562).

The same fear of replacement that pushed many white workers to supporting “white labourism” or the NP and apartheid, and demanding preferential treatment including job reservation, existed among Cape town’s Coloured workers. As seen earlier, the APO had lobbied for Coloureds to replace black Africans in various jobs. There was a thread in Coloured politics in the Cape that aimed at keeping blacks out of the more skilled jobs, and a complicated racial “coloured consciousness” (Goldin, 1987; Lewis, 1987). Coloured distinctiveness was often stressed, for protection against even worse racial oppression (Rudin, 1996: 291-300). But it also backfired, as many white, Cape employers believed that Coloureds were “work-shy” and “lazy,” prone to absenteeism and drunkenness, and unsuitable for heavy unskilled work – leading them to prefer black Africans in many jobs (Goldin, 1984: 113).

The problems were truly not easy to solve. While Coloured and white workers were sometimes in the same unions and protests in Cape Town, and while the CTMWA clearly included large numbers of casual workers (see above), it proved very difficult to unite Coloured and black African workers in the same union. The ICU later took the credit for the 1919 Cape Town dockworkers strike, but the strike was actually a joint ICU-IWA action (van der Walt, 2011). The alliance was crucial, as the ICU was at the time almost entirely Coloured, and the IWA was black African-based and organised in the Docks Native Location (housing for single, usually migrant, men) and the Ndabeni location (which had family accommodation) (van der Walt, 2011: 143, 150-154). The next year, the two unions merged and over time, the ICU lost most of its Western Cape, Coloured members (see previous chapter).

The CTMWA did not seem have tackled the issue of Coloured-black African worker unity through building a single non-racial union before the 1960s, when it started to look into such an approach. The reasons might have been the small black African workforce, the difficulties of organising hostel workers, and the strength of the existing divisions. These are possible reasons. speculation but it is clear, as Rudin (1996) argues, that the union had a strongly Coloured identification, and this would also have an effect.

The closed shop system also had the effect of dividing labour: Cape Town's white municipal workers had a closed shop for their members, and this obviously included whites-only jobs, including permanent jobs. The CTMWA's closed shop was similar, in that it covered on race and would have included the jobs reserved to that race. Further, once the city council put the CTMWA closed shop into effect, it decided to exclude black African workers from *all* permanent posts, i.e., to place them completely into the secondary labour market (Rudin, 1996: 101, 112).

In 1947, the CTMWA helped set up a black African "parallel" union, the CTAMWA, also known as the AMWA (Mawbey, ca. 2016: 162-167, 233-234; Rudin, 1996: 39-40, 56, 100-101, 267). This was one of the very first black African municipal unions in South Africa and formed roughly the same time as the (largely Coloured) FCWU formed its own parallel, the African Food and Canning Workers Union (Rudin, 1996: 100-101, 101 note 396).

It was started when the CTMWA won the closed shop, because it turned out that some black African workers were in jobs covered by the agreement. They could not join the ICA-registered

CTMWA, and so, were facing losing their jobs (Rudin, 1996: 101). The city council suggested the CTMWA set up a union for these workers, under CTMWA auspices, as a solution and amazingly, the CTMWA was recognised by the employer in early 1948 (Rudin, 1996: 101). It does not seem that there was any other recognised municipal union for black African workers in entire country in these years (Mawby ca. 2016). Most black African municipal unions were still fighting for recognition in the 1980s as will be seen later in the thesis.

Its leadership included Mancomba Wyan as president, Gilbert Mancoba as vice-president, and Noga Mpana as general secretary (Rudin, 1996: 101-102). The first meeting was in Langa, and attended by some CTMWA representatives, the language issue was tackled by using an interpreter. The union, in a 1961 document, complained of conditions for black African municipal employees working at Langa Township, showing extremely precarious employment, racist and other abusive treatment, and no scope for promotion. Some of the statement is as follows (from Rudin, 1996: 104-105):

.... On the average, two people are sacked each day from this Branch... the general consensus of opinion is that unsympathetic European bosses imbued with hatred for anything African, in co-operation with power drunk and puffed up boss-boys [black supervisors – note by JMM] , makes toys of those under them...

[The municipal] Office set aside to serve.... Africans [Langa residents – JMM] is manned by a preponderance of Europeans who, in the majority of cases are anti-Black.... African clerks, the majority of whom are highly qualified, are used merely as counter boys, carriers of boxes and machines to be used by whites who loll on their seats most of the time....

Africans are never given the slightest chances to show and prove what they are worth. Highly educated though they be, they have to be bossed around by Europeans who have no qualifications at all but their all-important colour... Should African clerks exchange words over anything they are reprimanded sharply and threatened with dismissal, yet this is no offence as far as Europeans are concerned.... Discrimination is stalking tall at Langa hence promotions are made not on merit and qualifications but according to whether you are prepared to cringe and back-bite your fellow workers as well as act as a private detective eavesdropping all round the entire location ...

The public think that Council employees belong to the better paid sector of the community whereas the reverse is the case... The fact is that as soon as we show signs of discontent. ... we are sent packing. Fair is fair, we are not asking for the moon. We are only asking the Council to pay wages which are commensurate with our qualifications and the type of work we are called upon to do ...

Because the municipality wanted the CTAMWA under CTMWA auspices, stop orders for the black African-based union, its communications, and concerns, had to be communicated through the Coloured-based union (Rudin, 1996: 39-40, 56, 100-101, 267). The CTMWA saw the situation as a problem and asked the municipality to change it, unsuccessfully, and CTAMWA representatives did start to attend meetings of the CTMWA general committee from the 1960, and the executives of the two unions started to have joint meetings (Rudin, 1996: 103).

4.6. The CTMWA's developing union identity and organising precarious labour

Hyman's (1996, 2004) trade union identity theory suggests that union identities are shaped over time, and composed of values, goals and practices which shape unions' priorities, activities, and strategies. Union identity informs how unions respond, for example to precarious labour. I will argue that this is true for the CTMWA in the period discussed so far.

4.6.1. Race and class in the CTMWA identity

The union was an industrial union but for Coloured workers, and members ranged from labourers to doctors, rather than a craft union. This aspect of its trade union identity opened it to recruiting every Coloured worker that it could. In addition, it included elements of a working-class consciousness that opened it to a broader idea of class-based solidarity.

The CTMWA did not affiliate to any federation, but it undertook some solidarity work. One area was in the municipal sector. In the 1940s it assisted the Durban Indian Municipal Employees Union, when members were fired after a strike, and in the 1950s helped form a municipal union in Kimberely, aided municipal workers in Port Elizabeth in the 1950s and 1960s, and in Johannesburg and Paarl in the 1960s (Rudin, 1996: 96-100). Another example is

that in 1953, the CTMWA participated in a Unity Committee of unions set up to oppose the proposed amendments to the ICA: these were the changes adopted in 1956 (Rudin, 1996: 177-178).

In 1959, it resolved to fight against the ICA's job reservation system, the executive arguing that "This onslaught on our rights is not directed against us alone but against all workers... we must consider ways and means of waging a common struggle with other Trade Unions" (Rudin, 1996: 180). It resolved on a legal challenge, a convention of Cape Town unions, suspending leaders who tried to make a secret deal with the municipality on the issue, contacted SACTU and joined a SACTU-linked national Committee Against Job Reservation (Rudin, 1996: 179-192).

In his Presidential Address to the 1963 annual general meeting, H. Johannes spoke of the CTAMWA as a "sister organisation," stressed the importance of cooperation with black African-based unions, and supporting "closer bonds of unity, and the improvement of the living and working standards of African workers generally" (Rudin, 1996: 103). The CTAMWA also showed aspects of a class-based outlook, and it was at its suggestion that in 1959 the CTMWA debated a proposal that Cape Town's black African, Coloured and white municipal unions merge. "Nothing came of this suggestion," however, as the CTMWA followed its habit of not taking hard decisions (Rudin, 1996: 103).

4.6.2. Conservative and left aspects of the CTMWA identity

Rudin (1996) argues that the CTMWA always had a strongly conservative tendency, reflecting the self-identity of many Coloureds and their position in Cape society, and that this had a deferential politics, based on submitting petitions and using the law (Rudin, 1996: 39). But he also notes that racial oppression "simultaneously left the Association open to the alternative attraction of resisting the oppressor" and that its "story" had many examples of the "antithetical pulls" of moderation and radicalism (Rudin, 1996: 79).

One example is the issue of the Coloured franchise. Some CTMWA leaders seem to have wanted to participate in the CAD process in the 1940s, which was part of the push to segregate Coloured voters, but a "small number of anti-CADers" were active in the union (Rudin, 1996:

81). They would not win the majority, but they did “succeed in breaking up” the union’s 1943 Annual General Meeting.

The anti-CAD issue takes us to the influence of changes in Coloured politics from the 1930s, with the rise of more radical groups who opposed the intensifying discrimination against Coloureds, such as efforts at removing the franchise, and the CAD process. The APO remained influential into the 1940s, but it was in decline and its once-dominant position was challenged by new groups and ideas.

Not all Coloureds responded to the onset of the sustained attack on rights from the 1930s (the NP’s promised “new deal” was long dead) with opposition. A large, influential but moderate Coloured People’s National Union emerged that favoured a policy of negotiation and compromise (Adhikari, 2006). It hoped to win the best deal possible within the closing space in which Coloureds lived, and it was dominated by moderate and conservative rural Coloured workers (Adhikari, 2006).

Its position provoked a huge political controversy, and spurred others to take more radical positions (Simons and Simons, 1969). The CPSA was meanwhile promoting broad popular fronts, a major example of which was the All-African Convention formed in 1935, by the ANC, CPSA, and ICU. Educationist Davidson Don Tengo Jabavu, son of newspaper editor John Tengo Jabavu, was elected president and members included liberals and Trotskyists (Hirson, 1995). This body focused on the attacks on black Africans by the Fusion government a coalition between the NP and the South African Party.

Growing ANC and CPSA influenced a strand in Coloured politics, which led to the founding of the South African Coloured Peoples Organisation, later called the Coloured People’s Congress (CPC), in 1953. It organised protests and demonstrations against the apartheid government’s plans to remove Coloureds from the common voters’ roll (Adhikari, 2006: 471). In the mid-1950s, it joined the ANC-led Congress Alliance and was involved in the development of the Freedom Charter (Adhikari, 2006: 471).

The CPSA was also involved in groups like the National Liberation League (NLL) formed in 1935 by CPSA members Johanny Gomas and James La Guma and Zainunnisa “Cissie” Gool, the daughter of Dr Abdullah Abdurahman and Helen Potter James (Plaut, 2020). Gool was

elected NLL president making her the first woman of colour to lead a national liberation organisation. In 1938 she presided over the Non-European United Front and like her father she was elected to the Cape Town City Council and served for twenty-five years (van der Spuy, 2002). Unlike the All-African Convention, the NLL focused on issues facing Coloured communities (Hirson, 1995). It was influenced by Marxism, both that of the CPSA and the Trotskyist current, which were gaining ground amongst the better educated, urban Coloureds (Adhikari, 2006: 471). Founded in Cape Town, largely Coloured and based in the Western Cape, it tried to link issues facing Coloureds to larger democratic, anti-segregationist demands (Hirson 1995). For example, it opposed attempts to racially segregate workplace facilities and post offices, demanded equal opportunity, and argued for a quota system for skilled Coloureds (Lewis, 1987: 204; Simons and Simons, 1969: 534). The NLL was prone to division, unable to bridge racial gaps, and ultimately, it fell apart in 1938 (Adhikari, 2006: 471; Hirson, 1995: 70).

One of its successors was the Unity Movement, formed in 1943, which developed as something much more radical and durable (Adhikari, 2006: 471; Bundy, 1984: 14). The Unity Movement was influenced by Trotskyism, rather than the CPSA. It drew its core supporters from the Coloured (and to a lesser extent, the black African) intelligentsia in the Cape, especially teachers, and exercised a huge influence over the TLISA (Adhikari, 2006; Braam, 2018: 2-3; Nyoka, 2020; Soudien, 2019). It can be traced to the New Era Fellowship, which in 1943 initiated a broad Anti-CAD organisation and reactivated the All-African Convention, the two then joining as the Non-European Unity Movement (Hirson, 1995; Kayser and Adhikari, 2004; Simons and Simons, 1969:541-542).

The Unity Movement was meant to be a coalition, but soon developed into a Trotskyist body (Hirson, 1995). It engaged in various struggles, including against efforts pass laws in the Western Cape (Lewis, 1987: 229), and rural struggles in the Transkei reserve in the Eastern Cape (Bundy, 1984). It was affected by the Suppression of Communism Act (Adhikari, 2006), also, its supporters state that its leaders, like I.B. Tabata, were among the first banned (Dudley, n.d.).

The Unity Movement never developed as a popular mass movement, but its ideas and politics had a significant and lasting impact, especially in the Western Cape (Adhikari, 2006; Nasson, 1991). It placed a heavy emphasis on providing political education and arguments, including to school students by Unity Movement-supporting teachers (Nasson, 1991). It had youth and

student affiliates like the Society of Young Africa, the Durban Students Union, and the Progressive Forum (Kayser and Adhikari, 2004).

One argument was that real democracy and freedom could not be achieved under an inherently imperialistic world-capitalist system (New Unity Movement, n.d: 16). This suggested that reforms were generally of limited value, as they did not change the system that generated oppression. All South African people should have full, equal democratic rights, but this was only possible if the roots of discrimination and oppression were destroyed (Cape Action League, 1987: 28). The struggle for freedom must be waged against capitalism itself (Cape Action League, 1987: 28).

The Unity Movement tradition argued that the unity of the oppressed people was the strongest weapon, and, crucially, the working-class must not remain divided (Cape Action League, 1987: 28). It was essential to fight the ruling class's divide-and rule, including the idea of race, tribalism, and use of collaborators from among the oppressed. It emphasised "non-collaboration" with the institutions of the oppressor, calling for boycotts. The Cape Action League's position was that the separation of the working people by skin colour, language, sex, and religion was a pillar of ruling class power (Cape Action League, 1987: 28).

Oppressed and exploited people should unite in a common struggle based on the movement's Ten Point programme (Adhikari, 2006; Dudley, n.d.; Hirson, 1995). This programme was "similar to demands put forward by opponents of discrimination since 1910," appeal to a "wide range of political opinions," "contained nothing that would displease a radical," and placed an emphasis on land issues (Simons and Simons 1969: 543), but it was meant to lay grounds for a move to socialism (Kayser and Adhikari, 2004: 10-11; also, Hirson, 1995). A new, single, South African nation would be born from the struggle against capitalism and imperialism, and their local expression, apartheid (Cape Action League, 1987: 28).

This meant was that the Unity Movement was doubtful about working with groups that did not accept its programme, or that focused on reforms, or rejected its non-collaboration principle. The Unity Movement was critical of the CPSA's version of Marxism and viewed the party and the Congress movement as inclined to reformism, race-based organising, and collaboration (Adhikari, 2006; Bundy, 1984; Labour Research Committee, 1983: 24; Nasson, 1991). The ANC, CPC and CPSA were more flexible in their alliances, demands, and tactics, including

willingness to use elections to Advisory Boards and other segregated bodies, as well as the courts and the law (Simons and Simons, 1969: chapters 19-24). ANC and CPSA supporters accused the Unity Movement of having no strategy besides boycotts that had little effect, and of isolating itself by refusing to approve any “meeting, demonstration, strike or passive resistance” that was not based on its principles (Simons and Simons 1969: 543). ANC and CPSA supporters regarded the Unity Movement as ineffective, isolated, and increasingly, as racist rather than non-racial and class-based (e.g., Rudin, 1996: 137; Simons and Simons 1969: 540-546).

These left-wing influences did play a role in shaping the CTMWA’s identity. The CTMWA’s Welfare Officer, one of the only paid positions, was Cardiff Marney. He was active in the CPC, part of the ANC-led Congress Alliance, and secretary of the Unity Committee of unions against amendments to the ICA (Rudin, 1996: 110 note 427, 161 note 604, 193 note 713). The Anti-CAD played, as noted, a role in the CTMWA. The Unity Movement also had an important mid long-term impact.

Rudin (1996) cautions against exaggerating the Unity Movement’s influence on the CTMWA before the 1960s but does provide examples. He suggests that at least some of the union’s absence from ANC- and CPSA-linked protests in the 1950s, and its distance from SACTU, was influenced by the Unity Movement’s opposition to any cooperation with these formations – it was not simply business unionism (see e.g., Rudin, 1996: 174, 178 note 653, 188-190). Some Unity Movement people were in the leadership. For example, George Rudolph, CTMWA shop steward from 1945 onwards and member of its General Council for many years, was a member of the Unity Movement, and after years as a “perpetual back-bencher” was elected Treasurer in 1960 (Rudin, 1996: 35 note 71, 93-94, 106-107, 172 note 637, 174 note 640, 178 note 653, 181-183). In late 1959, Ian Viljoen, who came from a Unity Movement family, was elected President. He “very publicly brought Unity Movement thinking into the Association and adopted what some would see as by far the most left-wing of positions within the Association,” his practice as a union leader was very conservative (Rudin, 1996: 200). He lost his seat in 1961.

4.6.3. The impact of the early 1960s

Many Coloured people were angered by forced removals and growing job reservation, and this, argues Rudin (1996) is the background against which Viljoen and Rudolph suddenly gained greater influence. Radical leaders ran the risk of alarming conservative members, of which there were many, and operated in a union that, argues Rudin (1996: 79), kept swinging between “antithetical pulls.” The CTMWA swung back towards a more conservative position as the apartheid government cracked down at this time. It was not alone in keeping its head down in the climate of fear (Rudin, 1996: 193-194).

The Treason Trial that started in 1956 against Congress Alliance and SACP leaders, including Nelson Mandela, Vuyisile Mini, Joe Slovo, and Cape Town’s Reggie September was in its final stage. The Congress alliance and the recent breakaway Pan Africanist Congress (PAC and with Robert Sobukwe as president) were organising rival pass law protests. There were violent clashes and deaths. On 21 March 1960, a PAC-led crowd surrounding the Sharpeville police station was met with deadly force. This massacre triggered a wave of new protests across the country and in Cape Town’s Langa and Nyanga and these were led by amongst others Philip Ata Kgosana of the PAC.

A State of Emergency followed, with the banning of ANC and PAC a week later. These organisations then set up armed bodies – MK was formed by the ANC and SACP and Poqo by PAC – and the state then cracked down further. Poqo, which was bigger than MK, was quickly repressed and its last recorded action was in 1968 (Lodge, 1986). SACTU was devastated, largely because its leadership overlapped with the ANC and SACP, and also because it was tangled up with MK. SACTU structures helped recruit for MK, and some SACTU leaders were part of MK’s high command. SACTU was not banned, but collapsed as a functioning union body, with the exception of the F CWU, which continued to operate (Hemson, Legassick and Ulrich, 2006).

These developments had direct impacts on the CTMWA. Most Poqo units were in the Cape and Transkei, including in Cape Town, where it was led by more educated men and had a large following in Langa and Nyanga hostels (Lodge, 1986: 180-182 187). The municipality stopped allowing the CTAMWA “to meet in the City Council’s room it had used for years,” seeing it as subversive and in 1963, 17 of its members were arrested for being members of Poqo (Rudin,

1996: 110, 110-11 note 431). That same year, Marney, the CPC veteran, then *de facto* general-secretary and in charge of the CTMWA's negotiations at the time, was banned. The CTMWA executive first "vacillated" and procrastinated and then decided to fire him with immediate effect (Rudin, 1996: 192-193).

But the union was soon swinging to the left again. In 1964, a reform group took over the leadership of the CTMWA through an *ad hoc* committee, and in 1965 it won 67 seats of the 68 shop steward seats and the executive positions (Buhlungu, 2001: 81; Hemson, Legassick and Ulrich, 2006: 287; also, Ernstzen, 1984: 52). Dullah Omar, a young Indian anti-apartheid lawyer who was Minister of Justice in Mandela's government, became the union's lawyer and held that position to 1982 (Rudin, 1996: 119 note 436, 199, 200 note 742, 201

The "moving spirit" was John Bosch, who was in his early 30s at the time, and a low-level, hourly-paid supervisor (Rudin, 1996: 198-199, 209-210). Involved in the Unity Movement, he became a popular figure in the CTMWA after he challenged the leadership for acting without accountability, and those leaders in turn, considered his interventions to be "spiced with politics and we do not mix with politics as we are a trade union" (quoted in Rudin, 1996: 199). Bosch was central to the committee that took over the union in 1964 but was soon became a victim of the city council's precarious labour policies, specifically the hire-and-fire scheme. He was fired in late 1964 for "insolence" (although the new union leadership suspected it was political victimisation), and while the CTMWA stated its outrage, it did not take serious action (Rudin, 1996: 209-211).

The other key figure in the reform group was Johnny Ernstzen, who started work at the Cape Town municipality in 1962 at the age of 22, working as a labourer in the Parks and Forest division (*South African Labour Bulletin*, 1991: 34). He had been blacklisted for a recent strike in a furniture factory (Ernstzen, 1984: 44). He helped mobilise dissatisfied members against what he considered an autocratic leadership, and in 1965, was elected as a shop steward as well as the union's honorary Secretary, becoming the union's first full-time general secretary in 1968 (Ernstzen, 1984: 46-48; *South African Labour Bulletin*, 1991: 34).

Ernstzen was mentored by Dullah Omar, who was a Unity Movement stalwart until joining the UDF in 1983 (see below) and Ben Kies, a founder and leader of the Unity Movement (Rudin, 1996: 199, 200 note 742; on Kies, see Soudien, 2019). Kies, a teacher who became a lawyer,

also provided the union with legal advice. Although the Unity Movement was battered by repression, its tradition was “kept alive” through members of the TLSA and the New Era Fellowship, which exerted their influence “to politicise previously uncommitted members of the Executive Committee” like Ferdie Dyers, who started working for the municipality in 1969 and became CTMWA president (Rudin, 1996: 201, 201 note 270, 227).

The direct impact of figures like Bosch, Ernstzen, Rudolph and Viljoen, and the indirect role of Kies and Omar, shows very clearly that the Unity Movement remained an influence in the 1960s. This argument is supported by more recent work (Kayser and Adhikari, 2004), on the Unity Movement’s history. It shows intense activity in the early 1960s, including ongoing student and youth groups, work with migrants and ins some unions, the setting up of APDUSA in 1962 as a new vehicle for organising, and an exile mission (Kayser and Adhikari, 2004). APDUSA was grew quickly, and in 1963, when the Unity Movement decided on armed struggle, it was designated the vehicle (Kayser and Adhikari, 2004: 9-10, 13-14). In 1964, the Unity Movement and APDUSA suffered heavy repression, but it took until 1972 before they “had effectively been smashed within the country” (Kayser and Adhikari, 2004: 22-23).

It is not clear whether the Unity Movement had a systematic policy on work inside unions in the 1950s and 1960s, or whether people like Rudolph and Ernstzen were acting as part of a coordinated effort. Unity Movement accounts only state that the movement’s activists played a role in promoting “progressive” union movement, and helped transform certain unions, including the CTMWA (New Unity Movement, n.d: 47). Ernstzen did not speak on these issues, stressing only that the progressive group that ousted the bureaucratic leadership set about transforming the union into a member-based, democratic, and non-racial body (Ernstzen, 1984; Ernstzen, 1991: 34).

The aim of the new leadership was to democratise and reform the CTMWA (Hemson, Legassick and Ulrich, 2006: 285). Meetings of members became more frequent, regular updates started to be sent by letter, and finances were improved (Ernstzen, 1984: 53-54). In 1967, further changes such as training of shop stewards were introduced (Hemson, Legassick and Ulrich, 2006: 287). The aims were to ensure that the shop stewards were the means through which workers can exercised control over the executive, and that workers were represented by people whose needs and daily experiences were the same as theirs. Unfortunately, training was not adequate, and union democracy was not fully realised (Hemson, Legassick and Ulrich,

2006: 285, 287). Worker education seems to have been a bit unstructured and did not always effectively engage workers' know-how (Rudin, 1996: 233-234). Members also became more involved, and large meetings in the early 1970s could draw a thousand people (Ernstzen, 1984: 53).

The new leadership was more aggressive in making demands of the municipality but generally avoided collective action, which meant that the old CTMWA tradition of reliance on the skills of a few leaders remained (Rudin, 1996: 242). The union remained Coloured, partly because the municipal workforce still had very few black African employees, partly because of other issues mentioned earlier: the laws, the problems of organising, and the racial divide. Apartheid measures were leading to declining black numbers in the Cape Peninsula: for example, between January 1959 and March 1962, over 5 975 women and 18 000 men were removed, some deported to the homelands (Goldin, 1984: 111). The number of black African municipal workers fell in the 1970s, as many were moved to other parts of government (Rudin, 1996: 267-268). The racial structure of the municipal workforce remained firmly entrenched, so that as late as 1993, when the city council employed 15 000 people, 11 500 were Coloured, 3 500 were whites, and just 500 were black Africans (Catchpole, 2002: 125).

The AMWA, still active in 1963, seems to have collapsed by the end of the decade (Rudin, 1996: 110, 125 note 481, 214-215, 242). The CTMWA, under the reform leadership, seems to have negotiated on behalf of black African workers and with some success, but notably failed to recruit them or organise them into a union (Rudin, 1996: 214-215, 242). This also had the effect of reinforcing reliance on leaders and perpetuating elements of the top-down approach that the reform group had itself rejected in its revolt (Rudin, 1996: 242-243). Even in the aftermath of 1973, the union still veered away from the strike weapon that was now widely and often successfully used (Rudin, 1996: 245). This conservative element of the union's identity would only come to an end in the uprisings of the 1980s (see next chapter).

The reformed CTMWA retained and expanded various benefit schemes, and continued to tackle bread-and-butter issues, but "touched" on the political issues of the day (Ernstzen, 1984: 52-54). It is possible that Viljoen's controversial and short-lived leadership of the union from 1959-1961 encouraged the new leaders to be careful not to be too "overt" in raising political issues in the union (Rudin, 1996: 200-201). In 1965, the Cape Town city council threatened to withdraw the union's recognition because it had been taken by a radical leadership (SAMWU,

1997: 16). With little union experience, the new leadership had to first focused on workplace issues (Barchiesi, 2007: 57). It arguably accommodated a “natural” class consciousness focused on immediate issues like wages and working conditions (see Meardi, 2013: 2). As Ernstzen said in a 1984 interview (Ernstzen, 1984: 54):

During that time, we placed a lot of emphasis on what people refer to as “bread and butter” issues, whilst not neglecting the political issues of the time. People were earning pittances at the time. I am not saying that now they are earning a wonderful wage, but we have been able to persevere through the years to at least improve their earnings. Needless to say, this struggle is still continuing ...

4.7. Conclusion

The CTMWA was democratising and shifting leftwards (Mawbey, 2007: 65), but there was still a way to go. What is crucial to note is that class identity, across race, remained an important character of its politics. Its trade union identity was a complex one but included a commitment to organising workers across labour markets, rather than as a craft or occupational union. This was part of its practice from an early period, and there is nothing to show that it viewed so-called atypical workers – who were actually quite typical in the municipality – as a threat to workers in the so-called SER.

Both race and class shaped union identity, in that it was based on being both *Coloured* and *working-class*. The racial identity and the associated common experiences helped glue the union together, as Rudin (1996) repeatedly argues. But the *working-class* aspect of the politics was equally important to its industrial unionism. It included workers in a very wide range of jobs and working on very different contracts, a very large part of whom were always so-called atypical, that is precarious, labour, and it did not – unlike the SAAME and “white labourism” – actively fight to exclude other workers.

The class identity was expressed in activities and outlooks that went beyond race, such as working with the black African workers of the CTAMWA. This class-based solidarity continued even when the CTAMWA collapsed, and the CTMWA’s reform leadership around Ernstzen failed to reorganise it. Rudin (1996: 243) argues that the leadership’s shift to simply negotiate for the affected black African workers was problematic, even paternalistic, and was

in line with the top down CTMWA traditions that the new leadership ironically continued. But, even so, it reflected “Ernstzen’ s non-racism and commitment to the proletariat.” The new leadership “made significant gains for the African members of the defunct AMWA; this solidarity work being almost entirely on their own initiative and at no small cost to their time” (Rudin, 1996: 214-215). And underlying this, was the fact “The new leaders brought with them a politically derived identification with labourers - the archetypal proletariat - and hence, a more focused and resilient determination than their predecessors.” It literally did not need to organise black African workers, a small part of the workforce, in order to operate, and a group that with the “closed shop” was not directly affected CTMWA jobs, but it still did so. I think that a degree of class politics, as well as sympathy with another oppressed race, explains this solidarity.

Finally, the union had a tradition of avoiding collective action, and this endured during all periods of its history into the 1970s. The reform leaders of the 1960s “brought an unrivalled level of competency” (Rudin, 1996: 214-215), and tried to be more accountable and to involve members much more through education, letters, and meetings, but did not end this approach. It won some results, and the union’s workers faced a blanket ban on strikes, in a situation where people could be fired, like Bosch, for speaking out, and in which fear of the apartheid state was everywhere. Even so, the CTMWA was able to *organise* and *protect* so-called a-typical workers, including through the CTAMWA that it sponsored. It was not able to *end* the extensive use of casual labour in the municipality or make the SER “standard,” but it was able to ensure that some of the worst abuses were avoided, in this period.

Chapter Five: Cape Town after 1973: Mass Struggles and the Union Identities of CTMWA and Early SAMWU

5.1. Introduction

The Durban strikes of 1973 launched an era of new unionism, that also included some registered unions, the student protests of June 1976 and the associated “stayaways” (general strikes) brought about a new situation in the country. The apartheid state continued to implement grand apartheid, including large-scale forced removals (including of Coloureds), ongoing reforms in segregated local government, the Coloured Labour Preference Area system, the homelands plan (most of the self-governing and “independent” homelands were set up in the 1970s and early 1980s), and heavy repression against anti-apartheid activists and trade unions.

The economy went into crisis, partly due to its internal weakness and partly due to the impact of a global capitalist crisis (see Teeple, 1995). The political situation became unstable. This led to a period of reforms from the late 1970s. Some reforms were political, like the Wiehahn labour reforms of 1979-1981 that deracialised the ICA, the introduction of elected BLAs for black African townships in 1983, and the Tricameral Parliament of 1984, that although widely opposed introduced segregated parliaments for Coloureds and Indians. In addition, although it is often not recognised, neo-liberalism was introduced by the NP government in these years. Neo-liberalism does not date to GEAR or the ANC’s rule (Gentle, 2011: 12-13; van der Walt, Kleck and Helliker, 2022). This first phase of neo-liberalism included some of the biggest privatisations of SOCs in the country’s history, with the sales of ISCOR and SASOL, as well early neo-liberal municipal services restructuring.

These developments were part of the context of the struggles that took place in 1980s South Africa and that led to the democratic transition, and an ANC-led government in 1994. This chapter examines how the CTMWA was shaped by, and responded to, these events, namely the upsurge of unions that led to the formation of COSATU, the rise of large coalitions like the UDF and the rival National Forum, which was closer to the Unity Movement, and the formation

of SAMWU. It argues that during this period the CTMWA's trade union identity developed in important ways. This included reinforcing its movement towards the left and its continued commitment to organising all municipal workers, including casuals. The CTMWA also changed with the union opening membership to all races, organising beyond Cape Town, moving towards collective action, starting to tackle neo-liberalism, and becoming part of the left-wing of COSATU and then, inside the Tripartite Alliance.

5.2. Cape Town in the context of 1970s apartheid

The onset of the GAA had major effects on Coloured communities in Cape Town from the 1960s. Families and communities were broken up and employment, and daily life disrupted. The basic zoning was that whites would be located near Table Mountain and the coast, and black Africans and Coloureds moved to the inland areas on the city's fringes (Trotter, 2013: 51). Black African and Coloured people were removed from residential areas designated "white" and forced to live in distant townships outside the boundaries of the city (Catchpole, 2002: 99; Garside, 1993: 32; McEachern, 1998: 502; Turok, 2012: 11). There were separate townships for black African, Coloured and Indian people.

The most famous forced removals in Cape Town were those of District Six in the central city. This had been a racially mixed area throughout its history and a hub of radical politics (van der Walt, 2011). It covered the area from the harbour into the lower reaches of Devil's Peak, and from the central business area to the edge of the suburbs. In 1966, it was declared a "white" area. At that time, it was primarily inhabited by black African, Coloured, and Indian working-class families and small traders (McEachern, 1998: 500). From 1966 onwards, 55 000 to 65 000 people were forcibly relocated to the distant Cape Flats (McEachern, 1998: 502; Turok, 2012: 11). Areas like the Bo-Kaap, Lansdowne, and Walmer Estate were forcibly segregated (Garside, 1993: 31; Trotter, 2013: 54). Coloured families were moved from Claremont, Harfield, Mowbray and Newlands to the Cape Flats, or to Fairview Estate, a new middle-class Coloured area in Heathfield (James, 1992: 50).

A small area within the city's boundaries remained zoned for Coloureds, encompassing Zonnebloem College, Walmer Estate, and Trafalgar Park. Woodstock, a racially mixed area in the inner-city adjacent to District Six, mostly housed working-class white and Coloured

families, and continued to exist as a “controlled area” pending future decisions (Garside, 1993: 31). In terms of grand apartheid, all education was to be segregated, by race but also among black Africans by ethnic group. The 1959 Extension of University Education Act led to the establishment of a Coloureds-only Peninsula Technical College and University of the Western Cape, both in the Coloured zone of the small nearby suburb of Belville. In Cape Town itself, part of Zonnebloem was given to the Cape Technikon reserved for white students, and only white people could own properties in Rondebosch adjacent to the University of Cape Town (James, 1992: 43).

Extensive use was made of the Cape Flats area as a site to relocate people affected by the GAA. Existing areas on the flats were rezoned, and huge housing projects started. Many Indian families were moved to Rylands, where a small population of black African, Coloured and white residents lived were removed. The area was expanded in the 1970s (James, 1992: 42; Dhupelia-Mesthrie, 2014). Completely new areas were built, like Manenberg township, started in 1966 for Coloured people, and Khayelitsha township, started in 1983 for black African people. At one stage in the 1960s, there was even a plan to develop the Cape Flats into an “an autonomous Coloured city within the Metropolitan area” (Younge, 1982: 19).

Many areas were not properly developed when people started to arrive there. A large part of the housing stock was developed and owned by municipalities, although other government departments also played a role in provision (Dhupelia-Mesthrie, 2014: 358). The Cape Town city council provided alternative housing to the victims of removals and was the main actor in supplying township housing generally (Younge, 1982: 19-20). In 1979, for example, 78 400 council housing units for Coloured people were built and 56.2 percent of Coloured residents became tenants of council housing (Younge, 1982: 9-10). Rental houses were not just allocated to people relocated under the GAA nor to people who were on the city’s waiting list (Brown, 2005: 91). Council units were small and inadequate but housing was limited and people competed for places and moved in whenever possible because they had few options (Brown, 2005: 91; Dhupelia-Mesthrie, 2014).

The construction of new areas required massive funding, and extensive financing and support was provided through national and provincial government (Younge, 1982: 22-25). Housing construction had to be coordinated with the forced removals timelines, ruling out steps like upgrading squatter areas that did not match the zoning; housing was also divided by income,

between “sub-economic” units for the poorest and “economic” units for those above a certain income level (Younge, 1982: 20-25). Housing became overcrowded as families expanded, resulting in backyard shacks (Brown, 2005: 85).

Effectively, the municipalities of the Cape Peninsula, especially Cape Town, played a large and growing role as landlords, something that would become an important issue when the first phase of South Africa’s neo-liberalism started in the 1980s. The pass laws also helped the state manage the urban numbers, as far as black Africans were concerned. The amended 1977 Prevention of Illegal Squatting Act gave local government, Black Administration Boards and the Department of Community Development, extensive powers to limit or demolish squatter camps (Younge, 1982: 22). The Department of Community Development was the department tasked by this time with enforcing the GAA.

The Prevention of Illegal Squatting Act included clauses that could also be applied to ensure that persons without proper accommodation not be allowed to enter, or take up employment, in a given area (Younge, 1982: 22). As lack of employment made a pass bearer subject to arrest and expulsion to a homeland, this had a major effect on black Africans. In 1978, for example, the government arrested and convicted 17 000 black Africans in the Cape Peninsula for pass offences, and in just two months of 1981, 3 666 blacks were deported to the homelands (Goldin, 1984: 53). Squatter camps such as Modderdam and Werkgenot were demolished, and people rehoused in state-run emergency camps, at segregated site-and-service areas, in townships, or sent to the homelands (Younge, 1982: 22). Even then, the government itself estimated that around 85 000 black African people were living in Cape Town illegally by 1981 (Goldin, 1984: 53). Many were “illegal” workers, who accepted jobs that other black Africans refused, and worked for white employers who did not bother to get permits in order to employ these cheaper, rightless workers (Goldin, 1984: 52-53; Pillay, 1989: 74).

The 1950 GAA, and the 1956 ICA, which expanded job reservation, alienated large sectors of the Coloured population (Goldin, 1987). With the Congress movement significantly weakened from the early 1960s, the Unity Movement tradition enjoyed significant influence (Goldin, 1987: 152; Pillay, 1989: 64), but its organised presence declined from 1964 because of heavy state repression (see Kayser and Adhikari, 2004; also, Rudin, 1996: 201).

As before, many Coloured people were moderate, and hoped for a solution within the system. It is important to note that “the segregation of ‘white’ and ‘coloured’ was not achieved as easily as that of ‘coloured’ and ‘native,’” partly because the Cape Town city council was until 1972 “still elected on the basis of a voters’ roll which included ‘coloured’ voters” (Younge, 1982: 18-19). The city council was closely associated with the English-speaking business community that dominated the Cape Town area, and was relatively liberal (Catchpowle, 2002: 121). It opposed some of the apartheid measures and its relationship with the Afrikaner – and NP – dominated government was strained (Catchpowle, 2002: 121). Many white Cape Town residents also felt that neighbourhoods should stay the way they were, opposing forced removal as an extreme and unnecessary (Trotter, 2013: 50-51).

The Cape Town city council initially proved to a major obstacle to implementing the GAA. It refused to work with the Group Areas Board and objected to rehousing Coloured people in white-zoned areas affected by the law as they already mostly had decent housing, often provided at council expense (Younge, 1982: 19; also, Trotter, 2013: 51).

These obstacles did not stop the apartheid government (Trotter, 2013: 51). First, national government agreed to provide funding towards the new housing that would be required (Younge, 1982: 19). Second, the direct Coloured representation on the municipality ended in 1971 when a provincial ordinance changed the voting requirements, to allow only those who were registered as parliamentary voters to register as municipal voters (Cameron, 1991: 133). Since, by this time, only whites could vote in parliamentary elections,¹³ this basically removed Coloureds from the municipal voters’ roll. Third, despite there being a long-standing (relatively) liberal tradition in the Cape (Bickford-Smith, 1995), the Cape and its municipalities were part of the larger South African society and shaped by it as well. As elsewhere, local government was dominated by whites and mainly elected by white voters (after 1971, exclusively). The Cape Town city council was centralised, and its power centred on the executives committee elected from the larger council, as well as heads of departments and the town clerks. All senior positions were dominated by whites, part of the racist employment practices in the rest of the state sector in “white” South Africa, and the council ruled a largely voteless Coloured and black African population (Catchpowle, 2002: 72, 115, 122). The city

¹³ The segregated representation of black Africans had been abolished with the 1959 Promotion of Bantu Self-Government Act, which promoted homelands as the site of black African political rights.

council was, “despite the pretensions of its ‘Cape liberalism,’ ... a prominent member of mainstream white South Africa” (Rudin, 1996: 111).

The Coloured population was viewed as a complicated “problem “for the designers and implementors of grand apartheid, as they did not fit into the homelands plan, and, unlike Indian population, clearly had cultural, linguistic, religious, and family connections to the white population, especially Afrikaans speakers (Moodie, 2017). There was, as seen in the last chapter, strong Coloured opposition to efforts at intensified segregation in the 1930s, one of the results of which was the Unity Movement.

Efforts at setting up segregated local government systems for Coloured people did not enjoy much success. The Management Committee system was not widely accepted. Only a limited number of Cape Town’s Coloured voters willingly registered on separate voters’ rolls, and when the state tried to make registration compulsory, many refrained from voting (Rudin, 1996: 314 note 1242). The Management Committees did not evolve into an independent local authority in Cape Town. A key reason was simply that Coloured residential areas had very little income-generation possibilities, as they were centred on low-cost housing and low rates, and lacked commercial and industrial zones (Cameron, 1991: 133; Todes, Watson, and Wilkson, 1986: 51). The Coloured areas effectively remained governed as an integral part of the white-run municipality (Cameron, 1991: 133-134).

The 1972 Theron Commission, reporting in 1976, found that the Management Committee has been a huge failure (Cameron, 1991: 134). The Commission stressed that the Management Committees had not been accepted by most Coloured communities or their leaders (Todes, Watson, and Wilkson, 1986: 51). They lacked adequate sources of revenue to fund community facilities and municipal services (Todes, Watson and Wilkson, 1986: 51). As all the important decisions were still taken by white local authorities, the Management Committees failed to give Coloured communities much of an ability to win changes (Todes, Watson, and Wilkson, 1986: 51). The limited powers of the Management Committees failed to encourage community initiative or interest (Todes, Watson, and Wilkson, 1986: 51). There were serious structural problems. The relations between Management Committees and white local authorities were strained, there was an ineffective demarcation of local authority areas, especially in metropolitan areas, and no provision for the proper activation of Coloured local authorities

because of a lack of coordination between the provincial administrator and the Department of Coloured Affairs (Todes, Watson and Wilkson, 1986: 51).

The 1978 Schlebusch Commission, appointed by the Cape Provincial Administration, further investigated the functioning of the Management Committee system in the Cape province (Cameron, 1991: 135). Again, it was found that Coloured communities generally rejected separate representation (Cameron, 1991: 135). Even moderates saw involvement in Management Committees as only a short-term step towards the long-term goal of non-racial representation (Cameron, 1991: 135). It also found that the Management Committee system was compromised by political conflicts, and by the inadequate training of many members (Cameron, 1991: 235). The Schlebusch Commission considered plans to delegate additional powers to the Management Committees as a way of addressing Coloured members' complaints that the Committees lacked effective powers (Cameron, 1991: 135). The Management Committee system was dissolved in 1979 and replaced by Advisory Boards that could advise the Minister of Community Development in matters affecting their areas (Cameron, 1991: 136).

In 1983, the BLAs were introduced for black Africans, with 12 established in the Western Cape, although some, particularly ones on the periphery, stopped operating (Catchpole, 2002: 119). Lacking resources, the BLAs were basically run by the provincial government, the Cape Provincial Administration (Catchpole, 2002: 119). They were unable to raise adequate revenue locally, and financial support from the white central government was needed if they were to improve water and dire sanitation systems (Catchpole, 2002: 119). For example, there were many informal settlements in black African townships, relying on pit latrines which threatened to poison the underground water tables and rivers (Catchpole, 2002: 120).

5.3. The 1970s economic crisis and the start of a popular revolt

In the 1970s, economic growth slowed, inflation grew, and unemployment rose. Local economic problems intersected with a global economic crisis, dating to 1972, which ended a long period of sustained international growth (Ulrich, 2007). In addition, there were ongoing grievances over local government, education, inadequate township infrastructure and housing, state repression and forced removals (Houston, 1998; Seekings, 1996). This was the

background for two streams of struggle that increasingly overlapped in the early 1980s. Struggles at workplaces centred on the new unionism, and struggles in residential areas driven by civic organisations, residents' associations, student groups, church organisations, women's groups became intertwined. The two streams of struggle were rooted in events of the 1970s.

Although there were strikes in the early 1970s, the strike wave that started in Durban in 1973, mainly involving black African and Indian workers, was a real watershed (Ulrich, 2007). The "Durban moment" started a new phase of struggle. At the workplaces, there was a new unionism. As noted in chapter one, the new unionism was not just a movement of new unions, or of unregistered "independent" unions, as it drew in a sector of the registered unions (van der Walt, 2023a). To recap some of the registered unions involved were linked to TUCSA, like the NUMARWOSA (formed 1967), and WPMWU (formed 1961), some were independent of any federation, like the CTMWA (formed around 1918), and the F CW U (formed 1941).¹⁴ Many new unions were also established, such as the industrial union MAWU in the metals industry (in 1974) and the general union WPGWU in the Cape (in 1977). There were also new coordinating bodies, notably the TUACC set up in 1973, which was followed by FOSATU in 1979.

The year 1976 saw the start of a massive student protests. The trigger for was the introduction of Afrikaans as a primary teaching language in black African schools and resulted in major protests and a tragic massacre on 16 June. However, this was against the backdrop of a massive expansion of township schooling: "These schools did not have adequate teaching staff or facilities (such as libraries, sports grounds, etc.) and ranked the highest in terms of drop out rates and the lowest in teacher to student ratios," with extensive use of corporal punishment (Ulrich, 2004: 5). Black African and Coloured students also faced limited job prospects, as unemployment skyrocketed in the 1970s crisis (Hirson, 1979; Ulrich, 2004: 5). These issues went beyond only the use of Afrikaans and protests rapidly spread to Coloured schools across the peninsula. The TRC's report maintains that, after the Transvaal, the Western Cape had the second highest number of deaths and injuries associated with the 1976 revolt. In Bonteheuwel on 25 August, 15-year-old Christopher Truter of Arcadia High School was shot by the police who fired live ammunition to disperse the crowd. He died on 1 September from his injuries

¹⁴ The Food and Canning Workers Union had been formed before SACTU, was a founder of SACTU, and it operated independently after SACTU collapsed as a functioning body inside South Africa. An insider account of this union in the 1970s and 1980s is provided in Theron (2016).

(TRC, Hearing, 5 August 1996 case no: CT/00406 victim: Christopher Truter). Many Bonteheuwel residents felt the impact of Christopher Truter's death and would later start youth organisations to protest apartheid education and other aspects of apartheid.

The black African and Coloured students involved were inspired by the new unionism, and many were influenced by the Black Consciousness Movement that gained in popularity after the suppression of ANC and SACP (Hirson, 1979). Black Consciousness, associated with figures like Bantu Stephen Biko, argued that all racially oppressed people (black Africans, Coloureds, Indians) were "blacks" with a common struggle, opposing these racial divisions as a form of divide-and-rule. This had some similarities with Unity Movement ideas (Adhikari, 2006; Nasson, 1991).

In August and September 1976, the student protests helped inspire several "stayaways" (general strikes) in different parts of the country, including in Cape Town (Hirson 1979: 253-261). For instance, on Wednesday 15 September 1976, "it was estimated that half a million were on strike," including 200 000 Coloured workers in Cape Town, "representing about 80 per cent of the work force," and large numbers in the city's black African townships like Langa and Nyanga, including migrants stayed at home in protest (Hirson 1979: 254-255). The next day saw "highly successful" one-day strikes in smaller Cape Town areas (Hirson, 1979: 255).

5.4. Two streams: community-based and workplace-based struggles

Powerful high school student and youth groups emerged in the wake of 1976. In parallel numerous township residents' organisations called "civics" were formed and joined by the non-racial sports movement, a large sector of the churches, university students, and others (Barret and Mullins, 1990: 26). Across the country, civics undertook struggles over grievances like bus fare increases, apartheid local government systems in townships, corrupt or unaccountable councillors, inadequate township infrastructure and housing, and rental issues. Local struggles were increasingly linked to demands for change in the larger society and many organisations supported the broader liberation struggle (Houston, 1998: 314-320; Maseko, 1997: 353).

At the same time, the new unionism grew from strength to strength, but it was not a majority yet. At the time of its launch, FOSATU was the strongest federation emerging from this tradition, but at just 45 000 members, it was just over a third the size of the all-white SACOL, with 138 864 members, and no more than a fifth of the size of TUCSA, which claimed 299 455 in 1981 (Byrne, Ulrich, and van der Walt 2017: 257). But times were changing. FOSATU reached 120 000 in 1984, and 140 000 in 1985 (Byrne, Ulrich, and van der Walt 2017: 257), three times bigger than SACTU at its height. Union density, outside of agriculture, rose from 15.4 percent in 1979 to 28.7 percent in 1984, representing an “explosion in union growth” (Macun, 2000: 60, 60 table 3.1). TUCSA grew considerably in the early 1980s, but this was driven by more radical affiliates, which then left, and TUCSA was dissolved at the end of 1986 (Bennet, 1987).

5.4.1. Revolt in the schools and townships of Cape Town

The Durban strikes did not spread to Cape Town, but the 1976 student revolt had a huge impact. It spread into black African townships, as well as onto the Cape Flats where it drew in large of Afrikaans-speaking Coloured working-class youth (Adhikari, 2006: 471; Ulrich, 2004: 5). In 1980, tens of thousands school and tertiary students protested inferior education, and in Cape Town, this included large-scale mobilisation in Coloured schools and developed into a boycott that spread across the Cape Peninsula (Molteno, 1987: 7).

Students paralysed schools, demanded the recognition of Student Representative Councils, and started introducing their own counter-curriculum of “awareness programmes” (Molteno, 1987: 10). These covered a wide range of topics including South Africa’s “real” history, the political situation, and the links between inferior education and the cheap labour system (Molteno, 1987: 10). Some students published a “manifesto to the people of Azania” (referencing a PAC and Black Consciousness name for South Africa), including the demand that students be allowed to form independent student councils, and that these should receive administrative and financial support from the schools (Molteno, 1987: 7). School struggles led to the formation of the Western Cape Student Congress (Houston, 1998: 391).

Conditions across the city were poor and housing was particularly problematic. Council housing was low quality, and congested, often unsafe, and serviced by poor infrastructure (Maseko, 1997: 357). Communities had little power to improve conditions. The Schlebusch

Commission, as introduced earlier, placed Coloureds under Advisory Boards with limited local authority powers, that could render some municipal functions (Cameron, 1991: 136). The Coloured population made up at least 62 percent of Cape Town's population in the early 1980s and were excluded from any meaningful say in the municipality, which prioritised white areas (Todes, Watson and Wilkson, 1986: 53). Civics gave communities a voice.

Cape Town's first civics were, in fact, formed in the Coloured areas (Houston, 1998: 386). Many civics started as small, often *ad hoc* organisations, dealing with issues like bus fares, rents on council housing, and poor recreational and childcare facilities (Houston, 1998: 386). Migrants also formed the Western Cape Hostel Dwellers Association, and people in informal settlements the Western Cape United Squatters Associations. In May 1980, a wave of mobilisation was triggered when the Cape Town city council announced significant increases in rents (Maseko, 1997: 356; also, Houston, 1998: 376-387). This shocked residents, who were already facing high unemployment and low wages in the context of economic recession (Maseko, 1997: 356). In addition, much of this housing was far from the places of work, requiring long, costly commutes (Maseko, 1997: 357). Since rents could take up to 50 percent of a worker's wage, increased rents could not be considered a secondary issue (Houston, 1998: 388).

In June 1980, twelve civics joined together and established the Umbrella Rentals Committee to fight the rent increases; this body became the Cape Areas Housing Action Committee, CAHAC (Maseko, 1997: 356; also, Houston, 1998: 376-387). By December 1981, CAHAC had 33 affiliates organisations from the black African and Coloured areas (Houston, 1998: 387). While CAHAC aspired to act as a federal structure, and enable coordinated actions, affiliates were very uneven in their capacities and strength, leading to a more top-down approach where grassroots structures were weak, or non-existent (Maseko, 1997: 358). The first head of CAHAC was Trevor Manuel, an ANC supporter, founding member of the Western Cape Branch of the UDF and later a Cabinet Minister from 1994 (Rudin, 1996: 253).

As CAHAC developed, the issue of rents was linked to grievances like the lack of representation of the oppressed people on bodies taking decisions about housing, the GAA, and low wages, and from there, as part of a larger struggle against apartheid and capitalism (Houston, 1998: 387-288). As the dispersed local civics were brought together into a larger, more effective organisation, a concerted campaign for affordable rent and better housing was

built (Houston, 1998: 388). This included a petition signed by 41 000, demonstrations, meetings and rallies, and a demand to meet the relevant Minister (Houston, 1998: 388).

5.4.2. Cape splits in community-based struggles, and the Unity Movement

There were significant political divisions within these student and community movements. The Black Consciousness tradition, which was very influential in the 1970s, suffered increasing challenges. Its key organisations like the South African Students Organisation (SASO), founded in 1968, and the Black People's Convention (BPC), founded in 1972, faced state repression, especially after June 16. Many Black Consciousness leaders were banned in the early 1970s, including Biko.

In 1977, Biko was killed in police custody and 17 Black Consciousness organisations were banned, including SASO and the BPC (Lodge and Nasson, 1991: 25). The movement was reorganised around the Azanian People's Organization (AZAPO), which was more Marxist in its outlook but often treated class and race as the same (Lodge and Nasson, 1991: 25-26, 146-148). As noted previously, CUSA was BC aligned an alternative to FOSATU (MacShane, Plaut and Ward, 2023: 42-43).

The Unity Movement tradition (as noted in the previous chapter) remained influential in the Cape, although as organisations the Unity Movement and APDUSA had been destroyed around 1972 (their history after 1960 is covered in Kayser and Adhikari, 2004). The Unity Movement tradition continued to have “a strong impact on political thinking” in the Western Cape, and by 1980, its adherents “were helping to form students' associations and neighbourhood organizations in the Coloured townships around Cape Town” (Lodge and Nasson, 1991: 9, 26).

In 1982, there was a political split in a broad coalition called the Disorderly Bills Action Committee, which opposed new legislation that tightening up pass laws and established the BLAs. CAHAC and the unions involved left, and the remaining forty civics, mostly from Coloured areas, formed the Cape Action League (Lodge and Nasson, 1991, 145-146). This was influenced by the Unity Movement tradition (Lodge and Nasson, 1991, 145-146). The League's position during the apartheid period was that the struggle for national liberation is a struggle against racial and other forms of discrimination, against ethnic divisions and against all forms of prejudice (Cape Action League, 1987: 28). The League also included other community

organisations and a youth affiliate, the Socialists of Young Azania (Callinicos, 1988: 76, 119). This was a youth group that was very active in high schools and helped build a Western Cape Students Action Committee “embracing, incidentally, UDF and Black Consciousness supporters” (Callinicos, 1988: 76, 119). Significantly (see below) the CTMWA built links to the Cape Action League in this period.

The Cape Action League argued that the struggle for national liberation required a struggle against the root cause of oppression and division, which was capitalism (Cape Action League, 1987: 28). It shared the Unity Movement scepticism towards the ANC and SACP, and had doubts about cross-class “national democratic revolution.” However, the Unity Movement tradition did agree on the need for non-racial politics, viewing AZAPO’s blacks-only position as a ‘reactionary tendency,’ and criticising the Congress tradition for its history of race-based organising (Lodge and Nasson, 1991: 146).

5.4.3. Rival national coalitions: The UDF and the National Forum

These different approaches were carried into the formation of two rival national coalitions: the UDF and the National Front. As resistance against apartheid grew the apartheid government sought new ways to ensure its survival and proposed a constitutional amendment. In May 1983, it announced that a Tricameral Parliament would be established to allow Coloureds and Indians representation in segregated chambers. At the annual congress of the Transvaal Anti-SAIC Committee held in Johannesburg 23 January 1983, it had been decided to revive the old Transvaal Indian Congress as well as to establish a united democratic front. This new organisation would mobilise and co-ordinate mass campaigns against BLAs as well as the Tricameral parliament. Over the next seven months regional committees forged relationships with local organisations were established. CAHAC was one of the groups that helped bring organisations together.

The UDF, was launched nationally in August 1983 and Albertina Sisulu was elected president in absentia. Over 475 organisations, including churches, civics, students and youth groups, women’s associations, sports clubs, and unions became affiliate members (Barret and Mullins, 1990: 26). It had strong support amongst both black African and Coloured people in Cape Town, and its national launch was in the Coloured township of Mitchells Plein, on the Cape Flats. FOSATU did not join the UDF, its position was that the UDF structures, and many UDF

affiliates, did not have proper democratic processes, and, also, it insisted on being an independent workers' movement (Byrne, Ulrich and van der Walt, 2017).

The UDF was heavily influenced by "charterism," but "its loose structure did permit considerable political diversity" and it highlighted general principles that could maximise its appeal and base (Lodge and Nasson, 1991: 127-128). It aligned itself with the Freedom Charter, but there were disagreements on whether the Charter promoted black business, or national democracy, or socialism (Lodge and Nasson, 1991; Pillay, 1989). Elements of UDF politics aimed at developing UDF structures into democratic "non-hierarchical organizational structures" that would lay the basis for a radical "people's democracy," instead of a parliamentary system, starting with replacing bodies like the BLAs with "organs of people's power" (Lodge and Nasson, 1991: 131-132, 135-137; Seekings, 2000: 169-174). The UDF formally adopted the Freedom Charter in 1987.

Black Consciousness steadily lost to ANC "charterism," two examples being: its university student group, the Azanian Students Organization (AZASO) formed in 1979, moved to a non-racial position within a year (Lodge and Nasson, 1991: 36); the NUM, formed in 1982 by CUSA, shifted within two years and its head, Cyril Ramaphosa, became an ANC leader (Baskin, 1991: 50) and later, the country's deputy president and today president. Others moved to ANC-aligned politics from the Unity Movement, an example is Dullah Omar, the long-time CTMWA lawyer, who made a "dramatic shift" (Rudin, 1996: 255 note 990), and later became chairperson of the Weste Cape UDF.

The rival National Forum was launched earlier than the UDF, in June 1983. It was always much smaller than the UDF, it was looser and based on periodic meetings rather than permanent structures, and brought together people from Black Consciousness, the PAC tradition, and radical non-racial socialists (Lodge and Nasson, 1991: 142-147). Major organisations included AZAPO, the Cape Action League, and the Socialists of Young Azania. CUSA was "nominally affiliated" to both National Forum and the UDF (Seekings, 2000: 62).

The Cape Action League was "implacably opposed to any co-operation with the UDF" (Rudin, 1996: 253). The National Forum was, however, influenced by the arguments of Neville Alexander of the Cape Action League. Alexander came from a Unity Movement background but was critical of some of its arguments. He argued that apartheid was basically just a form of

racial capitalism, so anti-apartheid struggle had to be against capitalism too: there must not be a multi-class “national democratic” stage (Callinicos, 1988: 80-81).

5.4.4. Unions and struggle in Cape Town

The dynamics of the new unionism was different in the Western Cape than in other parts of the country. The TUACC was mainly based in the Eastern Cape, Natal, and the Witwatersrand, where completely new unions like MAWU were flourishing (Ulrich, 2005: 6-8). In the Western Cape, with its Coloured and white majority, long-established registered unions already dominated the union landscape (Maree, 1992). Some, like the F CW U and the CTMWA, were independent of any federation, while others like WPMWU started in TUCSA, before disaffiliating.¹⁵ The F CWU had outlasted SACTU, organised continuously, and renewed itself in the 1970s (see Theron, 2017).

The WPGWU, a general union, was the only new one that “emerged in the early 1970s and organised African workers,” and “most of its organisation took place in the Cape Town region” (Maree, 1992: 558). It started as the Western Province Workers’ Advice Bureau in 1973 which was driven by radical white students and SACTU veterans. It started to recruit contract (often migrant) black African workers and was reorganised as a union in 1977 and had around 3 000 members in 1979 (Maree, 1992: 563-601, 609). There were “strong ties” to the F CWU (Theron, 2017: 165), and some links to the ANC tradition, but it was also influenced by arguments “put forward by the Unity Movement-influenced left” (Seekings, 2000: 62-63, 80-81).

5.4.5. Linking up communities and workers: The boycott

The UDF was able to link struggles around issues like rental and bus fare increases to larger political issues through community-based boycotts (Houston, 1998: 386-388). In Cape Town, consumer boycotts played an important role in the development of civics in Coloured areas (Houston, 1998: 386), and were an important way of showing solidarity between different sectors.

¹⁵ WPMWU left TUCSA in 1972, while its Eastern Cape counterpart, NUMARWOSA, left in 1976 (Forrest, 2011: 27).

Between 1980-1981, up to 100 000 pupils in black African and Coloured schools and in several universities, across the country, boycotted classes for eight months. This action started in Cape Town and was “fuelled by deteriorating conditions in the schools” (Lodge and Nasson, 1991: 36). Students in black African township schools protested poor facilities (Pillay, 1989: 326). Collectively students protested against the discriminatory, segregated education system and the sharp inequality in government education expenditure for different races (*Grassroots*, April 1980b: 1).

Schools were under-resourced and overcrowded, and there was a substantial drop in standards because of the resignation of hundreds of teachers after 1977. Students also rejected what they called a “gutter education,” perceived as training for a life as “cheap labour” (Molteno, 1987: 7). Many in the Western Cape communities showed solidarity, thousands of people attending numerous meetings on the issue in the townships (*Grassroots*, April 1980b: 1, 15). Parent-student associations were formed to co-ordinate support for the students and to serve as communication channels (*Grassroots*, April 1980b: 1).

Consumer boycotts were an important way to link community and worker struggles. In 1979, for example, the F CWU initiated a boycott of Fattis & Monis food plant in Cape Town (Baskin, 1991: 25). The workforce employed there was mix of Coloured and black African workers, the latter were mostly contract workers from hostels in Nyanga (Theron, 2017: 109-110). The union called on consumers and traders to boycott the company, with the aim of forcing it to reinstate dismissed workers and to recognise the union (Baskin, 1991: 25). The boycott was supported by local township residents, including black, Coloured, and Indian shopkeepers and traders, as well as in other parts of the country (Theron, 2017: 128-132, 136-146).

In 1980, students threw their support behind a WPGWU strike in the Cape Town red meat sector (Molteno, 1987: 11). There was a one-day strike across the plants, and hundreds were fired (Theron, 2017: 189). The strikers called for financial support for relief pay, a boycott of all red meat products, and support in stopping scab labour (Molteno, 1987: 12). Students helped set up a fund for the workers, distributed media, involved their parents and helped collect over 100 000 signatures (Molteno, 1987: 12).

Although there was solidarity between workers and students some trade unions in the Cape were hesitant to support the UDF. The FCWU and the WPGWU shared many of FOSATU’s

criticisms of the UDF, and stayed away (Seekings, 2000: 62-63, 80-81; Theron, 2017: 269-270, 275). A result was that, when the UDF launched in Cape Town, no significant trade union from the western Cape joined it (see below on the CTMWA). For most of its history, the UDF had few affiliated unions besides small “community unions” like SAAWU. As a result, the “community unions” started to be known as “UDF unions” (Theron, 2017: 275). Despite these issues, FOSATU co-operated with the UDF at times and campaigned on many of the same issues, supporting school, bus, and consumer boycotts, and struggle against BLAs, the Tricameral Parliament and the homelands (Byrne, Ulrich and van der Walt, 2017: 264). The FCWU was very “careful ... to emphasise ... support for the UDF,” and joined some of its campaigns (Theron, 2017: 271, 274-275).

Boycotts in support of strikes were adopted by the UDF as well. In April 1985, for another example, 150 members of SAAWU at the East London abattoirs refused to work, unhappy with the small wage increase the employer had offered; they demanded more money (*Grassroots*, 1985b: 4). The workers were then told to leave the premises and were not allowed back in, and the management refused to discuss wages with the union (*Grassroots*, 1985b: 4). SAAWU called for a red meat boycott, and this started in May with UDF backing, and won significant community support (*Grassroots*, 1984b: 4).

5.5. The development of the CTMWA’s union identity from the 1970s-early 1980s

The CTMWA went from strength-to-strength in the 1970s. By 1975 it represented about 84 percent of all unionised black African, Coloured and Indian municipal workers in the country (Buhlungu, 2001: 80). It had 9 500 members in 1975 and 10 000 in 1979 (see Table below). That made it three times bigger than the WPGWU in 1979, and a quarter the size of FOSATU at its launch. When COSATU was formed, the CTMWA was the second biggest union in the federation’s Western Cape region (Charney, 1981: 79; Pillay, 1989: 87).

The union obviously benefitted from the closed shop, and from an effective team of negotiators and lawyers (see previous chapter). At the same time, the reform group around Ernstzen, the general secretary, wanted to involve members more (Ernstzen, 1984: 53; also, Buhlungu, 2001: 81-82). The 1970s saw its tradition of effective administration and the push for a democratic model as it engaged with the new wave of struggle that was taking place. The CTMWA

continued to stress the importance of bread-and-butter issues, but its demands escalated rapidly, and it also became increasingly drawn into the popular revolt that was taking place.

5.5.1. Effective structures and the move to a “living wage”

The CTMWA leadership continued their efforts to involve members, and Ernstzen claimed that, by the early 1970s, there was a notable change: “Our meetings at first might have been attended by 80 people, or 100, but by the early seventies we were having 1 000 people and more attending meetings (Ernstzen, 1984: 53). Support continued into the early 1980s, when the union had to hire the city hall for some of its meetings. By 1984, Ernstzen reported that the union had around 11 400 members and 100 shop stewards, as well as subcommittees that “focus on various aspects such as wages and education,” all of which was “central to the disciplined unity and effective operation of the union” (Ernstzen, 1984: 53-54; on the figures, also see Pillay, 1989: 87; Hemson, Legassick and Ulrich, 2006: 287; SAMWU, 1997: 8; see Table below).

In addition, the CTMWA expanded benefits available to members the costs of which were included in the membership fee. There was an administrative staff of around 18 people managing a range of benefits: “an autonomous medical benefit fund with a membership of some thirty thousand odd people,” including partners and dependants, a bursary scheme, a scheme to pay “members ... on sick leave without pay ... for the full duration,” and “ex gratia payments at the time of death to help defray funeral expenses” (Ernstzen, 1984: 53). The union also managed to pay off the bond on its building, Trade Union House (Ernstzen, 1984: 54), renovated its offices and built a “spanking new hall” (Theron, 2017: 264).

However, there were challenges. The “radical, egalitarian and democratic leadership” had to navigate the established top-down culture of the union, members’ conservatism, and the problem of disengagement (Rudin, 1996: 235, 240-246). Giant meetings only happened over major issues like wage disputes (see examples below) and despite what Ernstzen said, only a very small percentage of members turned up for most meetings in the 1970s and 1980s, even quite a few shop stewards failed to pitch (Rudin, 1996: 229, 233). Comparatively the numbers of shop stewards attending were much better than the pre-1964 period, and meetings also drew in a layer of other union activists, of which there were 60-100, but a meeting of 150 was considered a good turnout (Rudin, 1996: 231-233).

Very importantly, with the changes in the labour law, the CTMWA finally opened its doors to workers of all races. It re-registered in September 1981 as a non-racial union, which also meant that it had to amend its constitution and create shop steward posts in sectors of the municipality that fell outside of its historic scope (Rudin, 1996: 267-268). The first black African members came from the Mnandi Beach & Athlone Power Station and were represented in the executive from 1982 (Rudin, 1996: 268). Numbers were never large, around 167 by the end of 1985, but this figure has to be weighed against the racial structure of the municipal workforce. Interviewed in 2020 by the author, Mike Khumalo, SAMWU regional chair from 2000 to 2004, and regional secretary from 2012, recalled (face-to-face interview, Mike Khumalo, 21 January 2020):

At the Newlands nursery, where I worked as an ordinary worker, there were above 200 workers. There was only three black workers, and the rest were Coloured and whites. The workplace itself was very much isolating. It was like every worker knows which corner to sit during lunch time. It was not practical to feel oneness. Even the treatment from the management was isolation [from] workers

Year	Membership
1975	9 500
1979	10 000
1985	11 097 (at the launch of COSATU)
1986	11 500
1987	11 500 (Mid-June to Mid-August 1987)

Table 2: CTMWA membership between 1975 and 1987

Sources: SAMWU, 1997: 8; *Work in Progress* 49 1987: 48; Pillay, 1989: 87; Baskin, 1991: 55; Hemson, Legassick and Ulrich, 2006: 287.

A major development in this period was an amazing increase in the demands that the union was willing to make of the Cape Town city council for a living wage. In a memorandum to the municipality, submitted in October 1979, the CTMWA demanded an unprecedented 25 percent increase in wages for lower paid black African and Coloured workers, starting from January

1980 (*Grassroots*, April 1980a: 2). It argued that this was needed due to rapid increases in the cost of living, driven by higher rents and transportation costs, and prices for food and clothing (*Grassroots*, April 1980a: 2). In addition, it demanded that pay scales be adjusted as they disadvantaged hourly- and weekly-paid workers; the regrading and redesignation of various posts that the union believed did not pay the proper rate for the job; and, finally, steps to ensure that promotion always led to financial advancement (*Grassroots*, April 1980a: 2).

The city council turned down the demands, offering a wage increase of just 12 percent (*Grassroots*, April 1980a: 2). After further discussions, the council made its final offer: to increase wages and salaries by two notches from January 1980, to amend existing scales to ensure that no employee received less than a 10 percent increase, to increase the Municipal Service Emolument (this was a long-service allowance), to increase the holiday bonus, and to increase Council's contribution to the Municipal Pension Fund by 5 percent (*Grassroots*, 1980a: 2). This offer was on condition that no further wage demands would be submitted for 15 months starting January 1980 (*Grassroots*, April 1980a: 2). The CTMWA was not happy, but decided not to take the matter to arbitration, and eventually accepted the offer (*Grassroots*, April 1980a: 2).

As soon as the 15 months were up, the CTMWA again issued steep wage demands, and a meeting between the union and the city council at a conciliation board in late July ended in deadlock (*Grassroots*, August 1981a: 3). It seems that city council thought that giving different wage increases to different workers would weaken workers' unity and fighting spirit (*Grassroots*, November 1981b: 15). It was wrong, as the union rejected the council's offer even further with wage increases because the wage increase offered by the council was not good enough (*Grassroots*, November 1981: 15). The CTMWA took the matter to the Industrial Court (*Grassroots*, August 1981a: 3), an institution established by Wiehahn labour law reforms.

Although the union's members were not permitted to strike, it does seem that the city the council was fearful of the possibility of militant industrial action (*Grassroots*, November 1981b: 15). In the end, it accepted the court's recommendations for drastic wage increases, and the CTMWA's demand that jobs be re-evaluated, and wages adjusted accordingly (*Grassroots*, November 1981b: 15). The result was the union won, as the radical *Grassroots* newspaper reported, "major gains for council workers": lower- paid workers' salaries increased almost 50 percent, from R24.44 per week to R37.26 per week, with higher paid workers getting a more

modest raise from R44.16 to R48.76 per week, from January 1981, subsequently rising to R44.16 and R58.42, respectively, from 1 September; on top of this, all workers were to receive increased holiday bonuses (*Grassroots*, November 1981b: 15).

Interviewed after these victories, Ernstzen expressed the militant mood of the union. Asked by *Grassroots* what would happen next, he insisted that the battle was still on for the “living wage” (*Grassroots*, November 1981b: 15):

The union must re-assess the matter and submit fresh demands for a living wage at the earliest opportunity. The struggle for a living wage is one which goes on all the time. Our members are in a militant mood and we assure council it will have a big fight on its hands soon ...

5.5.2. The casuals and the unions

It is important to stress here that the Cape Town city council still hired a large part of its Coloured workforce as casuals, and black Africans migrants as contract workers. The old issue of the widespread use of precarious labour was alive and well. The union, like before (see previous chapter) was not able to move these workers into the so-called SER, but it was able to *organise* and *protect* them. Most would have been in the lower-paid jobs, the same ones that the union was demanding the highest increases for. Unlike in later years, it is true, there was still one main employer, the municipality, which allowed a focus on a collective bargaining process with the employer, but even so, as argued in the earlier, the union spanned the independent primary labour market, the subordinate primary labour market, and the secondary labour market, and with the inclusion from 1981 of black African workers, was the only union for both black African and Coloured workers in all three markets.

In May 1984, the CTMWA submitted another ambitious set of demands, which again ended up in the Industrial court (*Grassroots*, 1985a: 9; *Grassroots*, July 1985c: 4). On 10 July 1984, “thousands of CTMWA members gathered in Cape Town in a great demonstration of unity,” and “reaffirmed their demand for a living wage and their rejection of the pittance offered by Council” (CTMWA 1985a). The workers surely must have represented a good cross-section of union membership and included many casuals.

The rally called for a “just and reasonable demand” of a minimum of R116,38 per week (CTMWA 1985a), more than double what the union had won for lower-paid workers in 1981. This would have provided a massive boost to the casual workers, even if it did not make their jobs more secure. A year later, the Industrial Court suggested an increase of only around five percent and covering just 4 000 of the CTMWA’s 11 400 members (*Grassroots*, July 1985c: 4).

Another mass meeting, this one at the city hall on 4 June 1985, was attended by thousands of union members. Workers felt “it is too little, too late for too few,” and that “we are strengthened by our experiences, and we stand firm in our fight for a living wage” (*Grassroots*, July 1985c: 4). Addressing the meeting, Ernstzen expressed his views as follows (*Grassroots*, July 1985c: 4):

Members instructed the Executive Committee to take the Council to Court, win or lose. Tonight we can tell you that we carried out the mandate you have given us. We are here now to report back to you. Whilst we did not get what we demanded, we fought and we won our dignity. We are stronger on our determination to fight on ...

Workers were encouraged to carry on with the fight for a living wage, especially in the context of rising prices, rent and hardships (*Grassroots*, July 1985c: 4). At the end of the meeting, the CTMWA members rose and resolved:

We the members of CTMWA totally reject the award made by the Industrial Court. Our struggle for a living wage continues. We accordingly instruct the Executive Committee and General Council: (i) to prepare completely fresh wage demands; (ii) to take up all regrouping of posts affecting members; and (iii) to strive for the scrapping of the provision in the law which declares Local Authority work as being “essential services” ...

It seems impossible to understand this new mood outside of the context of the new unionism, where workers steadily increased their strength, confidence and demands. The CTMWA was swept up with the growing struggles, strikes and union mobilisation in the country (Hemson, Legassick and Ulrich, 2006: 287, 303). And it was not drawing any distinction between so-called “core” and “periphery” workers, but rallying them around common demands, and refusing any efforts at sowing divisions between groups.

So, the union identity as a class-based body fighting for common interests was still very much part of its identity, and now that it was opened to all races, the aspect of being specifically for *Coloured* workers was fading. Also, in terms of the identity, the union was now pushing the boundaries of what had been considered fair in the past. The union identity still accepted ideas that there should be fairness between classes, but it was challenging what fairness meant in a new way.

The idea of a “living wage” shows workers insisting on a wage level that allows what *workers consider a decent life*, directly challenging the idea that wages should be set by what an employer or markets set. This issue was central to the 1984-1985 Industrial Court case. The union’s argument was that the wage “should be based on the actual needs and expenses of a five-member household” (CTMWA, 1985b). It called an expert witness to testify that “the City Council has a social responsibility as an employer” and that by “paying a wage below the basic living level, one may well condemn a family to ... severe social and health problems.” The council’s experts, on the other side, argued that the Council “is not an institution that exists for the benefit of the people who work for it,” that “paying according to needs is an economic nonsense,” and that the “living wage” principle must be rejected, or “wreak havoc” (CTMWA, 1985b).

5.5.3. Building beyond Cape Town

In an effort to build its strength in the municipal sector, and in line with its growing confidence, the CTMWA started to expand to other Cape municipalities around 1984. These included Bellville, Goodwood, Durbanville, Grabouw, Goodwood, Strand, Kraaifontein, Stellenbosch, and Somerset West (CTMWA, 1987). In 1987, the union reported that it had: 693 members in Belville and was discussing its official recognition with the town clerk; 72 members in Grabouw, with recognition; in the Stellenbosch and Goodwood municipalities it had signed up almost all of the lower-paid workers and was in talks regarding recognition (CTMWA, 1987). It also managed to win recognition in Somerset West (SAMWU, 1997: 8). Hundreds of workers were recruited in Durbanville, Kraaifontein and Strand (CTMWA, 1987).

As the union never had a closed shop in these municipalities, workers were finding out what a union was, and what a union could do for them (CTMWA, 1987). Ernstzen mentioned later that (quoted in Catchpole, 2002: 135):

The need to organise the unorganised was one of the primary roles we had to play...the need to build structures nationally became important as well. Allied to that was the question of not just organising the workforce, but gaining the recognition associated with that, from local authorities. This then led to the lifeblood of the union, through subscription...it had been a painstaking process to build the union to where it is today.

Clearly, the class aspect of the union identity was becoming more central than the Coloured aspect, but the Cape Town part was also becoming less important. It is clear in CTMWA materials that the union leaders believed the union's power, and the workers' unity, would be enhanced by organising in other municipalities (CTMWA, 1987).

There was, however, a pushback from employers. During the 1980s municipal employers organised quickly to limit union recognitions (SAMWU, 1997: 16). Just like the municipal workers were starting to organise on a larger level, so too did the employers, the municipalities. In 1984 a Cape Local Authorities Employers Organisation and a Municipal Employers Organisation (for other parts of the country) were formed with the intention of blocking recognition deals (SAMWU, 1997: 16).

5.5.4. The CTMWA's evolving identity in terms of struggles beyond the workplace

All union activity is political in way – a union challenges power relations at the workplace between classes (van der Walt, 2019a), and when the workers are also oppressed by systems of colonialism or apartheid organise, this is a challenge to those systems as well (Buhlungu, 2010). It can be said that the CTMWA was always “political” in such ways. Even when it raised wage issues, it noted that the city council's “labour policy is not based on equality but on the colour bar” (CTMWA, 1985a). But for years, the reform leadership of the CTMWA took care to avoid raising political issues openly and directly (see previous chapter).

This clearly started to change in the 1970s, and especially, around 1980. Franco Barchiesi (2007: 57-58), whose interest is the roots of social movement unionism in the municipal sector,

notes some these changes in the CTMWA: “the militant climate of the 1970s” was adopting a “more political agenda, outspokenly critical of apartheid.” Sakhela Buhlungu (2001: 79-80, 82-83) looking at the making of SAMWU, also drew attention to the impact of the “previously conservative but democratising tradition of unionism” represented by the CTMWA. He added that the “democratic challenge that the progressive group spearheaded within the union predisposed the group, once it was in leadership, to democracy and co-operating with other progressive groups in society.”

The report of the leadership to the 1979 annual general meeting is worth quoting as an example of the union’s mood (in Rudin, 1996: 246-247):

... We live in a period of tremendous contradictions and much confusion! Everyone of us, members of the Association and others, are ... faced with a tremendous challenge. The challenge is to find out...exactly where we stand, where others stand, what is good for us, what is good for others, what is good for human beings in general. ... The answer to this question determines how you and I as members of the CTMWA will decide to act. Not in the future. But today and tomorrow. How we answer will determine the way in which we will go about our work.....

It went on to reject business unionism:

We are members of a workers’ organisation. We are being told in certain quarters ... we must concern ourselves only with problems of workers, such as wages... [etc.] It is necessary for us at this stage in our history to state our position because in this year ... all kinds of ... parties... have come up with hypocritical proposals pretending to represent the interests of the underdog ...

.... We appreciate that this is part of a larger struggle ... In working out our own stand and how we must go about to achieve it ... [we must join] all those who say that they believe in the creation of a society in which there is no oppression and exploitation of man by man ... We are committed to the struggle for ONE united working class working towards the creation of ONE single South African nation enjoying equal rights and citizenship...

Parts of the address actually sounded like the Unity Movement:

All sections of the ruling class ... pretend they are in favour of change. They pretend that they are in favour of the abolition of the colour bar. They pretend they are in favour of the abolition of exploitation and oppression. They pretend they are in favour of democracy ...

What does this mean? ... Those who lived off the backs of others hope to retain that kind of world by pretending that they have changed... On the other hand, those who have suffered under such a kind of world, are standing up, grappling, struggling and hoping to shape a new world in which all human beings are provided for as part of one human race....

... Now more than ever it is necessary for workers to find an anchor in this situation to enable them to traverse the troubled waters and to ensure that we are not diverted from our tasks. Insofar as the CTMWA is concerned, we must state that we have at all times made our position clear.... we are against the exploitation of any workers – irrespective of colour.

We reject the classification of human beings into races or other categories. We say that there are only human beings and South Africa is one country with all its inhabitants entitled to citizenship and rights. This is our anchor. This is where we stand...

The report at the 1980 annual general meeting linked this to the union, as stated, being “desirous of taking whatever steps are necessary to ensure workers’ unity” and the need to “direct our attention more than ever before to co-operation with other *workers* in other fields so as to ensure that we assist in the building up of a united *working class*” (quoted in Buhlungu, 2001: 85, my emphasis):

For the first time for a long time in the history of South Africa the prospect of a strong working class movement throughout South Africa acting consciously in the interests of workers is becoming a real possibility. We in the CTMWA will be faced with this challenge. namely, were we going to be big enough. strong enough, determined enough and far-sighted enough to make whatever adjustments are required on our part?

The 1981 report to the annual general meeting continued these themes (quoted in Rudin, 1996: 256):

When we view the problems and challenges which face us today, we do so as part of the working class of South Africa. A noteworthy feature of South African history ... has been that the rulers of ... this country has been pre-occupied with one fundamental job – that is to prevent the success of the liberation movement and to extend the life of this oppressive and exploitative system...

Why do we as workers raise this aspect? ... The reason we raise it is that we see our salvation in a united working-class struggle in this country...

This shows that the union identity clearly, despite the existence of many conservative measures, linked its emphasis on class to a larger non-racial class struggle by “workers” and a “united working-class” against a “ruling class” and the “exploitation of any workers – irrespective of colour.” It tied this to the anti-apartheid struggle, so this “one united working-class” was part of a “single South African nation.”¹⁶ This placed it close to the Congress, SACP and Unity Movement traditions as opposed to Black Consciousness and the PAC.

How these struggles fitted together was not clearly stated, it is hard to say where the union fitted into the division that existed between the Congress-aligned view of a national democratic revolution, or the National Forum’s idea that the anti-apartheid and anti-capitalist struggles were really the same.

5.5.5. Part of a larger mass movement

The CTMWA expressed this outlook by building connections to other unions. In 1979, the FCWU invited the CTMWA to send a speaker to address its congress: Ernstzen gave the talk (Theron, 2017: 97). The 1980 annual general meeting made a very large donation to the strikers in the Fattis & Monis campaign, “amid loud applause,” and when it was contacted by WPGWU in the red meat struggle, it donated double the amount (Rudin, 1996: 249).

In 1981, it donated money and joined the committee supporting SAAWU which was engaged in a strike at Wilson-Rowntree in East London. It also donated to FOSATU’s NAAWU during

¹⁶ FOSATU thought in a similar way, of a South African working-class (Byrne, Ulrich, and van der Walt, 2017).

the strike at Leyland in the Western Cape (Rudin 1996: 249-250). Both strikes drew in widespread community, union, and worker support (Forrest, 2011: 325-327). On 5 February 1982 Neil Aggett, the Transvaal secretary of the FCWU, died in detention after being brutally tortured. The next day, the CTMWA, the FCWU, FOSATU and the WPGWU jointly declared that (quoted in Ulrich, 1999: 11-12):

As far as we are concerned the remnants of the government reforms have died with Neil Aggett... we want to make it clear that there is no possibility of any future relations between the unions and the state [police are free to act against unionists] ...

The FCWU called for a national half-hour work stoppage, which became its first successful national general strike in decades. A substantial number of CTMWA members supported the action, with protests at lunchtime (*South African Labour Bulletin*, 1982: 8-9). The CTMWA donated towards the cost of the inquest into Aggett's death as well (Rudin, 1996: 250-251). Sometime later, it also held a memorial for Aggett at its offices, Trade Union House (Rudin, 1996: 251 note 957). Meanwhile, it built "quite a lot of relations with FOSATU," including around educational support and building shop stewards structures and "grassroots ... organisation" (Mawbey, 2019).

Barchiesi argues that, from 1979-1983, the CTMWA "further sharpened its political profile" supporting school boycotts, battles around rents, rates and fares, and apartheid laws, stressing a common citizenship: "our struggle is not only for economic betterment of workers, but against Apartheid, and political oppression" (Barchiesi, 2007: 58). The union's 1979 annual general meeting of expressed its support for the school boycotts in Cape Town (Barchiesi, 2007: 58). It was sympathetic to bus boycotts as well, getting involved in 1980 and engaged much more centrally in these struggles in 1981 and 1982.

In May 1980, the Cape Town city council announced that Tramways, a private company contracted to the city, would increase bus fares 40-100 percent, which hit hardest at people living far from work in areas like the Cape Flats (*Grassroots*, August 1980c: 3). Representatives from 41 organisations took a decision to boycott the buses until the fares were reduced. The boycott launched in June (*Grassroots*, August 1980c: 3). Oscar Mpetha, a former ANC and SACTU leader, rejoined the FCWU in 1978, after being banned for almost two

decades, and led the Nyanga Residents' Association in the boycott (Lodge and Nasson, 1991: 44-45).

The school boycott was already in "full swing," enabling links between the two campaigns (*Grassroots*, August 1980c: 3). Students played a major role in the bus boycott and were represented on the Bus Action Committee, and mobilised support in communities, in schools and at bus-stops and terminuses (Molteno, 1987: 13). Many people used trains, but these were not enough to cover the gap left by the busses (*Grassroots*, August 1980c: 3).

The 1980 boycott was however very difficult to maintain (*Grassroots*, August 1980c: 3). The NP government's Department of Information distributed pamphlets via helicopter urging people to stop boycotting, and imposed a ban on all meetings (*Grassroots*, August 1980c: 3). As the state regularly cracked down, many people were arrested and placed in detention. Boycotters became afraid to participate for fear of being arrested (*Grassroots*, August 1980c: 2). In mid-June, people gradually started to use the buses again, partly because the bannings led to confusion (*Grassroots*, August 1980c: 3). The struggle lasted the longest in the black African townships of Gugulethu, Langa, and Nyanga (*Grassroots*, August 1980c: 3).

In 1981, the conflict over bus fares began again. This time there was a focus on using the law, the legalistic processes were driven by Dullah Omar, the same lawyer who represented CTMWA's cases (Rudin, 1996: 251). More unions became involved and the CTMWA was one of 20 organisations involved in the campaign, and offered Trade Union House as a venue to plan resistance. When the campaign restarted in 1982, the meetings of the Bus Fares Action Committee were held at the union offices and 40 organisations were represented (Rudin, 1996: 251-252).

The CTMWA developed links with a range of organisations, from nurses' associations and non-racial sports bodies to youth and student groups as well as to the Western Cape Men's Hostel Association, civic groups and CAHAC (Rudin, 1996: 252). Ernstzen seems to have been quietly moving closer to "charterism" at this time (Rudin, 1996: 255 note 900) and in 1982 the CTMWA developed close links to the Cape Action League, which used Trade Union House for its meetings and the union moved from observer status to becoming part of the steering committee. It also bought pamphlets from the League (Rudin, 1996: 254).

In 1983, the union was invited to join the UDF, which again raised the issue of its relation to the Congress tradition and the union's leadership recommended joining (Rudin, 1996: 254-255). At its 1983 annual general meeting it was agreed that it would be involved with any group fighting the apartheid state's reforms, so a choice was not actually made between the Cape Action League and the UDF (Rudin, 1996: 255). It decided to stay independent and unaffiliated, and this explains why it was also not part of the UDF launch (see above on the FCWU, WPGWU and FOSATU relations to the UDF).

5.6. Another challenge: CTMWA and the first phase of municipal neo-liberalism

The political activities described above would "shift substantially the parameters of what was acceptable as legitimate concerns for the Association" (Rudin, 1996: 251). In 1985 in the face of widescale resistance against apartheid the government announced a state of emergency. Police surveillance in communities across the country increased. Growing involvement in politics caught the government's eye and in 1985, five CTMWA members were detained – along with one former member, Bosch and the union's former lawyer, Oma (Rudin, 1996: 256). The union's identity was now tied up with ideas around the struggle of the whole working-class, not just municipal workers, or Cape Town, or Coloured workers. The old moderation and settling for small gains was falling away as the union identified itself with a struggle for the end of exploitation and building a single nation. Politically, the options were now about Cape Action League versus UDF, not about business unionism or political unionism.

In the true sense, it was now an example of social movement unionism. In the 1960s, the union kept its head down when Cardiff Marney was banned and then jailed: now, with five members jailed, it complained loudly with statement reporting its "unanimous resolution condemning the actions of the police and army against students and the community at large," and praising Omar, and provided financial support to the affected families (Rudin, 1996: 256). Meanwhile, the union was able to maintain a mass base, with 11 400 members in 1985, according to *FOSATU Workers News* (FOSATU, 1985: 4).

The CTMWA still avoided collective action, which Rudin (1996: 245) argues put the union out of step at a time when "collective action by workers and communities had become a common feature of the terminal phase of the old South Africa." He contends that this would have helped

involve and politically educate the mass of members. Even in the heated wage dispute of 1984-1985 the strike option was not seriously considered (Rudin, 1996: 245).

5.6.1. From economic crisis to municipal neo-liberalism in 1980s South Africa

Meanwhile, the union faced a new challenge: neo-liberalism. It had been born, and operated, in an era of extensive state regulation of markets: this was an authoritarian state-capitalism based on ISI. As argued in chapter two, this started with the NP-led Pact government elected in 1924. It included the extensive use of capital and trade controls, incentives, state development banks, and a rapidly growing state sector. The policy was continued by the NP government elected in 1948, alongside its apartheid policies. As homelands were established, for example, each homeland got its own set of small state corporations and banks (van der Walt, Helliker, and Klerck, 2022).

This ended in the late 1970s. A focus on the NP's political reforms in the 1980s has often taken attention away from its equally important economic reforms (van der Walt, Kleck and Helliker, 2022: 563). The global rise of neo-liberalism from the 1970s did not miss apartheid South Africa. The first phase of neo-liberalism in South Africa took place in the apartheid years and not with GEAR (Gentle, 2011: 12-13; van der Walt, Kleck and Helliker, 2022). As discussed in chapter four, this included huge changes in how the state interacted in the economy. State-led growth was now viewed as inefficient and expensive, and privatisation appealed as a way to transfer important resources from the state to white private business in case of majority rule, and to depoliticise services (Clark, 1993: 166). In 1987, the NP government formed a privatisation unit, and issued a White Paper on Privatisation and Deregulation (Republic of South Africa, 1987). These helped legitimate existing practices (ILRIG, 1999: 26; Mostert, 2002: 9).

There were important steps at the municipal level. In 1980 a committee of Enquiry into the Finances of Local Authorities in South Africa recommended "that local authorities should give out to private enterprise those services which on the basis of cost benefit analysis could be more advantageously performed by private enterprise" (Beretti, 1986: 16). The 1983 Promotion of Local Government Affairs Act was also important as it "defined a normative framework for municipalities that intended to increase private-sector participation in the provision of services" (Barchiesi, 2007: 55). One of the earliest public statements of the new vision for the state was

given by Prime Minister P.W. Botha¹⁷ at a high-level meeting with business leaders in 1979 (Beretti, 1986: 15-16).

There has *always* been some municipal use of private sector contractors in South Africa. The use of private providers is only privatisation if there is a *transfer* of something that the state previously owned (see chapter one). Also, as a minimum, privatisation can only be linked to neo-liberalism if it takes place in the period that South Africa started to move towards neo-liberalism. Privatisation has happened in many countries before neo-liberalism.

So, in examining examples of early municipal neo-liberalism, this thesis will look at developments from 1979. There were and are many options for neo-liberal restructuring in the municipal sector. Different parts of a municipality could be corporatised, commercialised, closed, or privatised. Private sector participation in the municipality could also take various forms, among them outsourcing municipal services such as maintenance, meter readings and refuse removal; subcontracting labour supplies, cleaning, and security; concessions and leases on municipal facilities; and reducing municipal services and encouraging the private sector to fill the gaps, without formally contracting the private sector (see e.g., McDonald and Smith, 2004; SAMWU Workers' News, 1997: 6). Within this mix, there were even more options, such as varying lengths for contracts (SAMWU Workers' News, 1997: 6), and different stipulations in contracts (McDonald and Smith, 2004).

But there was no national, "overall privatisation strategy that can be adapted to the needs of each local authority" (Community Resources and Information Centre, 1989: 70-71). The existing legislation also created some impediments (Narsiah, 2008: 25). The situation was complicated by resistance and fear on the part of municipal officials and bureaucracies (Community Resources and Information Centre, 1989: 70-71).

The adoption of neo-liberal restructuring in municipalities in the 1980s was uneven, with different choices, timing and speeds. It was shaped by the attitudes of local government managers and staff (Community Resources and Information Centre, 1989: 70-71). The bigger

¹⁷ The executive head of state in South Africa was the Prime Minister until 1984. The office of the President was established in 1961 after the country became a republic but was ceremonial. The executive Presidency replaced the Prime Minister and the ceremonial President. Botha's position changed accordingly.

municipalities had large investments in equipment and strong in-house capacities, and also, had their own financial systems (see Beretti, 1986). The advantages of using the private sector were not so obvious, and it was not so simple to carry out a “cost benefit analysis” because the criteria, pricing and accounting systems were varied (Beretti, 1986: chapters five, eight, nine).

The state started to withdraw from housing development and started to sell off state-owned housing in the early 1980s (Gentle, 2011: 13). In 1983, for example, the government announced the sale of approximately 500 000 state-owned houses (Sefika, 2012: 70; also, Brown, 2005: 85). Most state housing stock was held at the municipal level, as municipalities had been primarily responsible for township housing since the 1920s (see chapters two and three) (Gentle, 2011: 13). The shift was intended to reduce the state’s responsibilities, and depoliticise housing (Sefika, 2012: 70).

As the largest landlord, local government was an obvious target for community-based protests. For example, there was, in Cape Town, a massive rent boycott after the city council announced new rental arrangements for thousands of tenants in council houses and flats (*Grassroots*, December 1980d: 1). Due to be implemented from 1 January 1981, the new system made tenants liable for all maintenance costs (*Grassroots*, December 1980d: 1). These were previously covered by rent, but instead of the measure reducing rents, as had been promised, large numbers of residents found rents increasing despite maintenance being cut out.

Another example is the Johannesburg municipality in the first half of the 1980s. It experimented with subcontracting the maintenance of its fleet in 1981, and “progressively privatised the majority of its refuse collection fleet” to Wade Refuse, which provided trucks, drivers, and operators (Beretti, 1986: 16; also, Community Resources and Information Centre, 1989: 71). In 1988, it was reported that it had identified 125 municipal activities that could be privatised and set up a committee to investigate the issue (Community Resources and Information Centre, 1989: 71). Soweto’s BLA privatised refuse removal “as a union busting activity” following a strike in 1988 (Community Resources and Information Centre, 1989: 71). These developments must not be mixed up with the decades-old practice of contracting out many capital works programmes to the private sector which did not start with neo-liberalism (see information in Beretti, 1986: 15).

In the Eastern Cape, the Port Elizabeth municipality made growing use of the private sector in the early 1980s (Zeiss, 1985: 84). It sold the municipal asphalt (tar) plant to a private company and rented it the land on which the plant stood (Zeiss, 1985: 83). The company was required to sell the municipality tar at a set price, below the cost of its production, but it was at liberty to supply any other consumer at market prices (Zeiss, 1985: 83). The municipality subcontracted housing schemes and services in the Coloured townships, as well as civil engineering projects such as road repairs and building, and the construction, repair, and alterations of buildings (Zeiss, 1985: 82). The Elandsjagt Water Treatment Works, and the construction of a gas plant, were also outsourced (Zeiss, 1985: 82).

There was also a growing use of privatisation in the smaller Cape municipalities (Beretti, 1986), many of which would later be merged with Cape Town municipality in the post-apartheid period. These developments caught the eye of the labour movement. Interviewed by the author, Mawbey, a veteran of SAMWU, stated (face-to-face interview, 28 February 2023):

Privatisation have been introduced prior to the formation of the metropolitan municipalities. So Kloof in eThekweni or Pinelands in Cape Town had sub-contracted their solid waste removal to private waste removal companies ...

The Cape Town municipality itself was another early adopter (see below). The Town Clerk of Cape Town also chaired a sub-committee under the National Coordinating Council for Local Authorities that investigated the privatisation of municipal services from 1988 (Community Resources and Information Centre, 1989: 70-71). This sub-committee was headed by Chris Heunis, Minister of Constitutional Development – his department had set up the Tricameral Parliament. The sub-committee identified current legislation, and municipal and staff concerns, as the main obstacles and worked on a developing a national strategy.

Other efforts at developing a general framework took place at provincial level. The Transvaal Provincial Administration also drew up a list of state activities that could be privatised, some of which fell under municipalities (Community Resources and Information Centre, 1989: 70-71). Then, 1991 the Promotion of Local Government Affairs Act was amended to “to authorise a local authority to form a company and acquire shares in a company; and to provide that a local authority may transfer or second its officers or employees to or place their services at the disposal of a company; and to provide for matters connected therewith” (quoted in Narsiah,

2008: 25). This was followed by large water privatisation contracts in several Eastern Cape towns (Narsiah, 2008: 25; Ruiters, 2002).

5.6.2. Municipal neo-liberalism in 1980s Cape Town

Cape Town was, as stated previously, an early adopter of municipal neo-liberalism. Historically, the municipality, like others, provided most municipal services directly (Beretti, 1986: 19). These included amenities and recreational facilities; electricity, resold from ESKOM, or through its own small power stations; fire protection; some health services; libraries; (local) revenue collection; road construction and maintenance; sewerage and wastewater treatment, and refuse removal; town planning, building control and trade licensing; and its own internal administration (Beretti, 1986: 30).

The level of services provided to residents varied greatly by race, with white areas receiving high quality highly subsidised services, and Coloured areas inferior services but substantially better ones than townships under BLAs (Smith and Hanson, 2003: 1520). Among black Africans, there were further distinctions made. Residents born in the city could receive some family housing, while migrant workers were regarded as sojourners and allocated temporary residence in single-sex hostels (Jakoet, 2006: 3-4; Segar, 1991: 42; Witz, 2010: 65-67). Black Africans without legal rights to the city lived in squatter camps and backyards, where they could be arrested and deported.

As discussed in chapter three, there were massive council investments into township housing projects, triggered by the 1923 Native Urban Areas Act and the 1950 GAA. The municipality had several “specialised construction units” including for housing but from at least the 1950s had put “at least” 50 percent housing contracts “out to private enterprise” (Beretti, 1986: 134-135). There were always a range of activities requiring some subcontracting to specialists that the council did not employ (e.g., Beretti, 1986: 160-161, 168, 182, 183). The municipality owned its own quarry for crushed stone and had facilities that met up to 80 percent of its premix need (Beretti, 1986: 49-55). Large capital projects in electricity water and road construction were always contracted to the private sector (Beretti, 1986: 134-135, 157, 181).

There were some moves towards neo-liberalism. From 1977, housing construction was completely moved to the private sector (Beretti, 1986: 135), which obviously allowed

privatisation to follow. The city closed its quarry, and relied on the private sector, but it retained and then upgraded its premix plant (Beretti, 1986: 49-55). Council housing stock was being sold off by 1982 (Younge, 1982: 21-22; also, Brown, 2005: 91). The sale of council houses was sometimes handled by private estate agents (Beretti, 1986: 181). The city considered outsourcing of domestic refuse removal and disposal in 1977, 1980 and 1986 but decided against the step (Beretti, 1986: 92). It had a massive internal capacity which it believed delivered the services more cheaply than the private sector (Beretti, 1986: chapter eight). There was some use of the private sector in cleaning city buildings (Beretti, 1986: 182). The city's Symphony Orchestra was privatised, turned into a standalone registered company (Beretti, 1986: 183).

The city council was increasingly interested in privatisation. In 1985, it agreed to "consider and report on the formulation of a programme by which a policy of putting out to private tender all works of a capital nature can be implemented" (quoted in Beretti, 1986: 19). The city's 1986 budget statement stated that the executive would "direct its attention to the possible privatisation of routine operational and maintenance functions" (quoted in Beretti, 1986: 19). It had in other words accepted the need for privatisation, emphasising it "in areas involving major investment for the provision of new services, or the upgrading of old services" (Community Resources and Information Centre, 1989: 70-71). Privatisation was also taking place in a number of Cape municipalities

5.6.3. The intersection between the NP's political reforms and popular struggles

There was a complicated relation between the struggles and the reforms. As indicated in the first two chapters, the apartheid government began to adopt some significant reforms in the late 1970s illustrated by the Wiehahn reforms of the ICA of 1979-1981, following the Wiehahn Commission. Other examples, that have already been noted, include the ending of the Management Committee system for coloured local government, after the Schlebusch Commission, the establishment of BLAs in 1983, and the establishment of a Tricameral Parliament of 1984, with segregated parliaments for Coloureds and Indians. These were an effort to win more legitimacy for the government through "limited political and institutional accommodation" rather than relying on force and included some loosening of the political space (Lodge and Nasson, 1991: 31).

These reforms had very mixed effects. The new Advisory Boards in Coloured townships, and of the BLAs, instead of satisfying people, provided targets for mass opposition, and campaigns that successfully promoted “massive voter abstentions in the elections” (Lodge and Nasson, 1991: 58). The moves to establish Tricameral Parliament highlighted “inequities in the distribution of power” and were an “immediate spur” to the founding of UDF (Lodge and Nasson, 1991: 32, 35). Vast numbers of people participated in the UDF’s national campaign against the Tricameral Parliament (Houston, 1998: 167).

The political reforms also had the “unintended consequence” of the “weakening of constraints on organised opposition” (Lodge and Nasson, 1991: 31; also, Theron, 2017: 271). Victories also encouraged resistance. For example, the 1980-1981 school boycotts forced the apartheid government to address some issues, like a shortage of books and repairing school buildings, the Prime Minister P.W. Botha promised equality with white education (Molteno, 1987: 13). Instead of stopping mobilisation, this led to more protests and organising, which in turn enabled the political education of tens of thousands of school students and other young people (Houston, 1998: 391).

5.6.4. From the CTMWA to SAMWU

This was also evident in the union sphere. The Wiehahn reforms were partly meant to give the state greater control over black African-based trade unions, and prevent them being involved in politics, but the deracialisation of the labour laws gave unions increased rights, confidence, and more willingness to mobilise (Baskin, 1991; MacShane, Plaut and Ward, 1984). The massive growth of black African-based unions and the leftward shift of important Coloured-based unions showed how the government plan backfired.

New coordinating bodies like CUSA and FOSATU developed, but there was a growing interest in creating even more unity, drawing in the different federations, as well as unaffiliated unions, like CTMWA and SAAWU. A series of unity talks took place against the background of a political crisis. There was a massive uprising in the Vaal area of the Transvaal in September 1984, and the UDF was spreading rapidly across the country (Lodge and Nasson, 1991). There were huge protests in Cape Town from 1984 to 1986. In 1986, for example, a series of marches took place demanding the release of ANC leader Nelson Mandela, who had been jailed since 1962. In one instance, when police met the demonstrators with a massive display of force, this

unleashed a wave of arson, looting, and clashes with authorities and security forces throughout the city's black African and Coloured townships (Murray, 1989: 60-61). Across the country, BLAs were boycotted, and in some cases, councillors were assassinated.

By the middle of 1985, local government was collapsing in many black and Coloured townships. There was an administrative and political void that UDF and other organisations tried to fill with campaigns built on the slogan of "people's power" (Houston, 1998: 318; Lodge and Nasson, 1991: 131-132, 135-137; Seekings, 2000: 169-174). In some cases, civics and youth took over some administrative and judicial duties, while in others the local authorities were forced to enter serious negotiations (Houston, 1998: 318).

In July 1985, the apartheid state declared a partial State of Emergency and in June 1986, a second State of Emergency, which involved a sustained crackdown (Houston, 1998: 318). In the second State of Emergency, over 20 000 people, including union members were detained, most meetings were banned, and the army was sent into townships (Houston, 1994: 319). In Cape Town, 119 organisations were banned (Houston, 1994: 319).

The state engaged in a mixture of old-style apartheid enforcement, along with reforms that undermined apartheid. For example, there were ongoing forced removals, a major example being the destruction of Crossroads squatter camp at Cape Town in the mid-1980s (Houston, 1998: 319). In 1986, Woodstock, a racially mixed area in Cape Town, was declared a Coloured zone, triggering an Open Woodstock campaign that even the liberal white Progressive Federal Party, a forerunner of the DA, and the city council supported (Garside, 1993: 32). At the same time, the Coloured Labour Preference Policy (CLPP) was ended in 1984 and Botha announced the abolition of pass laws and influx control in 1986 (Goldin, 1987: chapter ten). These steps led to a massive surge in black African entrants into the Cape areas, swelling the squatter camps and putting more pressure on housing (Jakoet, 2006: 3-4), which obviously was undermining the schemes for racial, zoning and state control. Similarly, governance broke down in the hostels, as entire families moved in (Ramphela, 1993: 25-30).

The CTMWA played a major role in the trade union unity talks (SAMWU, 1997; also, see Buhlungu, 2001; Theron, 2017). Although it was an old, registered union and was, even after expanding into other towns from 1984, basically a Cape Town-based union, it approached the unity talks with an open mind and wide perspective (Buhlungu, 2001: 86). The CTMWA

championed the principles of non-racialism, strong workplace organisation, support for community and political struggles, and demands for a democratic, united South Africa (Barchiesi, 2007: 58; 2011: 152). The unity talks were complicated by political divisions, distrust, accusations, and disputes (Baskin, 1991; Forrest, 2011; also, Theron, 2017, for an insider account). The CTMWA helped resolve many conflicts (SAMWU, 1997; also, see Buhlungu, 2001; Theron, 2017).

As noted, when COSATU was launched in Durban in late 1985, it became the biggest and most powerful union federation in South African history (see also chapters one, two). Although CUSA was not satisfied, the NUM its major affiliate had joined, as had FOSATU unions, and also, unaffiliated unions like the CTMWA, the FCWU, SAAWU,¹⁸ and WPGWU (Alexander, 1990: 44; Barrett and Mullins, 1990: 26; Forrest, 2011: 64-65; also, Baskin, 1991; Bennett, 1988; Friedman, 1987).

What COSATU did take from FOSATU, above all, were the principles of one union-one industry, non-racialism, representation based on paid-up membership, and co-operation between affiliates at the national level in a tight federation (Catchpowle, 2002: 15, 23). A major result was that the early years of COSATU saw ongoing restructuring of the federation's affiliates into new industrial unions (see chapters one and two, for details). The process of mergers saw five COSATU affiliates come together as SAMWU, which was launched in October 1987 year (Bennett, 1988: 73; Buhlungu, 2001: 79; Lier, 2005: 43; Ronnie and van Niekerk, 2009: 27; Rudin, 1996: 270; Samson, 2004: 48).

These were the CTMWA, the General Workers' Union from Port Elizabeth, the Municipal Workers' Union of South Africa, SAAWU, which was then mostly based in the Eastern Cape, and the T&GWU, which came from FOSATU. The CTMWA had just come out an unprecedented work-to-rule¹⁹ and go-slow in demand of better wages and conditions (Gabriels, 1992; SAMWU, 1997: 8; Southern African Research Service, 1987: 42). This took place against the backdrop of high inflation, and a countrywide COSATU driven "Living Wage Campaign" (Southern African Research Service, 1987: 42: 42).). These methods avoided

¹⁸ There was a split, so not all of SAAWU joined (Baskin, 1991).

¹⁹ Chicktay (2012: 268) defines these as follows: in work-to-rule, "employees do their work strictly in accordance with their contracts and do no more than the minimum" and in a go-slow, "employees do their work at a reduced pace."

breaking the municipal strike ban in the LRA and the CTMWA action was described as follows (Southern African Research Service, 1987: 48)”

Cape Town’s refuse removal workers started a work-to-rule in support of their demand for a R50/week across the board increase. Council workers at Sea Point and Cape Town’s CBD joined the cleaning staff work-to-rule, which disrupted refuse removals in some suburbs and large areas in the city centre.

The workers rejected the council’s proposal that wage increase be tied to evaluation of their jobs. The CTMWA has pushed for a R50/week across the board increase for all its 11 500 members. The negotiations between the council and the union continued (...)

In the next few years, SAMWU would absorb the Union of Pretoria Municipal Workers, the Union of Johannesburg Municipal Workers, and the Democratic Indian Municipal Employees Society (Buhlungu, 2001:79). The Johannesburg union traced its roots to the old Johannesburg Municipal Coloured Employees Union, and the Durban union, to the old Durban Indian Municipal Employees Union (see chapters two and three).

Only two of the founder unions were absorbed, as a whole, into the new union: the general unions were basically broken up, and members reallocated to the industrial unions. Most efforts at unionising black African municipal workers, especially migrants, struggled in the face of hostile employers and the strike ban in the sector (Keenan, 1981). The Union of Pretoria Municipal Workers was an exception: founded in 1983, with a base in the hostels, it secured a recognition agreement in 1985 (Special Correspondent, 1990: 40-41). In most cases, however, it proved extremely difficult to form industrial unions for such workers, or to recruit significant numbers: many were instead put into general unions.

5.6.5. 1980s municipal privatisation and the CTMWA and early SAMWU

The unions that formed SAMWU came from very different political traditions, the General Workers’ Union, the Municipal Workers’ Union of South Africa and SAAWU were broadly “populist,” T&GWU was in the “workerist” tradition, the Pretoria union was broadly in agreement with COSATU’s positions (Special Correspondent, 1990: 40-41), and the CTMWA, a core union in the establishment of SAMWU, was an independent, radical union strongly

influenced by independent left-wing traditions like the Unity Movement, with a social, movement unionism character (Barchiesi, 2011: 152). The CTMWA was committed to strong trade union structures (Ernstzen, 1991: 30-37). It should be mentioned that SAMWU was formed during the state of emergency at a time of total onslaught by the apartheid regime (*Leader Reporter*, 1994: 8). Municipal employers, which were the local arms of the state, opposed the recognition of SAMWU (*Leader Reporter*, 1994: 8). SAMWU's Western Cape region was launched in 1990 after more than two years of building structures from Plettenberg Bay to West Coast and Paarl (Ernstzen, 1991: 30-37). Boland which stretches across the Karoo and Overberg were some of SAMWU's strong constituencies and growth points (*Leader Reporter*, 1994: 8). In 1988, with close to 16 000 member SAMWU decided to enter the Industrial Council, now the Bargaining Council, for local government (Ronnie, 2006: 19). SAMWU bargains for its members in a single national forum (Ronnie, 2006: 19).

The most important, decisive influence on SAMWU was the CTMWA, which provided three-quarters of the 15 000 members at the founding, most of the resources, and most of the early leaders (Rudin, 1996: 270). This also meant that, alone amongst the COSATU affiliates, the national leadership was based in the Western Cape, rather than on the Witwatersrand, and it had a Coloured workers majority. One effect was that SAMWU, alone in COSATU, had split head offices, one section in Athlone in Cape Town, at Trade Union House, and the other in downtown Johannesburg (Rudin, 1996: 142).

The left-wing traditions that the CTMWA brought were reinforced by some of the traditions from the other unions with which it was merged. Ernstzen became SAMWU's first general-secretary, and the CTMWA's Sidney Adams the union's first treasurer (Rudin, 1996: 271, 359). A key figure was Petrus Mashishi the first SAMWU president, and a key figure at its Johannesburg headquarters. Mashishi had been involved in TUACC since the late 1970s, a founder member of FOSATU, and the Transvaal chairperson of the T&GWU. Coming from the "workerist" tradition, he was committed to a worker-controlled socialism and bottom-up trade unionism (Khanya College, 2018; South African History Online, 2018). He served as SAMWU president until 2010 (Chinguno, 2010: 17-20). Another important left-wing figure, also from a "workerist" background, was John Mawbey. He started his career in the unions in the mid-1970s as a radical white student in the 1970s, served as editor of the pro-union *South African Labour Bulletin*, and became Natal secretary for both TUACC and FOSATU (Mawbey, 2019). He then worked for the T&GWU, became a regional SAMWU organiser in

Natal (Mawbey, 2019), then Natal regional secretary, and, from 1990, SAMWU's National Education Officer, in this role he was based at the Cape Town offices (Rudin, 1996: 362).

As fairly little has been written on early South African union responses to neo-liberalism (Ulrich and van der Walt, 2022), the CTMWA case is of great interest. Clearly, exposure to early municipal privatisation in Cape Town left a deep imprint, which would be carried over into the early SAWMU. Merle Brown was the assistant secretary of the CTMWA from 1984 to 1987 and SAMWU's Cape Town branch secretary 1987 to 1990, followed by a term as Cape regional secretary from 1990 to 1992, and the union's National Organisation and Development Officer from 1992 to 1995. When the author interviewed her, she recalled (face-to-face interview, 29 November 2018):

During the 1980s, municipal services were partly privatised. The privatisation of services was done through the "back door" or in secret... When the union asked the Council, the Council told the union that it was just a pilot project. However, the very same pilot continued.

Andre March, a Cape Town municipal worker who became a SAMWU shop steward in the Transport, Roads, and Stormwater department in the early 1990s, recalled in the authors' interview that (face-to-face interview, 17 January 2019):

Casual employment happened on a piecemeal basis and it was viewed as a feeder to permanent employment. People will be employed casually, but when a permanent position becomes available then the casual worker will be employed permanently. But this was not happening [any]more ...

This suggests that casual and part-time workers employed by the council had access to permanent jobs and a growing pool of ongoing flexible labour that could replace permanent workers was created. The union was, said Merle Brown, aware of the situation but did not do much about it (face-to-face interview, 29 November 2018).

This CTMWA concern with privatisation was carried over into SAMWU and has probably been reinforced by experiences of developments in Durban (see Mawbey, face-to-face interview, 28 February 2023), and Johannesburg (see earlier). It was SAMWU that kept the issue on the agenda: "In terms of their position on privatization, for many years SAMWU was

often a lone-voice in COSATU” (Khanya College, 2018). SAMWU came out against privatisation at its first congress in 1988 it initiated a campaign opposing privatisation of municipal services, and in 1989, at its second congress, called for a joint anti-privatisation campaign with COSATU’s POTWA and SARHWU in a national programme of action against privatisation (Catchpowle, 2002: 140; Ernstzen, 1991: 33).

SAMWU linked this opposition to two other positions. First, the racist, segregated system of apartheid local government and the urban areas should be replaced with united, democratic, non-racial cities and towns, with unified non-racial municipalities (Ernstzen, 1991: 33-34). There should be upgrades of the townships, supported by transfers from wealthier, historically white areas (Barchiesi, 2011: 152). Second, there was need for a shift away from capitalism: according to Roger Ronnie, a SAMWU administrator from 1989-1991, the Cape Town branch secretary from 1991-1994, and Ernstzen’s successor as general secretary, serving from 1994 to 2006, “We see local government as an arena for advancing the policy of socialism” (quoted in Catchpowle, 2002: 128).

5.7. COSATU, the UDF and end of apartheid

Within three years, COSATU membership grew from 450 000 to 712 000, through massive recruitment of previously unorganised workers, poaching and mergers (Barrett and Mullins, 1990: 26). COSATU did not align to any party at the founding congress, but it did set out to build a strong, militant union federation that would unite the working-class, against the employers as well as the apartheid system (Masondo, 2012: 112). The new federation, with Elijah Baray as the first president and Jay Naidoo as the first general secretary, managed, under difficult circumstances, to reorganise its affiliates into 12 industrial unions (Barrett and Mullins, 1990: 26). Meantime, the once mighty TUCSA collapsed (Bennet, 1987).

COSATU-wide campaigns were adopted as a way of building unity. At its founding, COSATU resolved to fight for a national minimum wage based on a living wage level (*NUM News*, 1990: 11). Other COSATU demands were that companies must open their books to unions, the abolition of racially-based employment practices, social security, reforms in workers’ training, an end to the hostel system, and job creation (*COSATU News*, 1988: 4; Jack, 1986: 89; *NUM News*, 1990: 11).

The essence of the Living Wage Campaign was to mobilise and unite workers across sectors and affiliates around common demands. It would involve an ongoing campaign backed by workers' actions and negotiations in every industry, and coalitions with other progressive organisations and unions (*NUM News*, 1990: 11). Workers, COSATU argued, should share the wealth from the South African economy (Jack, 1986: 89). The Living Wage Campaign was launched on May Day in 1987 (Roux, 1990: 14; Seekings, 2016: 9-10). In 1987, COSATU pulled off a general strike, as hundreds of thousands of workers from hospitals, the mines, factories, railways, construction sector, municipalities, shops, and farms embarked on a strike for the living wage (*COSATU News*, 1988: 4). COSATU's two biggest unions, NUM and NUMSA, played a major part in the campaign (Roux, 1990: 14).

The other major COSATU campaign was against proposed amendments to the LRA that would reduce union rights (see chapter two). Unions were especially unhappy with proposed clauses allowing employers to sue workers for damages resulting from strikes (Editorial Collective, 1989: 50-51). Other revisions complicating the declaration of disputes and removed interim relief during appeals against Industrial Court decisions, which could leave workers unpaid for years (Editorial Collective, 1989: 50-51). In 1988, COSATU led a general strike, joined by NACTU, against the proposals, forcing business to negotiate but many of the changes became law that year. In March and August 1989, COSATU, NACTU and 11 independent unions held joint workers' summits, one outcome of which was a massive general strike that year (Editorial Collective, 1989: 50-51).

At the end of 1989, COSATU membership was hitting the one million mark (Barrett and Mullins, 1990: 26). It was now the biggest union federation in southern African history (Barchiesi, 2007: 55; Barrett and Mullins, 1990: 26; Catchpole, 2002: 14). Union density in South Africa rose from 15.4 percent in 1979 to 59 percent in 1993 (van der Walt, 2023a: 19). Meantime, the once mighty TUCSA, previously the largest federation, quietly collapsed (Bennet, 1987).

But the issues raised in the workerist-populist debate continued to play out in the federation (Baskin, 1991). In 1987, the two largest affiliates were NUM and NUMSA, representing a pro-ANC "charterist" and a more "workerist" outlook, respectively. At the second COSATU national congress in 1987, the NUM proposed the federation adopt the Freedom Charter, which the NUM had already done (Baskin, 1991; Slater, 2022). NUMSA remained more sceptical but

agreed to accept the Freedom Charter at the 1987 COSATU congress as a “minimum programme,” while also pushing for an additional, more radical “workers’ charter” (Baskin, 1991; Forrest, 2011). NUMSA had a strong socialist leaning and saw the Freedom Charter as only a stepping-stone to more far-reaching changes (Forrest, 2011: 73; Hlatshwayo, 2015: 78; Narismulu, 1998: 286). The result was that, in 1987, COSATU formally adopted the Freedom Charter, linking it to “charterism” and laying the groundwork for the Tripartite Alliance in 1990.

Baskin (1991), himself a COSATU leader, was optimistic about the outcome, arguing that COSATU had brought together and blended different traditions, but a more negative assessment came from others in later years. Sian Byrne argues that “workerism” broke down as a distinct project, and ANC and SACP influence in COSATU grew rapidly (Byrne, 2011). Other academics argue that there was a steady decline of the political ideas of “workerism,” as opposed to its organisational model, as ANC and SACP currents became dominant (Byrne, Ulrich and van der Walt, 2017: 264). Recently, Devan Pillay (Pillay, 2023) has argued for the value of revisiting the “workerist” political criticisms of ANC nationalism, SACP “Stalinism,” the “populist” style of politics, and political unionism.

As indicated earlier, COSATU was associated with social movement unionism in the 1980s, including close links to the UDF (Masiya, 2014: 449-451). This meant that it engaged in broader struggles around social justice, political and human rights, and worked closely with civil society (Masiya, 2014: 447). As the UDF and civics were weakened, COSATU came to play an increasingly central role in the struggle, but it did not join the UDF (Baskin, 1991: 129-223).

It worked with the UDF and the National Education Crisis Committee in a two-day general strike or “stayaway” in May 1987, protesting the whites-only general elections on 6 May 1987; the federation demanded a living wage, a wide range of labour reforms and an end to apartheid. It repeatedly engaged in joint campaigns with the UDF, churches, students, NACTU, civics and others, in what became called the “mass democratic movement” (Masiya, 2014: 450; Paret, 2017: 177-178). It is not surprising that COSATU suffered repression, some of this summarised in what follows (Alexander, 1990: 49):

COSATU and its affiliates had suffered a number of setbacks at the hands of the regime: the sentencing to death and long sentences for activists of the South African Railways & Harbour Workers Union (SARHWU), and the Post Office and Telecommunication Workers (POTWA); the murder of trade unionist like Jabu Ndlovu, a shop steward of NUMSA, Elias Banda, national organiser of Amalgamated Clothing and Textile Workers Union of S.A (ACTWUSA), attack on trade union offices on the Food and Allied Workers Union (FAWU), Chemical Workers Industrial Union (CWIU) in East London, and the destruction of trade union activists' homes ...

5.8. Conclusion

The young SAMWU grew extremely rapidly, adopting a socialist position and moving away from its the predominantly Cape Town membership base that it had at its inauguration. According to Ernstzen, the participation in COSATU's campaigns in the late 1980s for a living wage, and the struggle against the anti-union LRA amendments, were of inestimable value in deepening workers' awareness of being a class in and for themselves (Ernstzen, 1991: 33).

SAMWU reached, according to Brown (1990:6), around over 70 000 members in 1990. It was "by far the fastest growing union between 1990 and 1994," exploding "in a very short period of time" (Mawbey, 2019). Ronnie, when interviewed by the author believed that (face-to-face interview, 14 November 2018):

The growth in membership was due to the fact that SAMWU was militant and progressive. The union reached the length and breadth of the country – as far as the Northern Cape, Kalahari, Eastern Cape, and other parts of the country organising municipal workers. It also has to do with the strategic move to bring other unions on board, engaging and reaching other union...

Many of these workers had previously been un-unionised. Prominent Cape Town militants were crucial in highlighting the dangers of the introduction of neo-liberalism, and convincing COSATU of the need for an anti-privatisation policy (Catchpowle, 2002: 89, 128). The growth of SAMWU gave them a national platform, amongst municipal workers, as well as a loud voice in the federation. Opposition to privatisation, for example, became a key part of the COSATU platform by 1990 (*COSATU News*, 1988: 4; Jack, 1986: 89; *NUM news*, 1990: 11).

Just as the creation of COSATU reportedly blended older traditions like “populism” and “workerism,” SAMWU had brought together different traditions, but an orthodox ANC/ SACP position did not predominate. SAAWU was unable to win any of the top posts, with the formative leadership mainly from the CTMWA and the T&GWU: for example, in 1987, the T&GWU caucus nominated Joe Spambo as vice-president, thinking that someone from the “UDF unions” would win the seat, but their nominee proved “unacceptable” and Mashishi and Spambo became president and vice-president respectively (South African History Online, 2018).

If there was a blending of traditions, it was not mainly of “populism” and “workerism,” but of the CTMWA left-wing tradition, which had roots in the Unity Movement and the Western Cape’s non-ANC, non-SACP far left, with “workerism.” But it was, like the NUMSA left, a tradition adapted to the fact that the ANC was unquestionably a dominant force: unions and unionists on the left adapted themselves to this shift, trying to push the ANC towards the left. This meant operating within those parameters, as NUMSA did later when developed the RDP as a programme for the ANC (Forrest, 2011). The same was happening with SAMWU.

In closing off this chapter, I want to come back to the issue of the trade union identity. Clearly, the CTMWA developed a much more militant approach in the 1980s, involving itself in popular struggles while staying independent of bodies like the National Forum and UDF. This was also seen by its accelerating wage demands in the early 1980s, and in 1987 its biggest ever industrial action, the work-to-rule and go-slow. Although not a strike, defying the law, nothing like this had ever before been done by the union.

The union, already an example of what is described as social movement unionism in the early 1980s, showed an ongoing but more openly radical commitment to unifying the working-class, not just across community and workplace, or across races, but also across labour markets, as it continued to have a mass base amongst casuals. The CTMWA union identity, which added to this mix a serious concern with the threat that municipal privatisation posed to both workers and township communities, became a major basis for SAMWU’s union identity, although that identity also drew (a bit) from “populism” combined with (many) elements of “workerism.” The result was that the CTMWA and early SAMWU had a very powerful predisposition, part of their trade union identities, towards organising precarious workers, which I argue would be central to SAMWU’s later emphasis on tackling precarious work and the fissured workplace.

Chapter Six: SAMWU, the “Double Transition” and the Fight Against Precarious Labour in the 1990s

6.1. Introduction

The unbanning of the ANC, SACP and other parties in 1990, and the start of formal negotiations between the NP-led apartheid government, and the ANC-led mass democratic movement was accompanied by a massive growth of unions in the state sector. SAMWU reached 70 000 members in 1990 (Brown, 1990: 6), and organised an unprecedented strike in Cape Town that year. By 1994, SAMWU had a national membership of 100 410 (Catchpole, 2002: 143; also, Ashman, 2015: 51; Maree, 1998: 37). Elsewhere in the state sector in the early 1990s, COSATU unions like NEHAWU, POTWA and SARHWU were making important breakthroughs, a process that would eventually see state sector unions numerically predominant in the federation.

In the early 1990s, however, SAMWU was by far the fastest growing and most important state sector union in COSATU. As noted in the previous chapter, SAMWU argued that local government should be racially integrated, democratic, and redistributive, and envisaged it as a site for socialist transition. Whereas NEHAWU, POTWA and SARHWU were all deeply shaped by the “charterist” and “populist” ANC / SACP traditions from an early stage,²⁰ SAMWU’s trade union identity was deeply shaped by the leftist traditions of the CTMWA, and of FOSATU “workerism.”

This chapter will examine these important developments in the union’s identity, and what it meant for the union’s approach towards so-called atypical / precarious workers. It is argued SAMWU positioned itself from the start of the 1990s as a left voice that would engage within the space of the recently formed Tripartite Alliance – along the same lines as NUMSA was

²⁰ For example, NEHAWU considered its roots to lie in SACTU and “populist” unions like SAAWU, and strongly identified this the ANC and SACP tradition (see Molete, 1997).

doing in the private sector. Part of this situation was the fact that COSATU, with the Alliance, was moving towards political unionism.

The 1991 SAMWU congress embraced the slogans: “Our Vision: Socialism! The Road: Democracy!” (Ernstzen 1991; Gabriels, 1991). The democratised space would be used to build workers’ power, win reforms, and influence the policies of an incoming ANC government. So, the union embraced the developing “radical reform” project of COSATU, which aimed to use economic, policy and legal reforms, secured through policy development, influence on the state and the use of mass action to democratically push the country towards socialism (Webster and Adler 2000). The RDP policy, initiated by NUMSA, was part of this project, but the ANC government soon abandoned it in favour of neo-liberalism, including at municipal level, as shown by the adoption in 1996 of the neo-liberal GEAR policy.

This ongoing “dual transition” of political democratisation along with neo-liberal restructuring, continuing from the 1980s, did not weaken SAMWU’s commitment to organising and protecting so-called atypical workers but complicated it. But the struggle was complicated when the ANC controlled local government, as COSATU both objected to ANC neo-liberalism while also campaigned for the election victories of the self-same ANC, which indeed also absorbed many union leaders into well-paid senior government jobs.

The issue was simplified where the ANC was not in charge, as in Cape Town from 2000, but everywhere pushed for a much heavier reliance on top-down politics: lobbying the ANC, developing policies that it was hoped the government would adopt, and reforms to labour law. SAMWU, however, managed to balance this with an ongoing role in civil society action. A major reason, I argue, is that it still retained a fairly independent left politics, that led to more bottom-up struggles in the face of the threat posed by neo-liberal municipal restructuring. That restructuring involved a massive growth of precarious labour, that threatened the existence of the union – and the struggle was easiest where the ANC was not in power.

6.2. COSATU and the end of apartheid: Back to political unionism

COSATU entered the 1990s as a powerhouse. As noted, it embraced social movement unionism and retained close links to the UDF, with a central, sometimes leading, role in the anti-apartheid struggle (Masiya, 2014: 449-451) and shifted towards political unionism. In

1987 (see previous chapter), it adopted the Freedom Charter, and soon after the ANC and SACP were unbanned in 1990, it joined them in a Tripartite Alliance.

This reflected support for these parties, but even those who were cautious, like NUMSA and SAMWU, believed that it was important to influence the ANC, almost certain to be the next government, by being left voices in the Alliance space. Support for the ANC was extremely high in COSATU at the time. For example, a survey of COSATU members conducted the month before the 1994 general elections revealed that 73 percent supported the ANC (Maree, 1998: 43). This survey included SAMWU members (Maree, 1998: 37). There were great expectations that the ANC would have a more redistributive policy as it had campaigned prior to the first democratic election on a more state interventionist platform (Nattrass, 2014:129).

Generally, the ANC aimed to set up alliances with civil society bodies, or absorb them, but in all cases, it aimed at being the leading force. In 1991 the ANC shut down the UDF, integrating many of its youth structures into the ANC Youth League, or allying with them, as with the Congress of South African Students (COSAS, established in 1979) in schools and the South African Students Congress (SASCO) in tertiary education. In 1992, the ANC-aligned South African National Civic Organisation (SANCO), was formed, representing the great majority of civics (Catchpole, 2002: 120; Maharaj, 1997: 264).

There was no way that the ANC could exert the same tight control over COSATU that it did over SANCO, as COSATU was a massive power in its own right. Even so, the Tripartite Alliance represented a shift towards political unionism, away from social movement unionism, and was part of a general process of the ANC expanding its control over South African society. This process accelerated after the ANC took office in May 1994. In the first non-racial democratic general elections, the ANC won 62.65 percent of the national vote (Parkin and de Jager, 2017: 6). The old provincial and homeland borders had been abolished before these elections, all the so-called independent and self-governing homelands were reintegrated, and nine new provinces were created. The old Cape province being split into the Eastern Cape, Northern Cape, and Western Cape, the last-named including Cape Town and its surrounds. COSATU and SAMWU supported the ANC campaign to win the 1994 general elections, and the 1995-1996 local government elections (Maree, 1998: 29).

6.3. COSATU unions and the new dispensation: Deployment, corporatism, and labour law

In the 1980s and early 1990s, COSATU sought to defend and extend labour rights, as seen in the anti-LRA and the Living Wage Campaigns, but also aimed to exert more influence over economic policy. It tried to negotiate labour law changes directly with employers in the late 1980s and started to demand a role in government policymaking. Such was COSATU's power that in 1991 COSATU led a hugely successful two-day general strike (with NACTU) against a quite small change in the sales tax, arguing that it should not be applied to basic commodities (Masiya, 2014: 450). It used the strike to demand a platform that government policy be negotiated directly with the union federations (Friedman and Shaw, 1996).

The Alliance, and an ANC-led government, changed the dynamics and the opportunities. The political unionism in the 1950s, as in the Congress Alliance, had been about unity against an oppressive state, but the democratisation of South Africa meant that COSATU would find itself allied to the incoming ruling party. In 1993, COSATU adopted a Reconstruction Accord, initiated by NUMSA, intended to set up a deal with the ANC that would force it to adhere to policy agreements with the unions. This became the ANC's RDP (Masiya, 2014: 450). The "accord" aspect fell away, but the federation was pleased that the new government had adopted a policy intended to promote growth through reconstruction and development, in a people-driven process that would include extensive powers for unions (Masiya, 2014: 450).

Even before the ANC took office, there was an increasingly overlapping leadership in the Alliance, with many COSATU leaders active in the ANC and SACP and COSATU veterans leaving the federation to take prominent positions in the ANC. The most notable was Ramaphosa, former founding member and general secretary of NUM who became the ANC secretary-general, and played a major role in the CODESA negotiations that led to the 1994 elections and later was the constitutional assembly and responsible for the writing of the first democratic constitution.

From 1994, many COSATU leaders also joined the ANC government, aiming to influence policy and participate in the new democratic state (Masiya, 2014: 451). Former COSATU leaders went to different government departments, parliament, and local government (Masiya, 2014: 451). Some became extremely prominent in the new state. Ramaphosa, for example,

became deputy president, and for decades since received COSATU support, most recently in his successful battle from 2015 to become state president; Jay Naidoo, founding general-secretary of COSATU, became part of Mandela's Cabinet, with the portfolio of Minister for the RDP, and then Minister of Posts, Telecommunications and Broadcasting. These figures were called those "deployed" into the ANC, but the reality was that the unions and the federation had no control over them once they left (Buhlungu, 2010). They had to rely on the personal sympathies of their former comrades, who now inhabited a very different space.

The federation now faced the problem that a growing part of its membership was in the state sector, which meant that from 1994, for many workers and unions, their political ally was also their employer. COSATU experienced explosive growth in the state sector from the 1990s, and these workers had ever grown influence in the federation. Unions like NEHAWU eventually reached the size of NUM and NUMSA, unions like SAMWU became the dominant unions in their sectors (van der Walt 2023: 19). For SAMWU, in most of the country from 1996, the municipality being the employer, was usually headed by an ANC councillor.

In terms of overall union practice, the gains won by COSATU were also mixed in their effects. After the ANC took office, and the federation focused increasingly on government policies, legislative reforms, and lobbying in the Alliance and engaging in government bodies, with a related reduction of its historically militant approach (Pillay, 2013: 10 & 13; Masiya, 2014: 443-444). The RDP helped set out this approach. It outlined a greater role for unions and workers in decision-making at all levels and rejected neo-liberalism in favour of a more redistributive and interventionist policy (Frye, Farred, and Nojekwa, 2011: 271; Nattrass, 2014: 129), an "integrated, coherent socio-economic policy framework that seeks to mobilise all South African people and the country's resources" (Turok, 2011: 153).

COSATU had clearly started to envisage some sort of partnership with the state, and this was primarily expressed in support for corporatism, and a successful push for the ANC-led government established NEDLAC in 1995 (Maree, 1998: 45). The VAT strike has raised the demand for a union input into policy, the Reconstruction Accord proposed a formal deal on policy between COSATU and the ANC, and the RDP called for expanding workers' rights, and democratising the state and society. Specifically, the RDP proposed a democratic, people-driven development, in which all stakeholders including the state sector, state-owned enterprises, unions, community movements, municipalities, and businesses to work together

for a (Turok, 2011: 161). This included democratising the workplace, industries, and national-level policy, and suggested some sort of specifically RDP structures in government at the national, provincial, and local level (Turok, 2011: 161).

NEDLAC was, and is, a representative and consensus-seeking institution, intended to enable agreement on economic and labour matters through discussion and negotiations (Gostner and Joffe, 1998: 133; also, Bhorat, Naidoo and Yu, 2014: 17; Vettori, 2005: 300; Kim and Westhuizen, 2015: 1). It was hoped that NEDLAC would secure consensus between the main interest groups: labour, business, and government. NEDLAC consisted of four chambers, namely, one each for labour market, trade and industry, public finance and monetary policy, and development policy (Maree, 1998: 45). In addition, NEDLAC was not, unlike most corporatist systems, tripartite (organised labour, organised business, the state) as it included seats for representation from community-based organisations.

The main union federations were represented in NEDLAC. Besides COSATU and NEDLAC, these included the FEDUSA, which had been set up in 1997 and was mainly based on business unions (Ulrich and van der Walt, 2022). In the early NEDLAC, organised business was represented in the form of BSA, historically white business, and the NAFCOC, historically black African businesses. Government was represented by high-level people, such as Ministers, Deputy Ministers and Director-Generals from the department of labour, public works, trade and industry, and finance (Maree, 1998: 45).

NEDLAC's role could simply be defined as that of an institution trying to create an enabling playing field for collective bargaining around policy, based on equal participation by major societal actors (Maree, 1998: 45; also, Kim and Westhuizen, 2015). Key legislative proposals, such as a new Mine and Health Safety Bill and proposed changes to the LRA were discussed at NEDLAC although the final decisions lay with parliament (Maree, 1998: 45).

This meant COSATU had a direct input into policy and law in NEDLAC, as well as through the Tripartite Alliance and elections. This is an example of the extensive and unprecedented influence COSATU secured, which Buhlungu (2010) described as core to its post-apartheid victory. COSATU put a huge amount of effort into developing concrete policies to propose in NEDLAC, often detailed, costed, and sophisticated (Gostner and Joffe, 1998). As the majority

federation in NEDLAC, COSATU was the convener of the NEDLAC Labour Caucus, and FEDUSA and NACTU tended to follow its lead (Gostner and Joffe, 1998).

The other area where COSATU won major gains was in labour law. The ANC government, supported by COSATU and the SACP, promulgated a wide range of labour law reforms intended to address the injustices and inequalities created by the apartheid government. The key laws were the 1995 LRA of 1995, the 1997 BCEA and the 1998 Employment Equity Act (EE Act) of 1998 (Jeffrey, 2011: 2; Subramanien and Joseph, 2019: 2-3). The 1995 LRA was drafted by a committee comprising attorneys who came from the liberation movement and unions, as well as prominent employers, international experts, and representatives (Samson, 2004: 19-20; Subramanien and Joseph, 2019: 2-3).

There were several key changes. Almost all sectoral restrictions on unions were removed, and the scope of “essential services” was reduced, which meant that agriculture, domestic work and almost all the state sectors were now covered on the same terms as private industry (Bhorat, Naidoo, and Yu, 2014: 6-7; Subramanien and Joseph, 2019: 2-3). The remaining exclusion were members of the South African National Defence Force, of National Intelligence and the Secret Service (Both and Mischke, 1997: 135; Ferrera, 2005: 202; Subramanein and Joseph, 2019: 2-3). Almost all workers could now access protected strike action, while business got the right to lockout (Mchunu, 2014). The LRA drew no distinctions between the rights so-called SER and “atypical” employees (Vettori, 2005: 295-304).

The aim was to promote industrial peace, workplace democracy, economic growth and justice, and effective, fair collective bargaining (Both and Mischke, 1997: 135). It gave effect to fundamental workers’ and union rights that would be entrenched in the 1996 Constitution, and to South Africa’s obligations as a signatory to the conventions of the International Labour Organisation (Both and Mischke, 1997: 135).²¹ The Constitution entrenched the right to strike, while the LRA recognised strikes and lockouts as fundamental parts of, and rights in, collective bargaining (Webster and Buhlungu, 2004: 39; also, Ferreira, 2005: 202).

²¹ The apartheid government had been pushed out of this body in the 1960s, but South Africa rejoined in the 1990s.

The new LRA also promoted and facilitated the establishment of Bargaining Councils, replacing the Industrial Councils in the older law, including in the state sector (Ferreira, 2005: 202; also, Bhorat, Naidoo, and Yu, 2014: 6-7). The Bargaining Councils were, according to the 1995 LRA, supplemented by a new Commission for Conciliation, Mediation and Arbitration (CCMA), a Labour Court and a Labour Appeal Court (Bhorat, Naidoo and Yu, 2014: 7; Blackburn and Cross, 2016: 520; Botha and Mischke, 1997: 134-140; Dwyer and Zeilig, 2012: 119). The LRA also enabled the introduction of workplace forums, to facilitate a shift from adversarial collective bargaining to joint problem-solving and participation on issues from disciplinary codes to employment equity, to grading and workplace restructuring (Botha and Mischke, 1997: 137; Ferreira, 2005: 202; Godfrey, *et al.*, 2007).

Bargaining Council were the main mechanism for collective bargaining (Ferreira, 2005: 303). The Councils had dispute resolution mechanisms, and enabled binding agreements that could sometimes be extended to non-parties, meaning that more people were covered by collective bargaining than are union members. As with the original ICA, protected strikes were really a last resort, to be used after dispute resolution failed, and was on a no-work-no-pay-basis (Botha and Mischke, 1997: 137; Mchunu, 2014; Vettori, 2005: 295-304).

The 1995 LRA was supplemented by the 1997 BCEA, which aimed at fair labour practices by setting down the basic standards of employment for all employed workers, in line with the Constitution, and international commitments (Bhorat, Naidoo, and Yu, 2014: Blackburn and Cross, 2016: 520; Dwyer and Zeilig, 2012: 119; Ferreira, 2005: 203; Jeffrey, 2011: 5; Samson, 2004b: 20). This included issues like the maximum working week and paid leave. The BCEA again, did not cover the military or the intelligence services.

Both the LRA and the BCEA allowed variation in the rules, through collective bargaining, individual agreements, sectoral determinations, and applications for exemptions by employers. For example, there was scope for collective bargaining over the application of the rules covering working time (Benjamin, 2005: 27). The final pillar was the 1998 Employment Act, intended to address the apartheid legacy in labour markets and employment practices (Benjamin, 2005: 34; 2009: 101; Ferreira, 2005: 203). It encouraged affirmative action, but without quotas, to make all occupational levels more representative of the national population (Ferreira, 2005: 203).

These reforms seemed to back up the arguments for radical reform, and engagement in the Tripartite Alliance, providing tangible successes (Webster and Adler, 2000). NEDLAC, for example, gave COSATU yet another channel for influencing the ANC-led government. Without NEDLAC, it is difficult to see how leftist unions like NUMSA and SAMWU could hope to push the ANC and the Alliance towards socialism. Through NEDLAC, unions also got the right to, in some situations, carry out and organise protected political and solidarity strikes, including general strikes. Furthermore, by promoting unions, the LRA also helped labour to engage in the corporatist system of NEDLAC (Vettori, 2005: 295-304).

But the effects were contradictory, and deepened COSATU's shift from a bottom-up militant politics into political unionism, party loyalism and factionalism, and a basically statist outlook. COSATU's energies were put into policy, rather than organising, and that many COSATU leaders were preoccupied with NEDLAC processes, rather than the bottom-up approach of the past (Pillay, 2013: 10, 17). Corporatism fosters a decline in union democracy and a focus on technocratic solutions that entrench union bureaucracy, side-line ordinary members, and narrow the political imagination to the boundaries of what is possible through cross-class consensus – and this what is possible is very narrow in the neo-liberal era (van der Walt, 2019a). The wide and widening gap between leaders and masses in COSATU was shown by the fact that, despite the GEAR issue being central to COSATU discourse, two-thirds of COSATU members in 2004 and three-quarters in 2008, had never even heard of the policy (Maree, 2017: 159).

The Bargaining Council system very often led to highly centralised collective bargaining, with notable Bargaining Councils including the Public Services Coordinating Bargaining Council, the Public Health and Social Development Sectoral Bargaining Council, and the Metal and Engineering Bargaining Council (Godfrey, Theron and Visser, 2007). This system was also applied to local government, with the formation of a single SALGBC in 2001 (see below). This system, like NEDLAC, fostered the growth and incorporation into government-backed institutions, of a full-time union leadership increasingly distant from the shopfloor and without much accountability to the unions' systems of workers' control (Buhlungu, 2010; Pillay, 2013). The system also promoted a top-down approach, with its option of extending agreements to non-parties: instead of tackling difficult workplaces, like older unions, among them FOSATU, SAAWU, and WPGWU had done, the workers could simply be given a better deal from above, without any actual organising.

The overlapping leadership in the Alliance created another complication. The union federation was increasingly tied up in ANC factionalism and patronage, leaders were steadily incorporated into government-based policy and industrial relations structures, and a culture of upward mobility and careerism developed, many seeing a senior role in labour as a step towards a powerful, highly paid, government post (Buhlungu, 2010; also, Pillay, 2013: 10, 17). The success stories of both Naidoo and Ramaphosa, who became senior politicians as well as wealthy businessmen, are examples of what has become possible for ex-union leaders.

The issue of overlap within the Alliance leadership became very acute in the state sector from an early stage, as it was here that COSATU experienced its most explosive growth post-apartheid, especially after the LRA was amended in 1995 (see below). An example is provided by the formation of the SADTU in 1990 (Kumalo and Skosana, 2014; Mathekga, 2015). SADTU was formed as result of mergers of a range of teachers' unions and associations, (Kumalo and Skosana, 2014), and had a membership of 240 000 in 2012, mostly black African teachers or educators (Letseka, Bantwini and King-McKinzie, 2012: 1197-1199). It was not an industrial union, contrary to COSATU policy, but a craft union.

Like other COSATU unions, SADTU defined itself as a union that looked not only on workplace issues, but a wider political issue (Letseka, Bantwini, and King-McKinzie, 2012: 1199). However, it was extremely close to the ANC, and many SADTU leaders have moved to senior positions in government – very often in the education sector (Letseka, Bantwini and King-McKinzie, 2012: 1199). Former SADTU president, Membathisi Mdladlana became a Minister of Labour, SADTU official Duncan Hindle became Director of the Department of Education, and Thulas Nxesi, former SADTU general secretary, became Minister of the Public Service (Letseka, Bantwini, and McKinzie, 2012: 1199). This sort of upward mobility promoted careerism in the union's leadership, and, in the state sector, and blurred the line between government, employer and union (Buhlungu, 2010). In the case of SADTU, it meant that many senior officials in departments that affected the union were former SADTU members – in many cases, these officials, although now senior managers, remained members of the union, and could dispense patronage to key union people (Letseka, Bantwini, and McKinzie, 2012: 1199).

6.4. The unions and the new dispensation: Creating post-apartheid municipalities

As noted in the previous chapters, local government in South Africa before the 1990s was racially segregated, based on a racial division of labour in terms of skills and authority, and discriminated against black, Coloured, and Indian areas including townships. It was in crisis by the end of the 1980s with financial problems, a lack of legitimacy and popular unrest, and the focal point for movements in the UDF, and unions like the CTMWA and its successor, SAMWU. There were various attempts by the NP to reform the apartheid system in the 1970s and 1980s, but these either provoked mass opposition (like the like BLA system in black townships, Advisory Boards in Coloured and Indian townships, and the Tricameral Parliament), or opened new spaces for struggle (the 1979-1981 reforms to the ICA, rather than grant the state more control over unions, facilitated explosive union growth).

By the 1990s, the NP government had been forced to recognise that apartheid was crumbling. This was evident at municipal level: the BLAs, for example, were not financially viable, and that they were not able to govern the growing black urban areas (Maharaj, 1997: 264). A new local government alternative had to be considered, and a committee, chaired by Dr C. Thornhill, who was the Deputy Director-General of Planning and Provincial Affairs, was appointed (Maharaj, 1997: 264). Thornhill's 1990 Report and Recommendations of the Investigating Committee into a System of Local Government for South Africa, called for the establishment of non-racial system of local government based on the maximum decentralisation of power (Maharaj, 1997: 264). It also called for a local alternative that would allow citizens, through a process of negotiation, determine the constitutional and institutional structure of their local authority (Maharaj, 1997: 264). Acting on the recommendations of Thornhill's report, the apartheid government introduced the Interim Measures for Local Government Act in June 1991 (Maharaj, 1997: 264). This represented the beginnings of a move for a more democratic, non-racial local government, with a shared tax base (Maharaj, 1997: 264).

The 1991 Interim Measures for Local Government Act encouraged white-run municipalities to negotiate with neighbouring BLAs, and civic organisations, the Boards of Management of the Advisory Boards, traditional leaders, and other homeland bodies, with the intention of establishing integrated, non-racial local government structures (Maharaj, 1997: 264-265). The provincial administrators were to be part of the negotiations and had sweeping powers to

approve or reject local agreements, and there was no mechanism to ensure that all relevant local stakeholders were included. Some of the agreements that were expected included the rendering of services and functions, the transfer or secondment of workers, joint decision making between two or more local government authorities, the establishment of joint local authorities, and the establishment of one administration between two or more local government (Maharaj, 1997: 264).

This process was to be a counterpart to the national-level negotiations over national government and by 1992, there had been some negotiations and agreements. However, it was not supported by ANC, which believed it was intended to entrench white power, to exclude legitimate extra-parliamentary groups, some of which also boycotted the process and was an attempt on the part of the apartheid government to create a new system of local government. The ANC noted that extra-parliamentary organisations were not consulted on the formulation of the law, that provincial administrators had a veto, and the actual negotiations excluded many (Maharaj, 1997: 264-265).

In 1992, a meeting was held, where the NP conceded that the Interim Measures for Local Government Act had some flaws and needed to be changed (Maharaj, 1997: 264). The ANC proposed a multi-party commission on local government, which became the Local Government Negotiating Forum in 1992 (Maharaj, 1997: 264; Ncube and Monnakgotla, 2016: 77). The Local Government Negotiating Forum represented 30 statutory and 30 non-statutory structures, including local authorities, and civic organisations, as well as SANCO (Catchpole, 2002: 120; Maharaj, 1997: 264).

The aim of the Local Government Negotiating Forum was to develop an equitable and representative local government (Maharaj, 1997: 264). The non-statutory structures put forward a set of proposals for the “dissolution of existing racially based councils; the appointment of interim non-racially councils, which have politically jurisdiction over all the financial and administrative resources within these new non-racial boundaries; and a programme to address the apartheid backlog in the provision of services, including the upgrading of and maintenance of services, affordable tariffs, and writing off of arrears” (Maharaj, 1997: 264).

There was general agreement on the need to develop the black townships and informal settlements, to establish non-racial, financially viable local authorities, and that central government had financial responsibility for repairing the urban wreckage created by the apartheid government (Maharaj, 1997: 266). The NP did not want an interim local government, but new local government elections (Maharaj, 1997: 266). It was also in favour of power-sharing between the main parties at the local level for five years, as at the national level (Maharaj, 1997: 266). After a lengthy negotiation, it was agreed there would be interim local structures, pending elections, and with the provision that the Local Negotiating Forum (LGNF) would be involved in the appointment of such structures, and that agreement was reached on the phase of elected local government (Maharaj, 1997: 266).

The agreements led to the promulgation of the 1993 Local Government Transition Act, which became law on 20 January 1993 (Maharaj, 1997: 266; Ncube and Monnakgotla, 2016: 77). The purpose of the Local Government Transition Act was “To create an orderly transition to full democracy, to set a process in motion to move away from the present racially based local government and to address inequalities, structural, financial and other problems” (Maharaj, 1997: 266-267). It abolished the Interim Measures for Local Government Act and provided for the dissolution of race-based municipalities, the removal of apartheid legislation related to local government, and the establishment of new, permanent municipalities (Maharaj, 1997: 267).

The Local Government Transition Act provided that the establishment of municipalities should take place in three phases: namely the pre-interim, the interim and final phases (Bekink, 2006: 50; Ncube and Monnakgotla, 2016: 77; Nene, 2016: 24). The pre-interim phase involved the establishment of local negotiating statutory structures (Maharaj, 1997: 267; Nene, 2016: 24). These structures were then given the powers and responsibility to appoint transitional local councils that would govern until 1995-1996 when South Africa held its first non-racial municipal elections (Nene, 2016: 24). Selections for appointed structures would be made by representative local forums on a 50/50 basis representing both statutory town councils and non-statutory organisations, mainly black communities (Maharaj, 1997: 267). The pre-interim phase resulted in the establishment of 843 local municipalities, which were diverse in their structural and systematic arrangements (Nene, 2016: 24).

The first non-racial local government elections were held in 1995, with exception of the provinces of KwaZulu-Natal and the Western Cape where problems in demarcation saw

elections delayed into 1996. With local elections completed – the ANC winning the majority at 58 percent, the NP coming in around 18 percent, and the DP at 3.5 percent – the interim phase of local government restructuring began. It took place from 1996 to 2000 and was formally established by the 1996 Constitution (Maharaj, 1997: 267; Nene, 2016: 24).

The interim phase established transitional municipal structures that would form the basis of permanent municipal arrangements (Nene, 2016: 24). The Local Government Transition Act established the Local Government Demarcation Boards in all nine provinces (Ncube and Monnakgotla, 2016: 78). These had powers to make recommendations on matters relating to boundary and ward demarcations, to the respective provincial Ministers of Local Government (Ncube and Monnakgotla, 2016: 78). Transitional Local Councils were established to govern urban areas (Ncube and Monnakgotla, 2016: 78). Rural areas on the other hand could have transitional representative councils, Transitional Rural Councils, or district councils (Ncube and Monnakgotla, 2016: 78).

The process of demarcation in the interim phase resulted in the creation of three types of municipalities, namely the urban, rural, and metropolitan types, the last-named for the biggest centres (Ncube and Monnakgotla, 2016: 78). The largest urbanised areas, being Cape Town, Durban, Johannesburg, and Pretoria, were administered within a two-tier system consisting of Transitional Metropolitan Councils, and transitional metropolitan substructures (Nene, 2016: 24; Ncube and Monnakgotla, 2016: 78). The implementation of the Local Government Transition Act faced various problems. Some key parties refused to negotiate and or take part in the interim structures; there were issues with staff who felt threatened by rationalisation, redundancy and redeployment, boycotts of rate and rents continued, the supply and maintenance of bulk infrastructure proved difficult, and many appointed members serving on interim structures lacked experience and knowledge (Maharaj, 1997: 267).

The 1998 Local Government Demarcation Act dealt with the criteria and procedures for the determination of the municipal boundaries brought in the final phase of the local government transformation process (Ncube and Monnakgotla, 2016: 78). It combined the nine provincial demarcation boards into a single Municipal Demarcation Board (Ncube and Monnakgotla, 2016: 78). This is the final decision-making body on matters of municipal demarcation and the delimitation of municipal borders in South Africa (Ncube and Monnakgotla, 2016: 78).

The two-tier system earlier applied to metropolitan municipalities was introduced into other municipalities, through local government legislation, notably the Municipal Structures Act of 1998, amended in 2000, 2002 and 2003 (Nene, 2016: 30). This resulted in the formal establishment of three municipal categories (i.e., category A, B and C) for different areas (Nene, 2016: 30; Ncube and Monnakgotla, 2016: 78).

Group A, or “metropolitan,” municipalities were single tier, meaning that they had both executive and legal powers in the areas they operated in (Alexander and Kane-Berman, 2014: 3). They were classified as metros because they had more than 500 000 voters, and so these metros administered South Africa’s major urbanised areas (Alexander and Kane-Berman, 2014: 3). They were the product of the merger of formerly segregated local councils into one-city governments, called “unicities” (Mabin, 2006: 137). These were Buffalo City (including East London) and the Nelson Mandela Bay Municipalities (including Port Elizabeth) in the Eastern Cape Province; the Ekurhuleni (the East Rand, including e.g. Benoni), Johannesburg (including Soweto) and Tshwane (including Pretoria) in Gauteng Province; eThekweni (including Durban) in Kwa-Zulu Natal Province; Mangaung (including Bloemfontein) in the Free State Province; and lastly, the City of Cape Town in the Western Cape Province (Habib, 2013: 51-52; Alexander and Kane-Berman, 2014: 3). For example, the Nelson Mandela Bay metro was formed as result of a merger between Despatch, Uitenhage, and Port Elizabeth municipalities in 2000, including the associated townships (Chirume, 2018). It had been given the status of metropolitan council under the 1993 LGTA, approved by the Provincial Demarcation Board and Government in 1994 and 1995, respectively (Mabin, 2006: 137).

Group B referred to “local” municipalities, which are those that fall outside the eight metros (Alexander and Kane Berman, 2014: 4). As mentioned above, there are about 226 local municipalities in South Africa, and each local municipality is divided into wards (see below on the ward system). Group C referred to “district” municipalities, made up of a number of local municipalities that fall under one district, with between four and six local municipalities coming together in a district council (Habib, 2013: 51-52; Alexander and Kane-Berman, 2014: 4). District municipalities also include areas and natural reserves, which have no local council and fall directly under the district council (Alexander and Berman, 2014: 4). District municipalities have legal and executive powers in areas within which they share jurisdiction with local municipalities (Alexander and Kane-Berman, 2014: 4; Ncube and Monnakgotla, 2016: 78).

Section 4 (2) (F) of the Municipal Systems Act states that municipalities have a duty to give residents of the local municipality equitable access to municipal services to which the residents are entitled to (Dugard, 2016: 326-327). The Act's section 74 (2) (c) also stipulates that poor households must have access to at least basic services through special or lifeline charges for low levels of use or consumption of services, or for basic levels of service, and or any other direct or indirect method of subsidisation of charges for poor households (Dugard, 2016: 326-327). The Water Services Act makes provision for the rights of access to basic water provision and basic sanitation (Dugard, 2016: 325). The Water Services Act defines basic water services as the set minimum standard of water supply services required for the reliable supply of an adequate amount and quality of both formal and informal households to support life and personal hygiene (Dugard, 2016: 325).

According to the 1996 Constitution, local government had to play a developmental role. This meant that municipalities must make every effort for development meeting the material needs of the people, and should be democratic, controlled by people leading to fairness in the distribution of sustainability of resources (De Visser, 2005: 9). According to Section 152 (1) of the Constitution, the aims of local government are to provide democratic and accountable government for communities, ensure the provision of services to communities in a sustainable manner, promote social and economic development and a safe and healthy environment, and encourage the involvement of communities and civic organisations in local government matters (Nene, 2016: 24).

The 2000 Municipal Systems Act stated that municipalities had a duty to give residents of the local municipality equitable access to the services to which the residents are entitled (Dugard, 2016: 326-327). The Act's section 74 (2) (c) stipulated that poor households must have access to at least basic services, through special or life-line charges for low levels of use or consumption, or for basic levels of service, and or any other direct or indirect method of subsidisation of charges for poor households (Dugard, 2016: 326-327). This was in the context of the 1997 Water Services Act, which made provision for the rights of access to basic water provision and basic sanitation (Dugard, 2016: 325). This Act defines basic water services as the set minimum standard of water supply services required for the reliable supply of an adequate amount and quality of both formal and informal households to support life and personal hygiene (Dugard, 2016: 325).

Plans were put in place to ensure community involvement between elections, notably a ward committee system whereby some local councillors were elected for specific areas,²² and steps to involve communities in Local Economic Development (LED) through Integrated Development Planning (IDPs), discussed more below. Most municipal seats were elected on a proportional basis, allocated to parties, so the ward council system was to provide more direct community involvement. Each area should then be represented by a ward councillor, who would work with a local committee of residents (Alexander and Kane-Berman, 2014: 4; Ncube and Monnakgotla, 2016: 78).

It was the amendment of the Municipal Structures Act of 1998 that established ward committees for different wards with the purpose of encouraging and improve the public participation (Nene, 2016: 30). The Municipal Demarcation Board was responsible for determining the number of these wards, which could in turn be established once the Minister of Provincial and Local Government had determined the plan by which the number of councillors could be established (Nene, 2016: 30). Municipalities were expected to produce five-year plans through the IDP process, to guide priorities and municipal spending to ensure improved quality of life. In addition to government officials, the process was to include ward committee representatives, community groups and other stakeholders.

It should be noted that in the post-apartheid era, local government was just one of three spheres of government established by the Constitution of South Africa – national and provincial government are the others – and that these are interconnected (Mohale, 2017: 185-186). Each has a specific role, but local government is the sphere of government that has a direct impact on the daily lives of people (Alexander and Kane-Berman, 2014: 3). It has responsibility for basic services such as water, electricity, refuse removal, sanitation, libraries, and other related services under its jurisdiction (McDonald and Smith, 2008: 1463; Mnguni, 2016: 66; Ryneveld, 2006: 157). A basic municipal service is defined as a service that is important to human life, public health, and safety (Cillier, 2015: 17). The 2015 Budget Review Report by the National Treasury explains that:

²² Most seats were elected on a proportional basis, allocated to parties, so the ward council system was to provide more direct community involvement.

Local governments are responsible for providing basic services such as water and sanitation, electricity reticulation, refuse removal, storm water management, municipal transport and roads, community services (parks, sport and recreation) and street lighting. They also provide free or subsidised basic services to poor households (National Treasury Budget Review 2015: 74).

6.4.1. SAMWU and the “paradox of victory” in the municipalities

As indicated earlier, the larger situation was one win which unions and workers had won: unprecedented rights and influence, at the very same time that they were undercut by an increasingly open economy and a neo-liberal government and were placed in a very problematic position. This was dramatically shown when the ANC government dropped the RDP for GEAR, COSATU campaigned and held several general strikes, but it still campaigned for the ANC, and an overwhelming ANC victory in that year’s local government elections (Masiya, 2014: 452).

Failing to stop the ANC’s embrace of neo-liberalism, COSATU tried to mitigate the effects through lobbying in alliance structures, for example, for consultation around privatisation, policies, and laws (van Driel, 2003). The logic of contesting the ANC was an endless circle: no matter what negative things the ANC did to the working-class, the pro-Alliance COSATU, and SACP, leaders would just argue that the ANC would be even worse *without* their contestation, which meant the federation must continue working within the Alliance and ANC (van der Walt 2006). A major result was that the unions became more involved in ANC factionalism, notoriously supporting the rise of Zuma, because he was against the pro-GEAR Mbeki (van der Walt 2006).

COSATU’s embrace of political unionism, and growing entanglement with the ANC, the Tripartite Alliance, NEDLAC and the Bargaining Councils, all reinforced the politics of radical reform (e.g., Buhlungu, 2010; Pillay, 2013). But increasingly the “fruits of victory” eluded organised labour as it was side-lined by the new elites’ economic policies, and organisationally weakened by the new access to the state and ruling party (Buhlungu, 2010: 17-19).

6.4.2. SAMWU and the local government transition

The same dilemma faced SAMWU in the municipal sector. Municipalities in South Africa underwent two interlinked restructuring processes since the 1980s, a double transition at the local level: political freedom plus neo-liberalism. Changes in local government greatly expanded the rights of black African, Coloured, and Indian residents and workers, and these groups were crucial to electing the ANC to the head of most local governments across the country, from 1996. Yet the ANC, in office, relied on neo-liberal methods to improve services and enable redress: the privatisation of municipal functions, rationalisation, cost recovery and a growth in the use of precarious labour (discussed in more depth below). Working-class people were affected as workers as well as working-class consumers of municipal services, these being most of the voters, so this status of citizen coexisted uneasily with the status of customers whose claims are shaped by their ability to pay (Hemson, 1998).

The early 1990s saw SAMWU activities spanning these contradictory developments. The union was engaged in the Local Government Negotiating Forum. Given its emphasis on creating non-racial, reformed local government, this was essential to its activities and in line with its slogan: “Our Vision: Socialism! The Road: Democracy!” The Local Government Transition Act was seen as a vital step in ensuring that local government worked towards fulfilling the goals of RDP like providing (better) basic services, redistributing public resources, and building popular capacity (Nabe, 2000: 20).

Year	SAMWU membership
1994	100 410
2003	120 000 to 122 000
2009	135 906
2012	153 487
2014	161 490
2015	160 to 180 000
2018	110 000

Table 3: SAMWU membership nationally between 1994-2018

Sources: Catchpole (2002: 143); Lier (2007: 38); Politicsweb (2012); Ashman (2015: 51); Gona (2016); Khoza (2018).

The transition in local government did certainly put in place redistributive measures. The unequal spending on different areas that was applied in the apartheid days was replaced with an equitable spending model. At the same time, the 1995 LRA fully included the municipal sector, and SAMWU and IMATU signed an agreement committing themselves to establish a national-level Bargaining Council covering all (Samson, 2004b: 22-23). This was aided by the municipalities organising an employer organisation, the SALGA, which was formed in 1997 (Samson, 2004b: 22-23).

In 1997, a provisional national Bargaining Council for municipal employees was formed and in March 2001, the SALGBC was established and registered (Samson, 2004b: 22-23; Samson, 2008: 25). SALGA, SAMWU and IMATU are the three stakeholders in the SALGBC. The SALGBC had 13 divisions: one in each province, as well as one each for big metros like Cape Town, eThekweni/Durban, Johannesburg, and Tshwane/Pretoria (Samson, 2004b: 22-23). The SALGBC is financed by the municipal workers and municipalities' monthly levies (Samson, 2004a: 22-23). Wages and conditions could now be bargained at a national level, and national-level protected strikes became possible. SAMWU benefited, its membership rising 100 410 in 1994 to 180 000 in 2015 (Ashman, 2015: 51; Catchpole, 2002: 143), making it almost twice as large as IMATU, its only substantial rival.

6.4.3. Mapping out neo-liberalism in post-apartheid municipalities

But these developments, plus the Alliance, also meant that SAMWU, the main union in the municipal sector and representing a significant number of residents, was increasingly tied into the ANC and drawn into corporatist bodies. This is, in practical terms, what it meant to say: "The Road: Democracy!"

The ANC relied heavily on neo-liberal methods to improve services and enable redress. The rationale for the neo-liberal restructuring of municipal services included financial sustainability, the need for investment, and limited state capacity, the idea being that private contractors can do better in the better management and provision of services; the recovery of costs associated with basic services, needing a new model of pricing; and opportunities for the promotion of BEE firms by tendering out (Dawson, 2010: 272; McDonald, 2009: 22; van der Schyff and Coetzee, 1999: 669). The national, state has limited resources, limiting what is

available through equitable share and other grants, and many municipalities have booming populations, large backlogs, and a limited revenue base.

The exact way that this neo-liberal restructuring has been done varies between municipalities and also, it has changed over time, so there is not one single mixture. But looking nationally, the basic municipal services that have been privatised include water, electricity, meter reading, infrastructure maintenance, fleet management, refusal removal and other services (McDonald, 2009: 22; Statistics South Africa, 2017: 17). This has sometimes involved outright sales but its more common to contract out to private firms or organisations including small or large firms, including BEE firms; also, sections of the labour force including in functions that remain inside the municipality have been contracted out to the private sector through service contracts and labour brokers (Ronnie, 2009: 32; Theron, 2011: 20-21).

It is worth noting that, in many cases, departments and services within local municipalities have been transformed into distinct utilities or agencies, when are then corporatised and in many cases, also commercialised. The methods have included setting up trusts, non-profit companies, and registered, but state-owned, for-profit companies. Examples of Trusts include the Rustenburg Water Services Trust in the North-west Province, and the Khayelitsha Community Trust in the Western Cape Province (Peters, 2012: 261-262). Non-profits include the Johannesburg Tourism Company in Gauteng Province, Hibiscus Coast Development Agency in KwaZulu-Natal Province, and Blue Crane Development Agency in the Eastern Cape (Peters, 2012: 261-262). Commercialised utilities include Johannesburg's City Power and the Johannesburg Development Agency in Gauteng Province, the Amathole Development Agency in the Eastern Cape, and the Overstrand Local Economic Development Agency in the Western Cape (Peters, 2012: 261-262).

A large amount of privatisation also took place. As indicated in chapter one, there are many options available: partial or full sales of assets, contracting out functions to the private sector, through service contracts, management contracts, and leases, and concessions (Jewaskiewitz, 2011: 10-11; Mostert, 2002: 7-8). By the 2004 elections, municipalities across South Africa had entered numerous partnerships with the private sector, half of which were focused on water and sanitation provision (Pitcher, 2012: 250). By 2016, central government recorded that nearly 280 municipalities had commercialised or outsourced services (see Table). Waste removal, traditionally a core function of municipalities, was increasingly outsourced, often to big private

companies which then subcontract some of the work to smaller local contractors (Theron 2014: 11).²³ Water management has been another major area for neo-liberal municipal restructuring (Narsiah, 2008: 27; Bond and Ruiters, 2010: 1-5).

The numbers do not give the full picture as municipalities engaged in multiple forms of neo-liberal restructuring simultaneously. For example, most well-known of the post-apartheid municipal neo-liberal projects was the iGoli 2002 plan in the metro, the City of Johannesburg, prepared in 1997 to address problems in the greater Johannesburg area (City of Johannesburg Annual Report, 2001/02: 18). Johannesburg also introduced commercial practices into service delivery, and some water privatised to French multi-national Lyonnaise des Eaux (Dawson, 2010: 272; Narsiah, 2008: 27), which had had contracts in homelands in the 1980s (Ruiters, 2002: 42). The city's Metro Gas service was sold off, as was the Fresh Produce Market, its airport, the main Johannesburg sport stadium, and some land (Aiello and Govender, 1999: 656). Waste management was contracted to Pikitup, and bus transport outsourced, as well as service disconnections for non-payment.²⁴ The Zoo, city theatre and several other operations were corporatised. In addition, the city made extensive use of service contracts in cleaning, maintenance, and administration. A British firm was hired by the Johannesburg council to build eight sewerage treatment plants, but the contract was marked by controversy (SAMWU, 2000: 1).

There are numerous other examples that can be cited. In the Eastern Cape, Nelson Mandela Bay municipality (including Port Elizabeth) was formed in 2000, and soon contracted out in 60 percent of its municipal services, with 30 percent of the municipal services provided through partnerships with the private sector (Breakfast, Okafor, and Bradshaw, 2014: 32-33). Services that have been outsourced include grass cutting, meter reading and pipe repairs (Department of Labour Annual Industrial Action Report, 2015: 30). The metro also experimented with contracting waste removal to so-called primary and secondary cooperatives (Theron, 2011: 20). Despite having its own internal legal department, the metro spent millions on the legal services of private firms (Lugunya, 2018). After the Buffalo City metro (the hub of which is East London) was formed, it undertook extensive privatisation: close to 55 percent of municipal

²³ Referring here to the collection and disposal of household, industrial and commercial wastes generated in the urban areas (Engeldow, 2010: 161).

²⁴ Pikitup was later taken over again by the City of Johannesburg, although there were efforts to privatise it again from 2016.

services underwent some outsourcing, and close to 20 percent of services were provided through private contractors (Breakfast, Okafor, and Bradshaw, 2014: 35).

Provinces	Number of municipalities	
	2016	2017
Western Cape	30	30
Eastern Cape	45	39
Northern Cape	32	31
Free State	24	23
KwaZulu-Natal	61	54
North West	23	22
Gauteng	12	11
Mpumalanga	21	20
Limpopo	30	27
Total	278	257

Table 4: The number of municipalities across the country that have commercialised and/ or outsourced the provision of services: 2016 and 2017.

Sources: *Statistics South Africa (Stats SA), (2017:17). Non-financial Census of Municipalities for the Year Ended 30 June 2017.*

In Gauteng, Mogale City on the West Rand outsourced functions to private companies (Department of Labour Annual Industrial Action Report, 2009: 16). The Ekurhuleni metro on the East Rand outsourced management of its electricity assets to Pragma Africa (Griffin, 2010), and its water meter reading service to the African Meter Reading Company (Department of Labour Annual Industrial Action Report, 2009:17). The metro had contracted out refuse removal in Tembisa township to private companies by 2009 (Department of Labour Annual Industrial Action Report, 2009: 17).

In Pretoria (Tshwane), there were contracts for roads and stormwater drainage to Zwane Construction from 2002 to 2004, Vioflo from 2004 to 2006, and Phoenix Omgewings, Dienste en Arbeids and Verhurings from 2006 (Rees, 2011:81). The electricity department used Umbutho Civil and Electrical and ACOC Electrical (Rees, 2011: 81). Some refuse removal services were outsourced (Department of Labour Annual Industrial Action Report, 2009: 13).

The engineering firm Glad Africa secured a controversial contract for the city's infrastructure projects worth 12 billion rand (Kgosana, 2018: 2). Emfuleni local municipality in the Sedibeng district municipality in southern Gauteng, which includes the former ISCOR hub of Vanderbijlpark and famed township Sharpeville, contracted with WRP, a private engineering consultancy, to address the deterioration in the water grid that had led to massive losses through leaks (Khlo and Moeti, 2008: 227).

In the Free State province, Mangaung (including Bloemfontein) outsourced various municipal services (Goba, 2017). In KwaZulu-Natal, Dolphin Coast entered a 30-year contract with a company called SAUR to manage and service water supply (Bond and Ruiters, 2010: 1-5; Narsiah, 2008: 27; Ronnie and van Niekerk, 2009: 30; Mathekganye, van Heerden, and Ukwando, 2019: 50). eThekweni (Durban) outsourced the cleaning of streets and waste collection service to four private companies, which then subcontracted some work to other small subcontractors; the contracts included the city's largest township Umlazi, and various suburbs (IOL, 2018; IOL, 2019; Rees, 2009: 113).

The uThungulu district municipality outsourced its water service to the uMthlathuza Water Board, a parastatal, and Water Solutions Southern Africa, a private firm in 1997 (Department of Labour Annual Industrial Action Report, 2014: 25). A slightly different approach was taken by the Msunduzi municipality, where waste management was restructured through Municipal Community Partnerships (Samson, 2004b: 9). These were commercial contracts with NGOs and/or community organisations to delivery services (Samson, 2004b: 9, 33). It also had contracts with two businesses to deliver waste management services (Samson, 2004b: 9).

In Limpopo province's Thabazimbi, a mining town, the municipality entered a contract with Waste Group to deliver all waste management services in the town and townships (Samson, 2003: 21-22). In Polokwane municipality, refuse removal in the city centre was managed by the municipality (Maluleke, 2014: 111). However, the municipality contracted litter-picking to four co-operatives, with 47 workers and four trucks (Ogala, Chimuka and Tshivhase, 2011: 105). There were 13 contractors collecting waste from business and residential areas (Ogala, Chimuka and Tshivhase, 2011: 105). In the Northern Cape, Sol Plaatje Municipality entered a partnership with Billy Hattingh and Associates and local entrepreneurs to provide waste management (Samson, 2003: 42-43). The municipality also outsourced road, storm water

drainage and pothole repairs work to private companies (Department of Labour Annual Industrial Action Report, 2011: 37).

It must be stressed that these post-apartheid neo-liberal municipal developments are not *ad hoc* efforts. They are unlike those in the 1980s where there were legislative barriers, bureaucratic resistance and a lack of clear policies and templates (see previous chapter) rather recent efforts have been promoted nationally and systematically. In 1994, the RDP office invited a team of experts from the World Bank to assist in the planning of infrastructure (Bond, 1997: 19). The result of the meeting between RDP office and the World Bank was the production of a policy document on infrastructure called the Municipal Infrastructure Investment Framework (Bond, 1997: 19). The Municipal Infrastructure Investment Framework was under the control of the Department of Constitutional Development (Bond, 1997: 19; Ronnie, 1997: 55), and brought local government projects into combined programme under the control of that Department (Ronnie, 1996: 15).

Further fostering neo-liberal reforms in municipalities was the 1998 White Paper on Local government introduced by the ANC government, which encouraged the privatisation and outsourcing of municipal services (Barcheisi, 2007: 60). According to the White Paper, particularly section F on administrative systems of local government, municipalities should use different methods of service delivery, guided by clear criteria such as cost, coverage, quality, and the socio-economic objectives of the municipality. It listed different methods, namely, PPPs, corporatisation, contracting out, leases and concessions, and the transfer of ownership (privatisation), partnerships with community-based organisations and non-governmental organisations.

A Municipal Infrastructure Investment Unit was developed in 1997/8 to support, promote and finance corporatisation and privatisation of municipal services (Greenberg, 2006: 22; Narsiah, 2008: 26, McDonald and Smith, 2004: 1464). The Unit is a non-for-profit company established to provide technical help and grant funding to South African municipalities exploring service delivery partnerships with private sector to create, improve and extend services (Hlahla, 1999: 565-568; Pitcher, 2012: 250; McDonald and Smith, 2004: 1464). These included contracts in water, electricity, refuse removals, sanitation, and public transport, management and service contracts, and fixed term concessions. It was set up with funding assistance from foreign

donors, notably the United States Agency for International Development as well as funding from the South African government (McDonald and Smith, 2004: 1464; Narsiah, 2008: 26).

Municipalities that were assisted by the Municipal Infrastructure Investment Unit included Cape Town, Johannesburg, and Pretoria (Tshwane) (McDonald and Smith, 2004: 1464). In Mbombela, for example, the unit was involved in the concession to Biwater, (McDonald and Smith, 2004: 1464). The Bitou Municipality in Plettenberg Bay, a coastal town on the Garden Route in South Africa's Western Cape Province, also received help from the Uni, with its water, sanitation, and solid waste project (Hlahla, 1999: 578-579).

Privatisation of municipal services was further promoted and facilitated by laws, notably, the 2000 Municipal Systems Act (McDonald and Smith, 2004: 1465; Narsiah, 2008: 26; Steytler, 2003: 7). The Municipal Systems Act No 32 of 2000 provided the statutory basis for municipal service delivery and enabled growing scope for private sector involvement (McDonald and Smith, 2004: 1465). It gives municipalities extensive powers to decide on how basic services should be delivered to the people, and that includes through private bodies (Steytler, 2003: 7, McDonald and Smith, 2004: 1465, and Narsiah, 2008: 26-27).

The provision of municipal services by external bodies is thus lawful in South Africa but must follow a clear and complicated tendering process, and be guided by Constitutional imperatives (Steytler, 2003: 7). Tenders and contracts are not just based on the lowest bids, as other criteria must be met. These have changed over time, but usually include BEE considerations, commitments to use local labour and suppliers where possible, and measures to protect the poorest households (Budlender, 2005: 7-8; Dawson, 2010: 272; McDonald, 2009: 22; van der Schyff, and Coetzee, 1999: 669).

6.4.4. Neo-liberalism and changing employment patterns in post-apartheid municipalities

While workers and unions, among them municipal workers and SAMWU, won major gains, the accelerated neo-liberal restructuring in municipalities was also closely associated with declining labour standards and de-unionisation. There was a sharp growth in precarious work in the municipal sector. Between 1997 and 2003, according to SAMWU research, permanent employment in municipalities decreased from 238 000 to 203 300 (Ronnie and van Niekerk,

2009: 31), falling to 190 000 in 2005 (Rees, 2009: 112). These figures point to a range of developments: a growing number of unfilled and frozen posts, a growing pool of precarious workers employed directly by the municipalities, and well as a growing number of workers involved in municipal employed by private contractors, either in service contracts, leases, and concessions, or in labour broking.

SAMWU's Ronnie noted that, in the 2000s, municipalities directly employed a significant and growing number of people on a casual, contract or temporary basis (Ronnie, 2009:32). A decade later, Statistics South Africa showed that almost all post-apartheid municipalities employed people on a part-time basis, and that the figure was rising (Statistics South Africa, 2017: 13). Rob Rees, who worked for COSATU's research unit, NALEDI, as well as for SAMWU, writing in 2009, showed that most metros made extensive use of labour brokers to cut labour costs, avoid labour problems, and fill vacancies (Rees, 2009: 111). This cut across party lines, for example, in DA-run Cape Town close to a fifth of workers in the solid waste, wastewater and electricity departments were employed through labour brokers by 2009, while in ANC-run Tshwane there were between 3 732 and 6 000 labour brokered workers in different departments (Rees, 2009: 113).

The 2008 Local Government Budgets and Expenditure Review Report noted that Tshwane, saw a decline in its permanent workforce from 2005-2006 of 1 346 workers, or close to 10 percent, Nelson Mandela Bay metro dropped its workforce 7.1 percent in the same period, and Cape Town dropped its 5.4 percent (Local Government Budgets and Expenditure Review, 2008: 178-179). This decline was directly linked to moving to the outsourcing of municipal services (Local Government Budgets and Expenditure Review, 2008: 178-179). The Department of Labour likewise noted in 2009 that Tshwane's refuse removal department had almost no permanent staff, as the service was outsourced (Department of Labour Annual Industrial Action Report, 2009: 13).

Other work shows a similar pattern in the Eastern Cape. In the Nelson Mandela Bay municipality, employment seems to have declined from 13 000 at the time the metro was formed, to 7 000, and this was heavily linked to the use of contractors – the number of people doing work *for* the municipality did not fall as much, but many of these workers were no longer municipal *employees* (Breakfast, Okafor, and Bradshaw, 2014: 32-33). The Buffalo City metro

had 11 000 employees at its creation, but this declined to 6 000 in 2014 (Breakfast, Okafor, and Bradshaw, 2014: 35).

Exactly who was employed, by who and on what terms was often hidden by complicated chains of contracting. For example, Johannesburg's Pikitup used several thousand labour brokered workers (Rees, 2009: 113), as well as directly employed workers on a casual basis (Faulkner and Sema, 2011: 26-27; Mashego, 2016). To reduce its workforce, it hired private contractors to provide waste removal services, but these were a mix of labour brokers, contracts for street cleaning and collection services, and truck-and-driver schemes (Samson, 2003: 61-62; also see Phanyeko 2018; Samson, 2004b: 32).

Some workers in service providers were permanent, while others were casuals, and there was also a degree of sex inequality in wages paid (Samson, 2004b: 29, 37). In addition to using a mix of permanent and casual workers, service contractors sometimes subcontracted functions to smaller firms (Phanyeko, 2018). The wages and perks of workers in outside companies, of whatever type, working for Pikitup were substantially worse than those of permanent, in-house municipal staff (Webster and Ludwig, 2017a: 176-177). The same complexity, as well as the same disparities, were seen in Tshwane (Rees, 2009: 113; 2011: 82-83; also, see Department of Labour Annual Industrial Action Report, 2008: 7; Department of Labour Annual Industrial Action Report, 2010: 14), and was also evident in smaller Municipalities (e.g., Department of Labour Annual Industrial Action Report, 2011: 37; 2013: 39; 2014: 25; Samson, 2003: 24-25, 31; 2004b: 50; also, see Budlender, 2005: 6).

Municipalities have also made extensive use of government's poverty reduction scheme, the EPWP, to perform municipal duties (Samson, 2004a: 32-33; Webster and Ludwig, 2017a: 176-177). This is not privatisation, as the EPWP is a nation-wide government programme aimed at providing income relief through temporary work for the unemployed South Africans, run by the national Department of Public Works and Infrastructure. The RDP had envisaged large-scale medium-term relief jobs in areas like housing and township upgrading generally as a way of tackling inequality, developing skills, and boosting demand on Keynesian lines (Frye, Farred and Nojekwa, 2011; Nattrass, 2014). This did not happen but support for some government relief work remained in place.

The EPWP was launched in 1998 as the National Public Works Programme (De Lannoy, Graham, Patel, and Leibbrand, 2018: 23-24). It comprised two components. Firstly, there were funds to support employment creation projects through the development of a Community-Based Public Works Programme which would provide relief for poor people and build the capacity of communities for development (De Lannoy *et al.*, 2018: 23-24). Secondly, there was a process of increasing expenditure on infrastructure, with an emphasis on labour-absorption, a legacy of the RDP's commitments (De Lannoy *et al.*, 2018). The expectation was that increased expenditure on infrastructure projects would ensure that people with low skills could benefit through employment opportunities (De Lannoy *et al.*, 2018: 23-24).

However, while the Department of Public Works was partially successful in the implementation of these components, very few jobs were created (De Lannoy *et al.*, 2018: 23-24). The programme changed with the Growth and Development Summit which was held in Johannesburg on 7 June 2003. This drew in NEDLAC, organised labour and business, and agreed on the need for more and better jobs, with decent work for all, addressing investment challenges, advancing equity, developing skills, and creating economic opportunities for all and extending services. A restructured public works programme was identified as key to addressing poverty by providing income assistance through temporary employment to unemployed people carrying out socially beneficial activities.

From 2004, the restructured public works programme for income relief was rolled out as the EPWP, which was linked to the state's Medium-Term Strategic Framework's call for the creation of decent employment through inclusive economic growth (Hemson, 2007: 1). The EPWP was envisaged as a key direct employment initiative from the government, with a large footprint in the local government sector (Hemson, 2007: 1). It aimed, initially, to create one million job opportunities, targeting unemployed women and youth (Hemson, 2007: 1; South African Cities Network, 2013/14: 13). The emphasis is on the provision of public and community services, which can include employment opportunities in infrastructure, non-profit organisations, environmental and cultural areas, and social services (South African Cities Network, 2013/14: 23).

The EPWP is based on the view that creating short-term paid employment opportunities will improve the livelihoods of many poor people, and that EPWP employment can help give people work experience, skills, and know-how, boosting access to the labour market, with human

capital and skill-transfer outcomes (Hemson, 2007: 1). It includes a Community Work Programme (CWP), which offers a minimum number of regular days of work every month – in practice, two days a week or the month equivalent, in community-related projects. The CWP is in the Department of Cooperative Governance within the Ministry of Cooperative Governance and Traditional Affairs, which deals with local government. This was one of the many Mbeki-era measures that undermined labour that Zuma retained, to the disappointment of COSATU which had backed him in the inner-ANC battles against the former.

Faced with financial pressures and keen to cut labour costs, many municipalities have made growing, substantial use of EPWP workers for municipal functions. In 2017, for example, it was reported that an EPWP worker's daily rate was R83.50.00, later increasing to R88.00 later that year (Dlamini, 2017). A daily rate of R88.00 translated to a monthly salary of R1 760 if the EPWP workers worked five days a week per month (Maqhina, 2017; Dlamini, 2017). This did not come close to the R6 800.00 sectoral minimum wage for local government at the time (Dlamini, 2017). This was justified on the grounds that EPWP workers were beneficiaries of government's poverty alleviation programme (Webster, Ludwig, Masikane, and Spooner, 2021: 3).

When the R20.00 per hour national minimum wage was introduced in 2019, only EPWP workers were excluded (Webster, Ludwig, Masikane and Spooner, 2021: 3). EPWP workers are employed on limited term contracts, at much lower wages, and the salary gap further increases when it's noted that they do not have access to any benefits such as medical aid and provident funds are included (Webster, Ludwig, Masikane and Spooner, 2021: 3).

6.5. The key initial COSATU and SAMWU response: law, policy, and the Alliance

As argued, the rise of "charterist" influence, the adoption of the Freedom Charter, and the formation of the Tripartite Alliance in 1990 all shifted COSATU back towards political unionism, and this was reinforced by the federation's "radical reform" approach, which relied heavily on shaping government policy through the ANC and the ANC-led government, and the blurring of leadership between COSATU, the ANC and SACP. It must be stressed that, despite these developments, COSATU remained committed to organise large-scale actions (Maisiri, Nyalungu, and van der Walt, 2020: 805):

While most ‘Congress’ tradition activity declined countrywide from 1995, COSATU activity intensified ... It organised huge protests in June 1995; a general strike against privatization in January 1996 was averted at the 11th hour; there was a general strike in April 1996, mass rallies in March 1997, and general strikes in June and August ... the federation engaged in mass actions to shape post-apartheid [ANC] state policy....

6.5.1. SAMWU, the RDP and the drift to political unionism

SAMWU’s union identity, with its more independent and left-wing outlook, and its strong Western Cape roots, was somewhat insulated from these changes, but not totally, and the very immediate threats posed by persisting neo-liberalism in the municipalities. It accepted that the general boundaries of politics would be within the context of the Alliance and an ANC-led government, and placed itself, like NUMSA, as left-wing in that movement.

SAMWU general-secretary Roger Ronnie noted in an October 1995 paper, presented at a COSATU strategy workshop, that the federation was falling into the “social democratic” illusion that it was possible to have a “democratic and reasonable capitalism” (Ronnie, 1996: 22-26). He expressed concerns at COSATU’s “preoccupation with ‘policy development’ which often involves the use of academics in a way which is totally disempowering ...” (Ronnie, 1996: 25). Ronnie (1996: 22-26) criticised COSATU for becoming “more and more enmeshed in the politics of codetermination” at a time when “we are involved in a class war” (Ronnie, 1996: 22-26). He called for alliances with other unions, federations, and other organisations in the “broader working class,” and spoke of “transitional demands” (Ronnie, 1996: 26). “Transitional demands” comes from Trotskyism and means aiming at reforms that will require massive struggle, the idea being that the process will expose the nature of the system, showing workers the need for revolution (Callinicos, 1990: chapter three).

But Ronnie’s 1995 talk ended up with the same basic approach as radical reform. He argued that the unions should participate in NEDLAC, aiming at “getting the ANC-led government to implement programmes which immediately start addressing the needs of workers” (Ronnie, 1996: 26). His argument stressed that the problem was “the neo-liberal agenda,” and quoted the SACP with approval as saying there was a “crucial need to wage class struggle for effective

redistribution and for the reconstruction and democratisation of the economy” (Ronnie, 1996: 22).

SAMWU played a major role in developing the RDP section on local government, which stressed a dramatic improvement in housing, facilities and services in townships, more accountable local government, and measures like progressive block water tariffs to ensure that higher payments for unnecessary consumption would subsidise low-income users (Turok, 2011; also, Barchiesi, 2007: 59). SAMWU insisted that municipal services be provided directly by the state, that there must be a review of any steps towards privatisation, and the reversal of privatisation programmes contrary to the public interest (Khalo and Moeti, 2008: 225).

This makes perfect sense when it is noted that the RDP argued that electricity, housing, and water were rights, and must be provided for free if needed (Barchiesi, 2007: 59). Making access based on cash is not the same as making access based on citizenship (Hemson, 1998). Ronnie stated in 1996 that the union welcomed the RDP as an important programme to change the lives of the majority of South Africans who suffered under apartheid (Ronnie, 1996: 15). The union was very much part of what Hein Marais supporters of “a left vision of the RDP” that did not just see it as a way of improving conditions within capitalism but wanted to “utilise the RDP as the touchstone for a transformation project” towards socialism (Marais, 1998: 185-187), which is, basically, just radical reform.

But the RDP proposals could just as easily just be seen as against neo-liberalism only (a type of capitalism), not against capitalism (as a system). The state would play a key role, in this interpretation but the focus would be on “maximising economic growth” by sorting “dysfunctional features in the social and economic spheres (low social wage, productivity, education and skill-levels, consumption and unstable labour relations),” benefitting workers as well as private business (Marais, 1998: 184-185). Over time, many ANC leaders, among them Thabo Mbeki, combined the idea that the RDP was about fixing “dysfunctional features” and partnering with the private sector, with neo-liberal ideas about promoting austerity, competition, labour flexibility and so on, producing an RDP White Paper that was very close to the later GEAR (Marais, 1998: 188-189).

Government-subsidised services, housing and investments in education can clearly co-exist with capitalism. For example, township housing, municipal services and education were

heavily subsidised in South Africa from the 1920s-1970s and provided on a non-profit basis (see e.g., Seekings and Natrass, 2005: chapters two, four). The key cross-subsidisation was from wealthier, predominantly white taxpayers, and the facilities from the state were often at below market “sub-economic” rates, or flat payments, as opposed to by units, and even no-fee such as in schooling (Seekings and Natrass, 2005: chapters two, four). This does not change their inferior quality, or the racist structure of state spending, but this was a capitalist state. The municipal proposals in the RDP pointed away from neo-liberalism but not automatically, away from capitalism.

Maria van Driel, who worked from 1995 to 1999 first as a SAMWU organiser in Gauteng and then as national co-ordinator of the union’s anti-privatisation campaign, made interesting comments on this issue a few years later. She pointed out (van Driel, 2003: 77-78), that many COSATU leaders found it easy to move from the understanding the RDP reform proposals as stepping-stones to socialism, to understanding them as meant beginning and ending with a better capitalism. She cited Oupa Lehulere, who later argued that by the late 1990s, COSATU had basically come to see the problems in South Africa as due to a “bad capitalism” and not “capitalism itself” (2005: 24-25). The solution then became replacing the “bad capitalism” of the past, which was inefficient, racist, with small markets, skills shortages, etc., because it was “mismanaged” by the apartheid regime and dominated by monopolies, with a “good” new capitalism that was more competitive, equitable, invested in workers’ skills etc. (Lehulere, 2005: 25-26).

6.5.2. SAMWU as part of COSATU’s national lobbying

In this way, the trade union identity of SAMWU became increasingly shaped by political unionism, a reliance on the state, and being embedded in Alliance circles, which translated in practical terms to progressive unions placing heavy emphasis on influencing the ANC. SAMWU was on the left side of this project, and more critical of capitalism and more independent of the ANC than many of its counterparts in COSATU, but it was still part of this project.

A major result was that when COSATU took a strong position against privatisation in 1996 and against GEAR from 1996, SAMWU was very much part of its campaign, and supported COSATU’s arguments, and solutions. This was seen in several areas. SAMWU echoed

COSATU's main argument against GEAR, which was that it neo-liberal. It followed the federation's approach that stressed developing concrete alternatives for presentation in forums like NEDLAC. SAMWU established its own research and policy projects which focused on alternatives for municipalities. It backed COSATU's push to solve the problem of the spread of so-called atypical work by lobbying the ANC to tighten up the labour laws.

The support extended to COSATU does not mean that, in incorporating political unionism into its trade union identity, SAMWU just dropped everything else. It remained involved in building civil society coalitions, direct worker organising, and mass protests (outlined in the next chapters). This also does not mean that, in following COSATU's approach, SAMWU agreed with every position that the federation took: it took a much harder position against privatisation. And, it also does not mean that SAMWU was ignoring so-called non-SER workers. Instead, it was still deeply shaped by its historic commitment to organising and protecting these workers. The difference was that it had *added* engagement with the ANC, policy, and law, to its methods to do so.

In chapter three, it was seen that the CTMWA, even under the reform leadership of Ernstzen, was willing to use top-down methods: this was shown by how, after the black African-based CTAMWA association, it negotiated on behalf of black African workers despite failing to re-organise them, and that CTMWA continued to rely heavily on the abilities of a small number of leaders, like Ernstzen. Rudin (1996: 242-243) suggests that the reform leaders who took over in 1964 "unintentionally strengthened" the "pre-coup culture of paternalism" by the "virtues and abilities" that they displayed.

6.5.2.1. SAMWU in COSATU's anti-privatisation campaign

In December 1995, the ANC government triggered a COSATU campaign against privatisation when it announced that parts of Telkom, SAA, the Airports Company of South Africa,²⁵ and other smaller assets would be sold (Grawitzky, 1995). COSATU called for a two-hour work stoppage, and a general strike on the 16 January 1996. It argued that the sales would

²⁵ ACSA was a state-owned, registered, commercial company set up in 1993 to manage the airports. These had been part of the Department of Transport.

compromise the RDP and drew up a joint position paper with the Federation of SA Labour Unions FEDSAL (which co-founded FEDUSA in 1997) and NACTU (Grawitzky, 1996a).

The strike was avoided at the 11th hour, with a compromise that became the National Framework Agreement on the Restructuring of State Assets, which was signed by government and the unions (ILRIG, 1997; van Driel 2003). The Agreement was centred on the principles that: proposals for the restructuring of state-owned assets would be subject discussions at NEDLAC, that any restructuring would be guided by the public interest, that a range of options would be considered, and that steps would be taken to cushion any negative effects on workers. The public interest would be served by the delivery of good, affordable services, economic growth and job creation, leveraging private capital, fostering efficiency in state assets, and reducing state debt (van Driel, 2003: 67).

What many critics saw as the crucial problem in the National Framework Agreement was that it included privatisation as one of the options that could be explored. Van Driel (2003: 72-73) argued that, with this deal, COSATU had moved from its history of complete opposition to privatisation to a willingness to accept it, on a case-by-case basis (also, see ILRIG 1997). She notes that SAMWU was “alone in consistently arguing within COSATU for more determined resistance to privatisation,” opposed the National Framework Agreement being signed before the membership could discuss it and opposed the inclusion of privatisation as an option (van Driel, 2003: 74).

As part of COSATU, however, SAMWU was bound by the document. Then, In September 1998, COSATU reached an agreement with the government that formed the basis for a similar Municipal Services Framework Agreement (van Driel, 2003: 76-77). Again, this came soon before a planned general strike; it also came at a time when SAMWU was involved in campaigning against municipal privatisation (detailed in the next chapter). This Agreement was set out as a framework for local government restructuring, and it included agreement on looking into “forms of partnerships with the private sector that are aimed at leveraging resources” for “improved and greater levels of service delivery” (quoted in van Driel, 2003: 76-77). Again, SAMWU was committed to the agreement, and essentially accepted the COSATU position, a case-by-case approach. In 2000, the ANC issued, through the Public Enterprises ministry, headed by SACP stalwart Jeff Radebe, “The Accelerated Agenda Towards the Restructuring of State-Owned Enterprises” (Department of Public Enterprises,

2000). This was focused on privatisation and seen as a way of attracting investment, technological upgrades, cutting costs and promoting BEE. This time, there was no threat of a general strike. COSATU was busy campaigning for the ANC in the local government elections.

6.5.2.2. SAMWU in COSATU's anti-GEAR campaign

In mid-1996, a few months after the signing of the National Framework Agreement, the ANC-led government unveiled GEAR. Deputy President Thabo Mbeki was the key spokesperson. COSATU immediately objected, and SAMWU followed its lead. COSATU rejected GEAR's proposals for cutting spending, labour market flexibility, free trade, deregulated capital movements, and privatisation (Marais, 1998; also, ILRIG, 1999). It viewed the policy as, generally, anti-worker and anti-working-class, and as a break with the RDP.

Underlying this were several deeper claims. Firstly, COSATU's project relied on an enabling, ANC-led state (Ulrich and van der Walt, 2022). If the scope of the state as regulator and owner was reduced, then COSATU's own ability to shape the economy would heavily be compromised. State regulation and ownership allowed more opportunities for democratic control, through the Alliance, the ANC, elections, the law, state policy, and bodies like NEDLAC. Secondly, COSATU did not just argue that GEAR would have negative effects on the broad working-class, but that the neo-liberal measures it proposed would not revive the economy. It predicted that the results would be low growth, slow job creation, and a weaker economy. By this stage, COSATU was relying on a Keynesian framework that rejected free market economics, suggesting that South African capitalism should instead be revived through "increased demand (from higher wages, redistribution through the state, mass-housing provision, etc)," and measures promoting more competition and more investment in workers (Natrass, 1996: 30-32). This was set out in a document issued by the NEDLAC Labour Caucus in 1996, entitled *Social Equity and Job Creation* (Natrass, 1996), and was also evident in the 1994 RDP (see Marais, 1998). This way of thinking could be seen as an example of what Lehulere (2005) called COSATU's "bad capitalism" / "good capitalism" model, the problem with GEAR then was not that it was capitalist, but that it was neo-liberal.

In the five years that followed, COSATU was able to point to the economy's poor performance as proof that GEAR had failed. GEAR's measures were supposed to lead to 6 percent economic growth per a year, one million new jobs by the year 2000, and 400 000 new jobs annually after

that, but growth was erratic, private as well as state investment declined, and a million jobs were jobs lost (Hirsch, 2005: 106; Marais, 1998; Mothabi, 2017: 70). Along with this, poverty and inequality remained widespread, particularly due to rising unemployment and the spread of low-wage, precarious work (Mothabi, 2017: 70).

SAMWU, in some ways, took a different approach. According to its general-secretary Ronnie, it opposed GEAR because it was against the interests of workers and communities and benefitted big capitalists who controlled much of the economy (Ronnie, 1996: 15). *SAMWU Workers News* (1997:13) contended that the free market was a capitalist system, that GEAR would phase out exchange controls, allowing “the bosses” to move money out of South Africa, pay capitalists with financial incentives to foreign investors, and push privatisation. A year later, the union’s *Campaign Bulletin* (1998: 11, my emphasis) described GEAR as follows:

In SA neoliberalism is expressed in the government's Growth, Employment and Redistribution strategy, (GEAR) in July 1996. The COSATU September Commission criticised GEAR as a neoliberal programme *serving the interests of finance capital and multinational companies*. A cornerstone of GEAR is privatisation, based on “job-shedding growth” *for the capitalists* ...

At its October 1997 national congress, SAMWU again opposed GEAR on the grounds that it was completely opposed to the interests of the whole working-class (SAMWU 5th National Congress, 1997: 6). But SAMWU was also still stuck within the radical reform framework, and the boundaries of Alliance and COSATU politics, even though on its left-wing. The 1997 congress also complained that the adoption of GEAR “gravely undermined” the RDP, and resolved (SAMWU 5th National Congress, 1997: 6-7):

The ANC-led government should implement a new macroeconomic policy consistent with RDP objectives; SAMWU, in COSATU, take the process forward of finalising the Social Equity and Job Creation document as part of the process of developing a macro economic strategy which underpin our vision of socio-economic transformation; We should guard against simply tinkering with GEAR; SAMWU, through COSATU, embark on a campaign involving MDM [mass democratic movement, meaning the Congress movement – note by JMM] structures to resist all elements of GEAR such as subsidy cuts, privatisation, labour market flexibility etc; SAMWU draw up a concrete programme based on the issues outlined in the COSATU Congress and whatever

emanates from this Congress in preparation for the COSATU Special Central Committee which will be held within the next 6 months ...

6.5.2.3. SAMWU and concrete policy proposals

Along with this interest in “a new macroeconomic policy consistent with RDP objectives” (SAMWU 5th National Congress, 1997: 6-7), and in line with radical reform and the politics of engagement, from 1997 SAMWU began to develop policy “[ex]amining ways other than privatisation in which services can best be delivered by local authorities” (Ronnie, 1997: 56).

SAMWU commissioned the International Labour, Resource, and Information Group (ILRIG), an established labour service organisation in Cape Town (Ronnie, 1997: 56), with an independent left perspective, and a distinguished record in labour education and research to conduct research. This brought in ILRIG’s John Pape and Mthetho Xali, ILRIG and SAMWU also became part of a Municipal Services Project, joined by the Canadian Union of Public Employees, the University of the Witwatersrand, and Queen’s University in Canada (Pape, 2001). This drew in Patrick Bond and David McDonald, who edited the Project’s Occasional Papers series, and who also published widely on these issues. ILRIG also worked with the research unit of the PSI, producing several texts (e.g., Hall and Pape, 2000).

Then, between 2005 and 2006, SAMWU, the Municipal Services Project and the Industrial Health Resource Group collaborated on research into the health and safety conditions of municipal workers in the electricity, solid waste, and wastewater departments of the city of Cape Town (Henwood, Jordi and Makaluza, 2007: 29-33). Debbie Budlender, a struggle veteran, also undertook research for a project on waste management workers in South Africa, which was organised by SAMWU, the International Labour Organisation and the NGO, Community Agency for Social Enquiry (CASE) (Budlender, 2005).

The SAMWU-backed research helped draw attention to the surprising amount of contracting-out of municipal services happening across the country and the conditions of workers (Ludwig, 2019: 137). Evidence supported criticisms against the arguments that municipal privatisation would improve services, cut costs, or address the apartheid legacy (e.g., Hall and Pape, 2000). Research findings supported the argument that neo-liberal service delivery had negative effects on workers and townships (Bond and Ruiters, 1998; McDonald and Smith, 2002; Pape, 2000).

Some research was also undertaken by NALEDI, COSATU's research unit, including by Rees, and other work was done in-house by SAMWU's Maria van Driel and Sandra van Niekerk (van Niekerk, 1998, 2001).

Research informed SAMWU's effort to find alternative forms of municipal services restructuring. The starting point was that there should be "public", meaning state, provision and regulation (Barchiesi, 2011: 152): "There must be a political commitment to extend services to those who have none, to deliver basic needs to all the people" and this "means there must be an authority which is democratically accountable to the people, not subordinated to the needs of business" (Hall and Pape, 2000: 5). One option would be "public-public partnership" (PUP), where one part of the state helps build the capacity of another part (Hall and Pape, 2000: 15). It reported on a PUP set up in South Africa's North West province, in which a government water board from Gauteng assisted several rural municipalities, which SAMWU helped set up. While initially very pleased with the PUP (Pape, 2000), later reports pointed to the serious failings (Pape, 2001).

SAMWU also contributed to COSATU submissions to NEDLAC and the government on these issues and was part of a several joint submissions. For example, a joint submission in 2003, submitted through the COSATU Parliamentary Office to the Department of Water Affairs and Forestry, argued for free basic water, an expanded grid, and better sanitation, with "the public sector delivery option as the preferred delivery model" (SAMWU and COSATU, 2003: 2). This paper commented on everything from prepaid meters to options for cross-subsidisation, types of contracts, how best to calculate rates, and the problems of creeping misalignments of legislation, NEDLAC agreements, and policies. It also clearly drew on the research that SAMWU had initiated (e.g., SAMWU and COSATU, 2003: 13-14).

6.5.2.4. COSATU and SAMWU from above: using the law for precarious workers

The same focus on the Alliance, the ANC, and the state, rather than on mass struggles or building connections in civil society outside the Congress tradition and "mass democratic movement" was also shown at the national level, with lobbying around labour law. As noted in chapter one, COSATU had long-standing commitments to organise precarious workers but, with important exceptions like SAMWU, generally did not do much in this arena. Its main way to protect these workers was a top-down one that did not require unionisation or mobilisation,

but instead getting the ANC to amend the labour laws to limited scope for so-called non -SER work.

The use of labour brokers and temporary employment services was, to a certain extent, regulated by the 1995 LRA and the 1997 BCEA (Mathekga, 2013: 15-18). According to section 198 of the 1995 LRA, labour broking refers to any individual(s) who, for remuneration, supply clients with workers who perform given duties for the client (Mathekga, 2013: 15-18). It states that is the responsibility of both labour broker and a client to comply with the BCEA as they are both strictly liable (Mathekga, 2013: 15-18). The 1997 BCEA also extended some protection to non-standard workers by allowing them to have benefits under the Act over several periods of employment (Benjamin, 2005: 31-32). An administrative capacity to regulate non-standard employment was also established by the Minister of Labour being given the power to apply provisions in the Act, as well as sectoral determinations, to persons other than waged employees (Benjamin, 2005: 31-32).

However, substantive regulation of precarious work was not addressed, and the laws were regularly bypassed in practice, as when contract workers were themselves registered as independent “contractors” rather than as workers (Benjamin, 2005: 31-32). The LRA and BCEA were amended in 2002, 2010, 2013 and 2014 to try to fill the loopholes and protect atypical workers (Vettori, 2005: 295-304; also, Jeffery, 2011: 4; CDH, n.d), and in 2018, the National Minimum Wage Act replaced the old Wages Act, providing a means for the Minister to set minimum wages for (almost) all workers (see below).²⁶ These amendments were often framed as preventing unfair discrimination and unequal treatment (Vettori, 2005: 295-304; also, CDH, n.d).

The 2002 amendments to the LRA extended the functions of Bargaining Councils to cover informal and domestic workers (Vettori, 2005: 295-304). The main aim was to extend the applicability of collective agreements to so-called atypical workers (Vettori, 2005: 295-304). The 2002 amendment of the BCEA made provision for sectoral determinations by the Minister of Labour to either ban or regulate task-based work, contract work, piece-work and home-based work, as well as to stipulate minimum conditions of employment for persons other than employees (Vettori, 2005: 295-304). It also gave the Minister the power to deem certain

²⁶ The exception being the government’s own EPWP workers.

vulnerable groups as “employees” for the purposes of regulating minimum conditions (Vettori, 2005: 295-304).

Around this time, COSATU, which was by this stage deeply involved in internal ANC squabbles, decided to throw its weight behind the Zuma faction of the party (Pillay, 2011). The federation identified Mbeki with GEAR, and the rise of neo-liberalism with the rise of Mbeki, calling it the “1996 Class Project.” in this way, it could argue that the ANC itself was not neo-liberal, and that the unions should contest the ANC in order to defeat the “1996 Class Project” (van der Walt, 2006).

When, in 2005, Mbeki fired Zuma from his post as Deputy President following a corruption scandal, Zuma fought back, enlisting COSATU and others in the broad ANC camp in his campaign. COSATU, having increasingly reduced neo-liberalism and GEAR to the machinations of Mbeki and his faction alone, convinced itself that Zuma would return to the country to the original RDP (Maisiri, Nyalungu and van der Walt, 2020: 812). With COSATU’s assistance, Zuma ousted Mbeki at the 2007 ANC congress in Polokwane and took office as state president in 2009 to COSATU’s joy (Pillay, 2011).

While various union leaders, especially from NEHAWU, were rewarded with government posts, it soon became apparent that Zuma would not reverse neo-liberal measures; instead, he used privatisation deals to enrich his allies (Maisiri, Nyalungu and van der Walt, 2020: 812), a process later called “state capture” (see Bhorat *et al*, 2017; Jonas, 2019). However, Zuma did reward COSATU, when in 2010, his government introduced further amendments to the LRA and BCEA (Jeffery, 2011: 4-5).

The amended LRA defined an employer as one who provides work, pays, and directly supervises an employee, and required that employees must be permanent unless the employer could provide justification for fixed-term contracts (Jeffery, 2011: 4). The amended BCEA empowered the Minister of Labour to make sectoral determinations to either ban, or regulate, contract and task-based employment (Jeffery, 2011: 5). It also required that temporary workers get the same pay and benefits given to the permanent workers in certain conditions (Jeffery, 2011: 5). In other words, there was a push to limit the phenomenon of permanent casuals, limit labour broking, and enforce the equal-pay-for-equal-work principle, with failure to do so unfair discrimination (Jeffery, 2011: 6; also, CDH, n.d).

SAMWU applauded these changes. At its 2010 congress, for example, there had been an intense discussion as to whether labour brokers should be completely banned, or simply heavily regulated (Chinguno, 2010: 17-20). The discussion was overshadowed by other issues and was referred to the union's central executive committee for further discussion (Chinguno, 2010: 17-20). In 2014, the LRA was amended again, with a focus on workers employed by labour brokers, fixed-term contracts, or employed part-time (Bagraim, 2019; Schepers, 2015).

Labour brokered workers who worked for the employer for three months or more would now be regarded as employees of the client, except when their work was of a temporary nature (Schepers, 2015). "Temporary" was taken to mean replacement for an employee who was temporarily absent due to holiday, maternity, study, or sick leave (Bagraim, 2019; Schepers, 2015). Fixed-term contracts had to be writing and state reasons why the contract was fixed-term (Schepers, 2015). Employees on fixed-term contracts of less than three months would be treated the same way as permanent employees doing the same job, unless there were adequate justifications, likewise, part-time employees. This would mean, for example, that access to skills development would be as available, in principle, to part-time employees as permanent full-time employees, with some exceptions.

As Zuma's term became dogged by massive corruption scandals and a deteriorating relationship with COSATU, the federation threw its weight behind Ramaphosa, the former union leader and head of the main anti-Zuma faction. He had left the government in 1996, but returned to the ANC leadership in 2012, becoming deputy president in 2014 and from around 2015, waging an eventually successful battle to oust Zuma. Around this time, COSATU formally distanced itself from Zuma, resolving at its 2015 congress that he must step down (Bornman, 2017). In 2017, COSATU organised a general strike, which was tiny compared to its glory days, but raised the issue of "state capture." It endorsed Ramaphosa's campaign for the December 2017 ANC congress where he defeated Nkosana Dlamini-Zuma, one of Jacob Zuma's ex-wives and chosen candidate.

At that congress, Ramaphosa became leader of the ANC on an anti-corruption platform, followed, in 2018, by his inauguration as state president. Although Ramaphosa's opposition to Zuma-era "state capture" and warm relationship with COSATU did not translate into a shift from neo-liberalism, he strongly supported the adoption of the National Minimum Wage

(NMW) Act in 2018. This followed engagements in NEDLAC and replaced the old Wage Act, which dated to the Pact government. The Wages Act had set wages for specific industries or occupations, on application and at the discretion of the Minister, but the NMW Act empowered the Minister of Labour to, annually, to set a national minimum wage. It was initially set at R20 per hour, and it has always excluded EPWP workers (Matiwane, 2021). The exclusion was strongly opposed by unions, like SAMWU (Maqhina, 2017), but the federation welcomed the passage of the Act as the realisation of a long-standing demand (COSATU, 2015). The national minimum wage is proposed by a commission with public inputs, including by COSATU (Matiwane, 2021).²⁷

6.6. Conclusion

South African municipalities have been subjected to extensive restructuring, including the outsourcing of different municipal services, and the adoption of market-type models for pricing as shown in the adoption of cost-recovery. Ironically, the post-apartheid government has continued with neo-liberal policies implemented by the NP, which the ANC had angrily condemned at the time (Community Resource and Information Centre, 1989). This created a dilemma for unions allied to the ANC, like SAMWU and its federation, COSATU, as they opposed privatisation but supported the ANC that implemented it.

These unions used a range of approaches to initially try to block the reforms, and then, as they started to believe that the neo-liberal reforms were unstoppable, to manage its effects, e.g., insisting that privatisation proposals be discussed in NEDLAC, and lobbying the ANC to tighten up the LRA and BCEA. In responding, the unions showed, on the one side, a willingness to use mass action (such as the cancelled general strike against the sales of certain SOCs in early 1996), and to make (often serious) concessions (such as that represented by the National Framework Agreement).

But what also becomes evident is that COSATU unions, while operating within the framework of Alliance politics, and the loyalty to, if not enthusiasm for, the ANC that represented, also differed in what they thought possible and important within that framework. SAMWU, notably,

²⁷ The breakaway South African Federation of Trade Unions (SAFTU), which emerged from a 2014 split in COSATU has argued, on the other side, the Minister sets the minimum at a “starvation” or “poverty” rate (SAFTU, 2018).

took a much harder line of opposing all privatisation in principle, even when the mother body, in early 1996, agreed to accept it in certain cases. This, I have suggested in this and the previous chapter, arises from a greater independence from the ANC tradition, as well as a decades-long commitment and practice of organising precarious workers. In other words, its trade union identity shaped its responses, and accounts in part for its distinctive positions.

This would also carry through into how it organised against neo-liberalism, not just in a top-down way – which is really what a reliance on the law, NEDLAC, developing policies the ANC might be willing to adopt, and getting concessions from ANC leaders, sometimes seeking union support in factional battles, amount to – but in more bottom-up efforts at grassroots campaigns and organising in the fissured workplace. These more bottom-up activities are the subject of the next two chapters. None of this means that there were (and are) contradictions and ambiguities in the union’s identity. As will become clear, while the identity shaped responses, there was also scope for quite varied interpretations and choices, and these were very closely linked to specific regional and local contexts. Similarly, while the trade union identity of SAMWU became increasingly shaped by political unionism, and statism, it co-existed with elements of social movement unionism, and even then, there were different approaches to how to manage the “difficult balancing act” (Lier and Stokke, 2006: 819) of working with, and in some ways, also against, the ANC.

Chapter Seven: SAMWU's 1990s Cape Town Battles to Block Neo-Liberalism: Protecting or Organising?

7.1. Introduction

As discussed in the previous chapter, the 1990s saw SAMWU's trade union identity shaped by COSATU's political unionism, and by the boundaries set by Alliance politics, and the radical reform project. Even warning COSATU against the dangers of the "social democratic" illusion of a humanising capitalism, of "preoccupation with 'policy development,' and "the politics of codetermination" (Ronnie, 1996: 22-26), much of its practice was not that different. It championed the RDP and *Social Equity and Job Creation*, signed off through COSATU on the National Framework Agreement and the Municipal Services Framework Agreement, and developed its concrete, non-neo-liberal proposals for municipal reform that would probably have been better for the working-class, but were compatible with capitalism.

As the previous chapter also indicated, however, this activity co-existed with another practice, also shaped by its identity and history, of building civil society coalitions, direct worker organising, and mass protests. This chapter will examine this side of SAMWU, with specific reference to SAMWU in Cape Town. Here, the specific character of Cape Town, as the one metro that the ANC never managed to keep, comes into play, changing the dynamics of Alliance politics, and political unionism as – unlike elsewhere – the union only had to deal with an ANC-led municipality for a very short period. Under both the ANC, from 1996-2000, and under the DA subsequently, the union was faced with an onslaught of neo-liberal restructuring, which changed the nature of so-called atypical work in the municipality through the creation of a fissured workplace, forcing changes in the union's own methods.

7.2. SAMWU in Cape Town during the transition

The Cape Town branch of SAMWU remained relatively stable in terms of numbers from 1987, barely growing to reach 11 500 members between 1987 and 1994 (Catchpowle, 2002: 139). Following the expansion of the CTMWA into neighbouring towns, the Cape Town branch actually covered the greater Cape Town area, but 76 percent of the membership was employed

by the Cape Town council (Catchpowle, 2002:139). It was still one of the largest, most well organised SAMWU branches in the country, and shared offices with the Cape Town section of the SAMWU head office. Its membership remained predominantly Coloured, reflecting the demography of the Cape Peninsula as well as the structure of municipal employment. In the early 1990s, the managerial, professional, and technical occupations were dominated by whites, and Coloureds greatly outnumbered black Africans (Catchpowle, 2002:125). Thus, SAMWU had a large membership from the Coloured areas, and a broader influence over many Coloured working-class people in the city (Ozinsky and Rasool, 1993: 40).

In the late 1980s and early 1990s, the Cape Town branch continued to wage struggle against workplace racism, around wages and working conditions, against apartheid and against the privatization that was already underway (Catchpowle, 2002: 139). The city remained the largest provider of municipal services in the Cape Peninsula (Rudin, 1996: 128; also, Catchpowle, 2002: 121). In June 1990 SAMWU held an unprecedented strike in Cape Town that demolished the image of Coloured workers (then 90 percent of the branch) as relatively passive, with 10 000 out (Catchpowle, 2002: 139-140). There had been nothing like this in the history of the CTMWA or SAMWU in the city (Catchpowle, 2002: 140). The union's 1991 congress noted that SAMWU members were involved in 50 major strikes from mid-1990 to mid-1991 (Gabriels, 1991: 36). Demand for union recognition and around wages, but as SAMWU's Mashishi noted, these were located by the workers in a larger struggle (as quoted in Buhlungu (2004: 142):

Most black workers did not join trade unions because they liked them. Millions of black workers experienced, in one form or another, the authoritarian nature of apartheid rule and these negative experiences predisposed them to some form of democracy both as practice within their unions and as an ideal form of government for the entire society. Indeed, for those in the liberation struggle broadly, belonging to a democratic organisation and being involved in the fight for democracy placed them on some kind of moral high ground *vis-à-vis* their apartheid oppressors.

Other issues raised in SAMWU strikes included racism in the municipal sector, and as can be expected, privatisation (Masondo, 2012: 118).

The SAMWU strikes also were part of a massive strike wave that was, for the first time, sweeping through the homelands and larger state sector as well (van Driel, 2003: 71-72). The transition period, with its “loosening of authoritarian rule,” fostered an upsurge in struggles and politicisation (Maisiri, Nyalungu and van der Walt, 2020: 800, 805-806). But they also took place in the context of a major political and economic restructuring of the local state, which would have important implications for workers and the union.

7.2.1. The initial political restructuring of Cape Town

As in the rest of the country, the racially segregated system of local government was in crisis by the 1990s. The Cape Town city council was seen by many as inefficient and wasteful, with elements of corruption and nepotism (Catchpowle, 2002: 121-122). Governance in the townships was disrupted by protest, badly administered and there were serious problems in services and municipal infrastructure (Nabe, 2000: 23; also, Catchpowle, 2002: 120-121). Township communities within their jurisdiction faced hardships and high public health risks, with many sewerage and storm water drainage systems, for example, in a state of collapse. Communities’ refusal to pay for services, partly due to the anti-apartheid struggle, created a funding crisis at a time when tens of thousands were flocking to the city (Nabe, 2000: 23).

The Local Government Negotiating Forum provided an important space for moves towards a non-racial and democratic local government system in South Africa (Nabe, 2000: 3). The NP, however, did its best to ensure that former BLA areas were excluded from mergers (Nabe, 2000: 13). In 1994, according to SAMWU’s Andrew March (face-to-face interview, 17 January 2019), there were still had around 25 racially separated municipalities in the Peninsula. In 1996, these were combined into six separate municipalities: Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg.

Cape Town was placed under a metropolitan administration but some municipalities such as Stellenbosch were excluded from it (McDonald and Smith, 2002: 47). The structures and systems of well-established, larger, white local councils were extended to absorb workers from the smaller local authorities including the BLAs (Nabe, 2000: 14). This approach created challenges for SAMWU as different municipalities had different pay scales, grading systems and organisational cultures, and there was a substantial duplication of departments (Mawbey

ca. 2016). The outcomes were not always fair as, for example, BLA employees were placed into new job evaluation system that ignored experience (Nabe, 2000: 14).

The integration process focused on addressing technical problems and paid little attention to the basic principles upon which administration should be organised, to building new administrative capacities, or to fostering workers' productivity or abilities (Nabe, 2000: 15). There was, as a result, a great deal of worker resistance to integration, resentments between staff, and fears of job losses (Nabe, 2000: 16). At the same time, there were efforts at employment equity, which in the Cape context often translated into tensions between black Africans and Coloureds (see, e.g., Buhlungu, 2010).

7.2.2. Cape Town: Municipal neo-liberalism under the ANC, 1996-2000

The creation of the Cape Town metro was completed in 2000. Before then, however, the ANC won, for a single term, control of the municipality in the local government elections: these were held in 1996 in the Western Cape, later than in most parts of the country, due to demarcation issues. This victory preceded the creation of the unicity, so it did not win the exact same municipal structure that the DA would increasingly control from 2000 onwards.

A major feature of the election was the revelation that the ANC was bleeding support amongst the Coloured working-class. The NP, which ran in the first non-racial national and local government elections and joined the ANC-led national government as part of a Government of National Unity, did well in the Western Cape. The Western Cape was the only province where the ANC faced a serious challenge. The NP won over many white voters, as expected, but also made large inroads into the Coloured vote. It was able to play on historic divisions between black Africans and Coloureds, positioning itself as a party of ethnic and racial minorities.

The NP was able to win many white and Coloured votes, the Western Cape the only province it won in the 1990s. In the May 1996 local elections to the Cape metropolitan council and its six substructures (Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg), the NP won four of the six substructures, the ANC two, while the DP did very poorly (Seekings, 1996: 42). Significantly, the ANC won one of the two biggest substructures, Tygerberg (which includes Khayelitsha, the largest black township), and control of the Cape

Town substructure (Greenberg, 2006: 23; McDonald and Smith, 2002: 20; Seekings, 1996: 42-44).

This took place against the backdrop of the fact that there was (and is) a large sector of Coloured opinion that argued that the race was being marginalised in favour of black Africans in the new South Africa (Adhikari, 2006; Dlamini and De Beers, 1997; Eldridge and Seekings, 1996; Seekings, 1996). This was fostered by factors such as intensified competition for jobs and rapidly rising unemployment, concerns over affirmative action, including in areas like municipal employment. The closing of the UDF, which drew in many large numbers of Coloureds and Indians, was a major factor: the assumption that people would simply transfer their loyalty to the ANC proved unfounded, as many were alienated by narrower Africanist currents in the ANC (Seekings, 2000).

SAMWU remained a bastion of black African-Coloured working-class solidarity and, after the UDF, was the major Congress-aligned civil society formation within the Cape's Coloured townships. However, racial divisions also appeared within COSATU unions, including over issues of the composition of union leadership. As SAMWU became presently predominantly black African in composition countrywide, while SAMWU in Cape Town and the Western Cape remained largely Coloured, this was also carried over to some extent into a division between a largely Coloured (and white) leadership of the Cape section of the national headquarters, usually sceptical of the ANC, and a predominantly black African, more ANC-leaning, leadership at the Johannesburg section of the national headquarters.

Divisions between black Africans, Coloureds, and Indians in the COSATU unions have often been ignored in analyses emphasising social movement unionism, or that are focussing on the role of white intellectuals in the new unionism (Buhlungu, 2010). As Sakhela Buhlungu (2010) notes, for example, that labour studies have often ignored the role of (black African) racial identity and loyalty, and not just class solidarity in forging unity in COSATU. This was also inclined many (black African) workers to ANC, which has on the other hand, proved much less attractive to groups like Coloureds than more open, non-party, formations like the UDF.

I am not arguing in this thesis that any racial group was locked to a particular politics. The thesis is not arguing that all Coloureds vote NP or DA, or that black Africans always incline to the ANC. In Cape Town, for example, Coloured political opinion had long been divided

between conservative, moderate, independent left, and ANC/ SACP sympathies. This was clear in the 1990s elections which showed, for example, significant class differences in voting (for the complexities of the Western Cape elections, see e.g., Eldridge and Seekings, 1996). While SAMWU included NP supporters (Dlamini and De Beers, 1997), its Western Cape section included many radicals and consistently supported the Alliance; the national office in Johannesburg, meanwhile, included black leaders moulded by the “workerist” tradition like Mashishi. But, obviously, race did (and does) play an important role in Western Cape politics and trade unionism, and ANC loyalism in SAMWU in Cape Town was reduced both by the racial dynamic, as well as by the (interlinked) influence of independent left traditions like Trotskyism.

In office in Cape Town, the ANC undertook an extensive privatisation of municipal services, as well as some corporatisation, took place (Xali, 2002: 101; McDonald, 2008: 184). This needs to be understood in the context of the ANC’s national level endorsement of GEAR that year. It should also be remembered that the ANC did this, despite not being in control of the province.

Municipal activities that were regarded as “non-core,” auditing work, catering, cutting of verges, plant nurseries and road markings, were outsourced firms (McDonald and Smith, 2002: 42). At the same time, parts of “core” services, such as childcare, construction work, library services, parking, water reticulation services, and waste removals including street cleaning, were also privatised (McDonald and Smith, 2002: 42; Greenberg, 2006: 23). Water and electricity were internally restructured, moving to a more commercialised and corporatised model.

Privatisation took various forms. In some cases, there were contracts to small businesses (for example, to remove refuse), and in others, large firms and multinational companies granted contracts (for example, to manage the provision of water and sanitation to the entire city and surrounding areas) (McDonald, 2008: 178). Contracts varied from fee-service contracts to short-term and long-term (more than ten years) contracts and licenses (McDonald, 2008: 178). In the biggest deals, there was a clear handover of not only the operation, provision, and maintenance of services, but also of important decision-making responsibilities and control of resources (McDonald, 2008: 178). Since, as noted in the preceding chapter, the aims included improving services while cutting costs and promoting BEE, the deals usually included clear

targets and regulations. In the Cape Town case, these steps were accompanied by rules and regulations guiding how the provision of services should be carried out (McDonald, 2008: 178).

The growing population put a lot of pressure of an inadequate system of solid waste removal, including landfills, made the service a prime target for privatisation. In 1997, the ANC introduced a scheme to provide waste removal in Khayelitsha in the Tygerberg municipality (McDonald, 2008; Theron and Visser, 2010: 6; also, Ludwig, 2019: 132). This was called the Billy Hattingh Scheme, managed by Billy Hattingh and Associates, a consortium of private consultants and banks involved in the development of small, medium, and micro-enterprises projects related to the delivery of municipal services around South Africa (Xali, Qotole, and Barchiesi, 2001: 7-13).

After receiving the waste removal contract, Billy Hattingh and Associates entered into an agreement in which (certain) residents and councillors would operate as refuse removal service providers (Xali, Qotole, and Barchiesi, 2001: 7-13). The company acted as a mentor to the councillors and residents (Theron and Visser, 2010: 5). Each of these township entrepreneurs was given a truck and paid a monthly fee to provide waste removal service. The entrepreneurs, themselves, were then required to employ residents. The fee given to each entrepreneur was to cover both the costs of the truck, and the workers working for the entrepreneur (Theron and Visser, 2010: 5). The same fee was also meant to cover the entrepreneurs' salaries. The workers earned R1 300.00 per month when compared to R1 600.00 for waste removal general workers employed in-house in the municipality (Samson, 2004b: 37).

Following heated controversies, the scheme was abolished (Theron and Visser, 2010: 6). It was surrounded by disputes, especially concerning Billy Hattingh and Associates' role as a financial intermediary and a mentor (Theron and Visser, 2010: 5). The fees paid to entrepreneurs also raised concerns (Theron and Visser, 2010: 5). However, Cape Town did not stop using private firms to provide waste removal in the townships (Theron and Visser, 2010: 6). Over time, the requirement that contractors were required to employ residents in areas where the waste removal took place was dropped (Theron and Visser, 2010: 6). The municipality started to contract out the refuse removal service to well-established refuse removal companies (Theron and Visser, 2010: 6). These companies included black-owned as well as BEE-accredited companies (Theron and Visser, 2010: 6).

The Tygerberg municipality outsourced the solid waste service in Elsie's Rivier, a predominantly Coloured suburb, to Wasteman, and the Cape Town municipality outsourced solid waste services in the central business district to the Green Machine (Ludwig, 2019: 132). Cape Town also outsourced solid waste services in Muizenberg to Waste Tech/ Imperial (Ludwig, 2019: 132).

There were, in addition, various schemes that engaged NGOs and volunteers from 1997 in waste removal services in Cape Town (Miraftab, 2004a: 874-892). In 1997, the *Masicoce* (meaning “lets clean up” in Xhosa) scheme also known as the one-person contract, was initiated as a “clean and green” project (Miraftab, 2004a: 882; Miraftab, 2004b: 247). The scheme emerged from Keeping South Africa Beautiful, a community-based NGO operating in other parts of the country since 1995 in waste collection, but, in Cape Town, it was promoted by an NGO called Fairest Cape (Maraftab, 2004a: 882-883; Miraftab, 2004b: 247-248).

The scheme served informal settlements and townships such as Khayelitsha's Barcelona, Boys Town, Kanana and New Rest (Miraftab, 2004a: 883). It was partly funded by South African Breweries providing refuse removal bags, as well as by the Department of Public Works (Miraftab, 2004a: 882, 884). At first, the scheme mostly recruited women as casual workers for refuse removals and cleaning in townships; these women were employed for a duration of a year (Miraftab, 2004a: 883). In 2000, the scheme was and made part of the Cape Town municipality's Mass Action Campaign to promote community-based action and voluntarism (Miraftab, 2004a: 882; Miraftab, 2004b: 248). Municipal councillors also made use of volunteer groups, mainly of women, that cleaned areas serviced mainly by the periodic removal of waste from communal skips (Miraftab, 2004a: 883; Miraftab, 2004b: 248). Some volunteers hoped this would lead to paid jobs (Miraftab, 2004b: 248).

In 2000, Cape Town commercialised and corporatised water and electricity services (Greenberg, 2006: 23). It is important to note this preceded the local government elections and the mergers of municipalities that created the Cape Town metro in December that year, and so, was before the ANC lost control of Cape Town. The water situation was dire, firstly because of massive non-payment by residents going back years and linked to 1980s boycotts (Smith, 2002: 37). This created a huge debt, the municipality being owed around R516.7 million in late

2001²⁸ (Smith, 2002: 36). There was also lost water due to problems like leaks and a huge backlog in connections in black areas and informal settlements.

The city introduced a water management programme in two phases (Smith, 2002: 37; McDonald and Smith, 2004: 1475). The first phase was about the reduction of unaccounted for water, with the introduction of water meter readings and water management devices, and replacing and repairing leaking pipes (Smith, 2002: 37). Cape Town also installed new water connections in black African townships through a three-year *Ikapa* water leaks project (Smith, 2002: 37; Lillian, 2017: 29). There was investment in improving degraded infrastructure, and refurbishing burst main pipes, and the project gave local plumbers some training on how to fix water leaks in households (Smith, 2002: 37).

Water-reading meters were installed in areas that had not previously billed (Smith, 2002: 37). For example, Xali (2002: 111) points out that almost every house in Khayelitsha's Makhaza section had water meter readings installed, the ANC council arguing that water meter readings would help families manage the amount of water they used, and spot pipe leakages (Xali, 2002: 111-112). The second phase of the water management programme focused on public education in how to reduce water usage, through water reduction technologies and changes in consumption patterns (Smith, 2002: 37). This public education took place through billboard and media platforms (Smith, 2002: 37). Furthermore, the municipality introduced water restrictions, not allowing residents to water their gardens from 10:00 am to 4:00 pm during summertime (Smith, 2002: 37). It encouraged residents to use indigenous plants, which used less water (Smith, 2002: 38).

These measures took place in the context of neo-liberalism, with an eye on cost recovery and profit, and water meter readings were a strategy on the part of the municipality to price the amount of water families used (Xali, 2002: 112). It also meant that had to pay for any municipal services they were provided, the municipality implementing a no pay-no services principle (Xali, 2002: 112). In the past, as indicated, many township residents paid a flat rate, or were not billed. Furthermore, while the water meter reading system was managed by Cape Town, increasing use was made of private companies to provide water meter reading services.

²⁸ This was for the whole metro.

In electricity, there was also growing use of private firms. For example, in Khayelitsha's Makhaza section, the municipality outsourced electricity to the private consortium Phambili Nombane (Xali, 2002: 108). This started in 1994 as a joint business between ESKOM, the parastatal, Manchester Electricity Authority from the United Kingdom (UK), and *Électricité de France*, a French multi-national partly owned by the French government (Xali, 2002: 108). Phambili Nombane introduced pre-paid meter electricity boxes, installing these in almost all Makhaza's houses (Xali, 2002: 108). The boxes required customers to buy electricity before they used it and cut themselves off when the credit was finished (Xali, 2002: 112). The pre-paid electricity system limits access to electricity, especially for poor and the unemployed, enables cost-recovery, billing by use, and removes the municipality from the cut-off process (Xali, 2002: 112). The vouchers were bought from vendors, helped by Phambili Nombane's private enterprise development programme (Xali, 2002: 108). The introduction of a pre-paid electricity system also meant that municipality could reduce its workforce because the duties of issuing electricity bills and accounts were being automated (Xali, 2002: 112).

In 2000, the Cape Town substructure established City Improvement Districts (McDonald, 2002: 20-21; McDonald, 2009: 205; also, Greenberg, 2006: 23); these are now called Central City Improvement Districts. These were based on partnerships between the state and the private sector and funded by property owners. They provided urban management services such as street, drain and channel cleaning, waste removal, private sector video and monitoring, parking attendants, road and pavement maintenance, graffiti and illegal poster removal, cigarette bin maintenance, gardening, and private security and policing (McDonald, 2002: 20-21, CCIDs Annual Report, 2017: 5 and 12). The first CID was in the CBD in 2000, and the second, later that year, was in Claremont, a growing business area in the Southern suburbs (McDonald, 2002: 20-21).

7.2.3. Cape Town: Municipal neo-liberalism under the ANC/ NNP, and DA, 2000-2015

Finally, on 5 December 2000, all six municipalities on the Cape Peninsula were merged to form the City of Cape Town (Theron and Visser, 2010: 4). The second democratic local government elections in Cape Town took place on 6 December 2000. The DA, which was a combination of the DP, Federal Alliance and NNP won the municipal elections.

The City was a metro municipality in terms of the 1998 Municipal Structures Act. The Western Cape Demarcation Board purposely drew the boundaries of to merge the former black and white municipalities (Ncube and Monnakgatla, 2016: 79). A major reason was to allow the redistribution of resources from the richer (mainly white) areas and municipalities to poorer (mainly black African and Coloured) ones (Ncube and Monnakgatla, 2016: 79). This removed the older divisions that had been retained in the 1990-1994 period in the Local Government Negotiating Forum era and was welcomed by SAMWU as establishing a single city, united city able to undertake redistributive measures.

A category A municipality covering a significant part of the Cape Peninsula, it included the Cape Flats, the historic white areas, and stretched from Gordon's Bay to Atlantis (Yes! Media, 2023: 195-196). Seat of the post-apartheid national parliament it included Athlone, Atlantis, Belhar, Bellville, Blackheath, Blouberg, Blue Downs, Brackenfell, Cape Point, Cape Town, Delft, Durbanville, Elsies Rivier, Fish Hoek, Goodwood, Gordon's Bay, Grassy Park, Gugulethu, Hout Bay, Khayelitsha, Kommetjie, Kraaifontein, Kuils River, Langa, Macassar, Matroosfontein, Melkbosstrand, Milnerton, Mitchells Plain, Muizenberg, Noordhoek, Nyanga, Parow, Philadelphia, Philippi, Robben Island, Scarborough, Simons Town, Sir Lowry's Pass, Somerset West, Southern Suburbs, Strand, and Table View. Nearby municipalities included Swartland and West Coast to the north, Drakenstein, Cape Winelands, and Stellenbosch to the north-east; and Waterskloof, Overberg, and Overstrand to the south-east (Yes! Media, 2023: 195-196).

The creation of the unicity required yet more changes in the administrative systems and departmental structures. The integration process was used to begin a serious review of its administrative organisation (Nabe, 2000: 15). This took place in the context of severe inequalities and a deep apartheid legacy. For example, the city is still faced with the unequal distribution of municipal services, the problems arising from the integration of six formerly independent and self-administered municipalities, and the attendant problems for services caused by rapid urbanisation (Engeldow, 2010: 163).

Andrew March, a SAMWU shop steward in the Transport, Roads and Stormwater department, who experienced the changes first-hand, explained that "[i]n its new and extensive capacity," the municipality "required substantial restructuring and reorganisation to harmonise and

rationalise the various functions performed, and services rendered, by its previous municipal components” (face-to-face interview with Andrew March, 17 January 2019).

This created concerns amongst workers, and SAMWU tried to ensure that jobs were not lost. These processes intersected with ongoing neo-liberal restructuring. Despite their differences, what stands out between the ANC and DA periods are a continuity in these policies. Even in the Unicity Commission that was involved in the amalgamation process, there was not a significant difference in the discussion papers and policy documents on service delivery provided by the ANC, DP and NNP (McDonald and Smith, 2004: 1470-1473). The NNP had, after all, already engaged in outsourcing in the areas it controlled: in Blaauwberg, for example, its outsourced Atlantis’ solid waste service to Wade Refuse in 1998 (Ludwig, 2019: 132). There was also a continuity in senior civil servants when the merger was completed (McDonald and Smith, 2004: 1467).

The DA’s 2000 election manifesto openly propagated free market solutions (Schwella, 2003: 300), while the ANC’s manifesto was (deliberately) more ambiguous, as it had to be palatable to SAMWU, but endorsed commercialisation and privatisation as options (McDonald and Smith, 2004: 1473-1476). In 2001 the NNP withdrew from the DA and forged an alliance with the ANC. Its numbers were bolstered by new floor-crossing legislation that allowed elected representatives to switch parties, allowing other people in the DA to switch to the NNP. For a time, control of the metro and the province passed the ANC-NNP alliance, and the process culminating in the NNP merging into the ANC, and its representatives crossing-over. At no stage did these changes affect the general push towards neo-liberalism.

The merger with the NNP did not, as the ANC hoped, deliver it a large bloc of Coloured voters in the Cape. Instead, it alienated many, who swung back to the DA, which retook the Cape Town metro in 2006, and control of the provincial government in 2009, positions it has retained ever since. The DA won the Cape metro with 53.55 percent in 2000, 42.86 percent in 2006, 61 percent in 2011 (Ayele and Powell, 2011a; Ayele, Powell and May, 2011b), and 66.61 percent in 2016 (Schwella, 2003: 300).

The DA-led city has emphasised its commitment to equity, stating for example the need to develop the workforce across gender and race to speed up transformation, especially at senior levels (Cape Town Integrated Annual Report 2016/17: 153). At the same time, be that as it

may, it has also continued the neo-liberal reforms of the ANC and NNP, which have negative effects on many workers – but especially black Africans and Coloureds, and women in these races. The DA's position on privatisation of municipal services has always been very clear (McDonald and Smith, 2004: 1473-1474). In its 2000 and 2006 election manifestos, for example, the DA called for the accelerated privatisation of municipal services, the private sector to take part in delivering municipal services, as well as the commercialisation of municipal services (McDonald and Smith, 2002: 16-18).

The privatisation of council houses also continued. A building project in Valhalla Park led to around 45 houses built for people on the city's waiting list (Brown, 2005:91). It was announced that new houses were no longer available for rental but sold to people based on their income levels (Brown, 2005: 91). Not many Valhalla Park people qualified as per income level requirements, leaving them frustrated, angry and disappointed as they feel betrayed (Brown, 2005: 91). This led them to have several meetings with city officials to access land for housing development (Brown, 2005: 91). The officials said land was available, but there was no money to build houses, after which some Valhalla Park people decided to occupy the land and build informal structures (Brown, 2005: 91). Law enforcement was sent to demolish the shacks, leading to a confrontation and legal proceedings, and community members seeking legal help (Brown, 2005: 91).

The matter ended in the High Court, which ruled the Cape Town metro had failed to execute its constitutional mandate to provide housing (Brown, 2005: 91). The city was ordered to deliver a report stating the steps it would take to provide houses for Valhalla Park people (Brown, 2005: 91). The city drafted a plan stating that it would only provide houses by applying to a national emergency fund, and erect prefabricated but temporary structures until the people had found alternative accommodation or have been moved (Brown, 2005: 92).

The message the DA kept spreading was that the involvement of private firms would lead directly to the improvement in the quality of municipal services as well as massive cost savings (McDonald and Smith, 2002: 16-18). Services such as waste removals, fire protection, recreational facilities, public transport systems, and the maintenance of parks, water, and sanitation, traditionally responsibilities of municipalities should be provided through competitive outsourcing and commercialisation (McDonald and Smith, 2002: 16-18). This, the DA emphasised, promoted efficiency, better services, and improved access to essential services

for all. The party's faith in these solutions was shown in its slogan that "Where we govern, we govern better." It emphasises that the Municipal Systems Act backs its position. In its 2016/17 Annual Report, the City of Cape Town stated that (City of Cape Town Integrated Annual Report 2016/17: 156):

The Municipal Systems Act allows a municipality to enter into a service delivery agreement for the provision of a municipal service in its area. In all such instances, service delivery agreements are prepared, and serve as contracts between the municipality and the service provider. Section 81 of the Act defines the responsibilities of the municipality when providing a service through this mechanism. In this regard, the City's tender tracking system on the SharePoint platform allows project managers to electronically monitor how such service providers implement and carry out their contracts.

After 2000, municipal plant nurseries were either closed (e.g., in Bellville and Muizenberg), or outsourced to private firms, or retained but made to rely on precarious workers (e.g., the Newlands nursery is mainly staffed by EPWP workers) (interview with Mike Khumalo, SAMWU Regional Secretary, 21 January 2020). According to Lance Voette, a former SAWMU leader, "The nursery service has been outsourced to private firms because it is regarded as a non-core service of the municipality" (face-to-face interview, 30 January 2019). Mawbey also recalled (face-to-face interview, 16 January 2019):

The City of Cape Town also privatised the abattoir in Maitland and the operation of the Epping National Fresh Produce Market [around 2002]. Both the abattoir and the Epping National Fresh Produce Market were privatised because the city believes that these services constitute purely commercial activities, not core and basic municipal services, which the City of Cape Town is legally required to provide to the residents.

The city argued that it used contract workers primarily to address short-term seasonal fluctuations and permanent workforce absenteeism. It claimed not to have official statistics on the use of so-called atypical labour and, in any case, refused to provide SAMWU with any figures (Henwood, Jordi and Makaluza, 2007: 29-33). It also refused to provide the union with copies of its contract with labour brokers (Henwood, Jordi and Makaluza, 2007: 29-33). The city's 2006/7 annual report also reported that, to improve the efficiency of its administration and thereby improve service delivery, the city had, amongst steps, undertaken the re-

employment into permanent positions of more than 2 000 workers previously employed on a fixed-term contracts, the move of workers employed through labour-brokers into permanent positions, filled acting positions, and put in place a process to fill more than 200 critical vacancies in engineering, project management, and technical services (City of Cape Town Annual Report, 2006/7: 27).

SAMWU, the Industrial Health Resource Group and the Municipal Services Project undertook an audit of workers in the electricity, solid waste, and wastewater departments around this time, and found that city used labour brokered workers, outsourced workers, and casuals extensively (Henwood, Jordi and Makaluza, 2007: 29-33). Around 27 percent of workers were in precarious employment, with 91 percent casuals or labour brokered (Henwood, Jordi and Makaluza, 2007: 29-33). The solid waste department had the highest percentage (Henwood, Jordi and Makaluza, 2007: 29-33). It also found that some of the contract workers were former in-house municipal staff who had been dismissed from permanent jobs, then reemployed as precarious workers, doing the same work in the same depots, through these arrangements (Henwood, Jordi and Makaluza, 2007: 29-33).

The SAMWU study argued that the city used these arrangements to reduce the cost of labour, weaken unionised, permanent workers and avoid labour regulations (Henwood, Jordi, and Makaluza, 2007: 29-33). It did not regard these workers as its employees, and ignored malpractices (Henwood, Jordi, and Makaluza, 2007: 29-33). For example, at the Vissershoeck landfill, the city's head of health and safety argued that "contract workers should have their own set up which could include the labour broker as their employer... (where)... the broker must have a site supervisor or must make arrangements with the city of Cape Town on their role in health and safety" (Henwood, Jordi, and Makaluza, 2007: 29-33). The city had not just outsourced workers, but human resources and legal responsibilities (Henwood, Jordi and Makaluza, 2007: 29-33). The workers' wages and conditions were generally worse than those of in-house staff, many lacking, for example, annual leave and experiencing wage freezes (Henwood, Jordi, and Makaluza, 2007: 29-33). There was extensive evasion of labour legislation (Henwood, Jordi, and Makaluza, 2007: 29-33).

The management of parking bays in the city's CBD and around the city used to be managed by the municipality, which hired parking attendants to collect money and who were paid a monthly salary of R450.00 (Department of Labour Annual Industrial Action Report, 2009: 19). In 2009,

the City of Cape Town outsourced parking bay management to a private company called the Street Parking Solutions (SPS) (Department of Labour Annual Industrial Action Report, 2009: 19). This employed around 250 parking attendants, but the basic salary was scrapped for a commission system: each attendant was given four bays and had to raise R500 monthly to get a commission (Department of Labour Annual Industrial Action Report, 2009: 19). Workers were dismissed for shortfalls or misconduct (Department of Labour Annual Industrial Action Report, 2013: 41; 2009: 19).

The DA was also of the view that municipal services such as electricity should be provided through the installation of pre-paid meters to control consumption (Bosire and Ntlizywana, 2011: 8-11). In a 2011 election manifesto, it also argued that national government must allow private producers to sell electricity to the national grid (Bosire and Ntlizywana, 2011: 8-11). Stressing the principle of “pay-as-you-use,” the Cape Town metro under the DA argued that every household should have a pre-paid electricity meter to protect the electricity service against bad billing and bad debts. The city also argues that this modernises energy distribution system, improves energy efficiency and makes the maintenance and operation of the electricity service sustainable (Shezi, 2017).

Obviously, this also generates more revenue through guaranteed payments, and reduces the costs of having meter readers. SAMWU’s Mawbey argued that “[t]he City of Cape Town’s privatisation of municipal services is its strategy to firmly entrench a neo-liberal ideology, so that the city runs the local municipality on business principles” (face-to-face interview, 16 January 2019). From 2014, the city rolled out a major prepaid electricity meter project (Shezi, 2017; also, Jack and Smith, 2016: 8). Pre-paid electricity meters replaced post-paid meters in some cases, but most areas chosen for the project were those with few post-paid meters and a low average property value (Jack and Smith, 2016: 8). The pilot phase started in Mitchells Plain in November 2014 and managed to replace 90 percent of post-paid meters (Jack and Smith, 2016: 9).

Phase two, the implementation phase, took place across Cape Town from February to April 2015 (Jack and Smith, 2016: 9). In other places, however, the replacement rate was much lower because many households chose not to have pre-paid meters (Jack and Smith, 2016: 9). The city hired a private contractor who gave families notice in advance about the installation of pre-paid electricity boxes (Jack and Smith, 2016: 9). Around 37 500 pre-paid meters were installed

in 2015 in areas such as Edgemean, Muizenberg, Montana, Parow, Sun Valley, and Wetton (Shezi, 2017; Jack and Smith, 2016: 8). Later, other areas had pre-paid meters installed (Jack and Smith, 2016: 8).

The DA-run metro also undertook a massive roll-out of Water Management Devices in many areas (Lillian, 2017: 29). This refers to “a device that controls the quantity of water flowing through a water meter over a certain time” (Lillian, 2017: 29). Defective or old conventional water meters were replaced by WMDs (Lillian, 2017: 29). These areas include Atlantis, Bloekombos, Delft, Du Noon, Hanover Park, Khayelitsha, Langa, Lotus River, Manenberg, Mfuleni, Macassar, Wallacedene, and Wesbank (Lillian, 2017: 29). According to the new water meter reading model, water would be priced according to its usage by consumers, punishing over-consumption and waste.

One aim was to save water and reduce overall demand by encouraging consumers to manage their water and to decrease debt (Lillian, 2017: 29-31). Better revenues would fund repairs decaying existing water infrastructure and expanding infrastructure to make water available to areas lacking water services. Simply, cost recovery and rising charges – more commercial pricing – would be implemented to increase efficiency and sustainability. The water and electricity measures are in line with the aim of a user-pays cost-recovery model: “The user-pay-personally, approach, to service delivery, mirrors a direct change of direction to a market trajectory, where consumers pay directly to a private contractor for service in any of the essential services sectors including transport, energy and power telecommunication, housing, and education” (Gumede, Asmah-Andoh and Kabir, 2016: 33).

Waste management was a major area for restructuring. After the completion of the process of amalgamation that created the unicity, the Masicoce scheme in areas like Khayelitsha’s Barcelona, Boys Town, Kanana and New Rest was modified and adopted as part of the official waste removal service delivery strategy (Miraftab, 2004a: 883). It was celebrated as a mechanism for creating employment, and for providing training for future employment, especially for women in black townships (Miraftab, 2004a: 883).

The scheme had experienced some problems, notably the hired women did not want to stop working at the end of their one-year contract (Miraftab, 2004a: 883). As a result, the hired women protested, demanding the continuation of their employment (Miraftab, 2004a: 883).

This led to amendments from 2001: There was the introduction of a tendering process for waste removal, men were also hired, and a minimum wage was required (Marifatab, 2004a: 883). The tendering documents did not require the matching wages with SALGBC levels, but contractors had to obey national labour laws, including informing the workers of their rights and seeking workers' agreement with the terms and conditions of their contract (Miraftab, 2004a: 883). These changes have protected the city from labour issues, essentially shifting the problem of labour grievances to the contractors (Miraftab, 2004a: 883).

In 2006, the City of Cape town introduced “a new, improved waste collection system” in the formal and informal settlement areas of Khayelitsha (City of Cape Town, media statement, 26 June 2006). In informal settlements, the new system involved the introduction of a door-to-door black plastic bag system, where households were provided black bags to put in their waste for collection. People in the areas were hired to distribute, and then collect, the black bags. These people would also be cleaning parts of the areas. The collected black bags were then stored in locked shipping containers in the areas, for collection. In the formal areas, the city provided 240 litre wheelie bins to households rather than black bags. These would then be emptied regularly.

There were also, by 2009, as many as 39 small contractors were doing refuse collection work in informal settlements across Cape Town (Theron and Perez, 2012: 12). Each would hire its own workforce on a fixed-term contracts (Theron and Perez, 2012: 12). There was also an increased utilization of EPWP workers. The trend towards the metro making increasing use of precarious workers for waste was seen in other ways. For example, the City of Cape Town was separated into four areas for the purpose of general household refuse collection (Theron and Perez, 2012: 13). In the Impuma area by 2012, 50 percent of waste collection was done by workers employed directly by the municipality, the other 50 percent by the private contractors' workers (Theron and Perez, 2012: 13). In addition, around 110 EPWP workers were doing refuse collection in Impuma (Theron and Perez, 2012: 13). Theron and Perez (2012: 13) estimated that, in Impuma, three private contractors collected a total of between 12 500 and 15 000 tons of waste a month, which represented 20-25 percent of the city's 60 000 tons per month.

There was an extensive use of private firms with their own workforces. The Waste-Mart Management Company, a family-run business providing waste removal was one, its services including recycling, waste removal, drop-off containers and transport. In September 2019, the

City of Cape Town's water and solid waste management department outsourced the transportation of containerised solid waste from Bellville Waste Management Facility to Viessershok landfill to Waste-Mart Management Company (City of Cape Town, 2019). Averda is a big Lebanese company that has entered the African waste market, also won contracts (Wegmann and van Niekerk, 2018: 44). In South Africa, Averda operates through its subsidiary, Averda SA, and operates in major cities such as Johannesburg and Cape Town (Wegmann and van Niekerk, 2018: 44). In 2018 it came to the attention of the press for violently removing informal waste workers from the Genesis landfill in Johannesburg (Wegmann and van Niekerk, 2018: 44).

Working out the exact numbers of precarious workers in waste is difficult. The waste management department was divided and subdivided across number of departments, most of which involve some outside workers (Theron and Perez, 2012: 12). No single section knows how many workers are indirectly hired by the municipality, rather knowing only what happens in their area of responsibility (Theron and Perez, 2012: 12). The metro has some indication on how many workers will be employed by contractors, but only based on estimates provided when contractors bid to win the refuse collection tenders (Theron and Perez, 2012: 12).

Besides expanding the collection of waste, the municipality also introduced better management of waste, including recycling systems. To deal with solid waste at various landfills, it started a "zero greens to landfill" campaign in 2001 (Morkel, 2006: 16-17). The campaign started as a pilot project when the Tygerberg solid waste department initiated a scheme to separate all green waste at its Morningstar drop-off facility in Durbanville (Morkel, 2006: 16-17). As to be expected, the private sector was soon brought in, as a contractor was then appointed to chip the waste and compost the chips instead of landfilling them (Morkel, 2006: 16-17). Subsequently, the project was formalised in a public tender for a two-year period (Morkel, 2006: 16-17). Then the Tygerberg model was expanded across the City of Cape Town (Morkel, 2006: 16-17). Since the chipping of waste and composting of chips generated could not be done by one contractor, the metro appointed three (Morkel, 2006: 16-17). Even then the contractors have been struggling to deal with the monthly volume of solid waste to be chipped (Morkel, 2006: 16-17).

Two of the contractors responsible for refuse collection in Impuma requested an extension of their contracts, which was approved in June 2012 (Theron and Perez, 2012: 13). The contract

extension was worth over R14 million, but the contract period was not specified (Theron and Perez, 2012: 13). They were given the responsibility of doing conventional refuse collection in areas such as Bloekombos, Delft, Kraaifontein, Mfuleni, and Wallacedene, (Theron and Perez, 2012: 13). Another private firm that was awarded a waste service contract by the City of Cape Town is Waste Mart, R30 million to transport solid waste to the Visserhok landfills (Theron and Perez, 2012: 13). The municipality directly employs 57 workers in drop-off sites (Theron and Perez, 2012: 13). If management is included, then the number increases to 88 (Theron and Perez, 2012: 13). The management supervises the workers in drop-off areas (Theron and Perez, 2012: 13). There are also privately owned enterprises operating a container at these sites, which collect recyclable materials dropped off by the public, and which hire their own workforces (i.e., around 20 people) to sort the waste (Theron and Perez, 2012: 13).

Reports by a Social Justice Coalition showed extensive privatisation in waste in Khayelitsha, the city now outsourcing waste removal to seven contractors: Abaphumeleli Trading 1149cc (t/a Indalo), Green Guerrillas Pty Ltd, Golden Rewards 618cc (t/a Dynamic Trading), Linose Trading, Mawose Manufacturers, Ntenti Construction and Maintenance Cleaning cc (t/a NCMC Cleaning), and TEDCOR Women Waste JV (Social Justice Coalition, 2013b: 16; Green, 2018).

Except for TEDCOR, these contractors were responsible for street cleaning, the door-to-door collection of refuse and taking refuse to shipping containers. Later, Masighame Trading was contracted to provide refuse removal for an informal settlement, Site C, in Khayelitsha (Green, 2018). Masighame Trading employed its own workers to collect refuse plastic bags from houses, weekly, then put them in the shipping containers (Green, 2018). TEDCOR Women Waste JV was responsible, from 2009, for the removal of refuse from the shipping containers to the city's dumps (Social Justice Coalition, 2013b: 16). It was awarded a four-year contract (from 2009 to 2012) worth R55 million, which was then extended on a month-to-month basis at nearly R2.2 million monthly (Social Justice Coalition, 2013b). However, following complaints about poor service, the City of Cape Town stopped using this company in 2014. It then used its own trucks to remove refuse from storage areas in Khayelitsha, before awarded a waste and disposal service contract to Wasteman Holdings.

There was some door-to-door collection of recyclable materials in informal settlements, starting with a pilot scheme in 2007. Residents were required to collect and store recyclable

materials in their homes and use their own cars to transport them to preferred areas (Theron and Perez, 2012: 13). The City's 2016/17 integrated Annual Report states that the city also provides door-to-door refuse removal services, and 99.74 percent of this services are in informal areas across the Cape Town (City of Cape Town Integrated Annual Report 2016/17: 63). However, the door-to-door collection discourages recycling, as it is easier to simply trash recyclables than get a car to transport recyclable materials elsewhere (Theron and Perez, 2012: 13).

A different system could be found in some suburbs. There were schemes collecting recyclable materials from houses in Durbanville and Hout Bay (Theron and Perez, 2012: 13), managed by a private contractor. In Durbanville, the scheme introduced wheelie bins with microchips; residents were required to present their identity book, and municipal rate account document, to get the bins (Theron and Perez, 2012: 13). The microchip allowed the metro to monitor how many households were participating in the scheme by checking the details of each household against the city's records of who lives at each residential address (Theron and Perez, 2012: 13). In Hout Bay, the residents were simply provided with plastic bags in which to put recyclable materials (Theron and Perez, 2012: 13).

It should be noted that waste removal services in townships and informal settlements around Cape Town have continued to be outsourced. For example, Phaliso (2023) notes that waste collection in areas such as Crossroads, Philippi East, Kosovo informal settlement, Browns farm, and Samora Machel are also collected by private waste collection companies, namely Ithalomso and Wastemart. Ithalomso is contracted to do door to door community-based refuse collection and cleansing in informal settlements, such as Kosovo informal settlement and Philippi East (Phaliso, 2023). Wastemart has been subcontracted by a private company called Just Breeze (Phaliso, 2023). According to Grant Twigg, city of Cape Town Mayco member for Urban Waste Management (who declined to give the value of the contract), Just Breeze had been awarded a short term three months contract (from 1 April 2023 to June 2023) (Phaliso, 2023). The short-term contract subcontracted to Wastemart by Just Breeze was "an interim arrangement because of the delays in finalising a long-term five-year contract meant to be implemented from 1 July 2023 (Phaliso, 2023). The five-year contract was awarded to Wastemart; however, the company declined the contract citing "threats against their staff" (Phaliso, 2023).

The provision of sanitation was partly outsourced to the private sector, but mainly in Khayelitsha's poor areas. For example, a 2013 report on Khayelitsha revealed that the City of Cape Town had outsourced sanitation and toilet services to Mshengu Toilet Hire in informal settlements in the township (Social Justice Coalition, 2013a: 5, 11). This takes the form of the company providing and maintains communal toilets for the use of multiple households in the form of self-standing enclosed chemical toilets (Social Justice Coalition, 2013a: 5, 11). The company started in Gugulethu township in 2000, but the Khayelitsha project saw it paid R126 million by the metro to provide 346 chemical toilets to Emsindweni, Green Point, RR- Section and Taiwan (Social Justice Coalition, 2013a: 5, 11). Part of the contract was that Mshengu Toilet Hire should hire local labourers (Social Justice Coalition, 2013a: 11). Private companies, namely, Sannicare CC and Quetzal Trading got contracts for Monwabisi Park, another informal settlement in Khayelitsha (Social Justice Coalition, 2016: 3, 11 and 12). Sannicare CC was responsible for the maintenance and servicing of portable flush toilets, and Quetzal Trading for repairs to blockages in sewer pipes and toilets pans (Social Justice Coalition, 2016: 3, 11 and 12).

In the 2010-11, the City of Cape Town reorganised the municipal bus service MyCiTi Bus (City of Cape Town Annual Report 2010/11: 54). Private firms were contracted in for various jobs. HHO Africa was also involved in the design of bus ways, stations, depots and feeder infrastructure, EIA processes, detailed design of 16 trunk stations, design of feeder stops along service routes and detailed design of two BRT depots (IMIESA, 2014: 17). Martin and East were awarded a route contract to construct MyCiTi bus routes and lanes from the city's CBD to Atlantis (IMIESA, 2014: 16-17). Zebra surfacing, a subsidiary of the Martin and East, was responsible for surfacing the CBD bus lanes, and Martin and East were also involved in the construction of sections of bus lanes in Milnerton and Paarden Eiland (IMIESA, 2014: 17).

HHO Africa was awarded a contract to build the Atlantis corridor, and for construction in Blaauwberg, Century City, Du Noon, Melkbos and Table View (IMIESA, 2014: 17). Civils 2000, a civil engineering and construction company, was awarded the contract for the construction of bus stop infrastructure in Century city, Integrated Rapid Transit (IRT), Milnerton, Montagu drive, Omuramba, and Table View (IMIESA, 2014: 17). GIBB was responsible for construction at Adderley Street, the Gardens Centre, Thibault square, the V&A Waterfront, inner city feeders and the inner-city depot (IMIESA, 2014:17). The Group 5

company was contractor for major station superstructures and the IRT open feeder bus stops (IMIESA, 2014: 17).

Busmark 2000, a private company that designed, develop, manufactured, maintained, and serviced buses was awarded a contract to supply the metro with 190 brand new feeder buses (IMIESA, 2014: 17). Kidrogen, Table Bay Rapid Transit and the Transpeninsula Investments were vehicle operating companies contacted by city to operate the MyCiTi buses and hire the drivers (Washinyira, 2018). Cashier, marshalling and cleaning services at MyCiTi stations were contracted to firms like Excellerate Services, Metro Cleaning Services and Afroteq Academy (Washinyiri, 2018). Excellerate specialises in cleaning and hygiene, parking management and security, while Afroteq academy is a private facilities management training provider. Peter Africa, a SAMWU provincial organiser and former shop steward, explained that there was now a situation whereby (face-to-face interview, 8 January 2019):

The MyCiTi bus drivers, nurses, and fire fighters are not employees of the city, but are employees of labour brokers. For example, the MyCiTi bus drivers are employed by the vehicle operating companies (VOCs) that are contracted by the City of Cape Town to operate the MyCiTi routes...

7.3. Indirectly protecting precarious labour: SAMWU's 1990s mobilisation

As noted in the previous chapter, a key element of SAMWU's operations from the 1990s involved immersion in the Tripartite Alliance, a growing participation in institutional forums, and an emphasis on developing supposedly practical alternatives to neo-liberal reforms. This co-existed with the other SAMWU traditions: independent left perspectives, worker organising, and mobilisation. The union's long-standing efforts at organising and protecting precarious workers were important to both streams of the union's activities and were increasingly linked to opposition to privatisation.

SAMWU's mass strike in Cape Town in mid-1990, for example, demanded a living wage for all, better working conditions, and an end to privatisation in municipal services (Catchpowle, 2002: 140). Whole departments were shut down, including the libraries, and even some white workers participated (Catchpowle, 2002: 140). In November, SAMWU members went on

strike for a month in Khayelitsha, demanded the resignation of BLA councillors (Gabriels, 1991: 37). In 1992, SAMWU was central to COSATU's Economic Policy Conference in 1992, which affirmed the federation's commitment to a "democratic and socialist society as the means of truly meeting the aspirations of our people" (quoted in van Driel, 2003: 72), and the Cape Town section of the union was especially influential. The Conference condemned privatisation and insisted that electricity, education municipal services and water should remain in state hands.

7.3.1. National strikes and levelling-up in the last days of apartheid

In August 1993, SAMWU organised its first national strike, which centred on a living wage but again raised the issue of privatisation (SAMWU Workers News, 1997: 23; SAMWU Secretariat, 2022). While part of the concern here was to secure a more centralised collective bargaining, to offset the drastic variations in workers' wages and conditions in the municipal sector, the "living wage" framing was also a way of developing common demands, set by workers rather than what employers deemed possible, and promoted a general levelling-up.

The union won a 22 percent wage increase (SAMWU Secretariat, 2022). This victory for reduced the wage gap between municipal workers and workers in other sectors: municipal workers had long been amongst the lowest-paid government employees (SAMWU Secretariat, 2022). However, there was no national employers' body and responses by municipalities varied greatly. Some dismissed workers, while others (usually where the union was very strong) made additional concessions. For example, the Cape Town council also reduced hours of work, improved benefits and, most importantly, a number of workers employed on a casual basis were made permanent, (Ali, 1994; Catchpole, 2002: 140-141).

To fully understand the union's achievements here, it must be remembered that all municipal workers were deemed "essential services," which meant that these strikes were not protected: workers faced dismissal, and, when municipalities approached the courts for interdicts, criminal charges as well (Ali, 1994). Police were also used to disperse strikers (Ali, 1994). Furthermore, most of the strikers were black African contract workers, as well as black and Coloured casuals. In early 1994, SAMWU's Merle Brown visited British state sector union, UNISON, which organised in local government. This was part of an effort to publicise

SAMWU's struggles and build international solidarity. She explained that (quoted in Ali, 1994):

Municipal workers have no job security, are paid pitifully low wages and are threatened if they are active in the union. In some places negotiations had not even started. We are focusing on the right to strike for a decent wage. We highlighted the inadequacies of the bargaining structures. We need to restructure the local government. We shouldn't underestimate areas where there is resistance to change.

SAMWU was able to raise money for a strike fund from UNISOM, PSI, and the Forum for Public Service Unions (Ali, 1994).

However, the union was not able to block the existing municipal privatisation initiatives. Unions were largely excluded from the negotiations over the shape of a new South African state, as they were not directly represented in CODESA at the national level and while they participated in the Local Government Negotiating Forum, they had little impact on this issue.

7.3.2. The start of a national campaign

It was really from 1994 that the union was able to increase what the PRA would terms its institutional power, as seen in the previous chapter, although that came at a cost (see previous chapter). SAMWU also faced the problem that the ANC, at both national and local government level, adopted neo-liberal measures. This was a threat to its associational power, particularly through the fissured workplace.

Beyond that, it now faced an elected government with mass support, headed by the ANC, changing the arena of struggle from that of a mass revolt against a state widely seen as illegitimate that fostered a militant and confrontational approach. This posed real challenges, and the fate of SANCO provided a warning: crippled by the contradiction between its need to support ANC-led local governments and its mandate to defend communities, SANCO disintegrated in the second half of the 1990s and with it, much of the old movement of civics (Maisiri, Nyalungu and van der Walt, 2020: 808; Seekings, 1997).

SAMWU in Cape Town had opposed privatisation since the 1980s (SAMWU, 1997: 3; also, Barchiesi, 2007: 58), and, as the union's Lance Veotte – who was the union's Cape Town chair in the 1990s and the deputy regional secretary in early 2000s – noted, the Cape Town branch was continuously in negotiations with the city council (Veotte, 1995: 3). The issues had now expanded well beyond bread-and-butter concerns, to include issues like adult basic education training, affirmative actions, reforms in the health and safety policy, and local government restructuring (Veotte, 1995: 2-3).

The SAMWU also quickly picked the persistence of neo-liberal restructuring at the municipal level and started to expose this in its press, including its impact on township communities (e.g., Adams, 1997) It was increasingly aware that the long-standing issue of organising and protecting precarious workers was taking on a new form.

For example, while many casual workers in the Cape Town municipality at the time of the 1990 SAMWU strike, and many of these joined the strike, the fact was that they were almost all under *one* employer, the municipality. The union therefore had one collective bargaining process, and could push for measures that applied generally, like regrading posts, wage increases, improvements to benefits, access to adult education, and affirmative action policy. This model, it was argued, could then just be expanded countrywide, first with national strikes from 1993, and then with a push for centralised national collective bargaining. With the formation of SALGA in 1997, two main unions (IMATU and SAMWU) in a previously fragmented sector, and the developments that led to the establishment of the SALGBC in 2001, victory seemed certain.

But running alongside this was the opposite: with the extensive use of private contractors, which turned municipal workplaces into fissured workplaces, there was an exactly opposite trend. Multiple employers servicing each municipality promoted a radical decentralising of collective bargaining, as in terms of the LRA, each group of workers had to bargain with its own employer.

SAMWU and COSATU, as discussed in the previous chapter, tried to address the problem in top-down ways, like reforms to labour law, but SAMWU did something that no other COSATU state sector union did: it also began a bottom-up process of mobilisation, coalition building well beyond the Congress movement, and targeted strikes. According to then-general-secretary

Ronnie in 1997, the union intended to build a national campaign against privatisation, to give effect to its resolutions (Ronnie, 1997: 55-56). Many workers in the union were worried about job security, and other perceived threats, but there was also resentment against the municipalities' unilateral restructuring of services (Ludwig, 2019: 136), an issue that normally bypassed collective bargaining.

The Western Cape section of SAMWU seems to have kicked off the process at its September 1997 regional congress. This passed resolutions opposing any form of municipal privatisation (despite the union being signatory, through COSATU, to the 1996 National Framework Agreement), and on the need to organise (municipal) workers employed by private companies (SAMWU Western Cape, 1997). The province started a series of workshops on privatisation, submitted numerous memoranda to the city council, demanding a halt to privatisation and discussions with the union on alternatives, appointed a co-ordinator for the campaign, and started to reach out to community groups as well as others in COSATTU (Ronnie, 1997; also, Ludwig, 2019: 136).

In December 1997, and again in February 1998, SAMWU (nationally) developed and adopted a plan for a national campaign against privatisation (SAMWU, 1998; SAMWU Workers' News, 1998: 12). In the middle of this planning, on 20 November 1997, the union held marches in several municipalities. 5 000 members of SAMWU and COSATU marched on the streets of Witbank and Nelspruit as part of the anti-privatisation campaign (SAMWU Workers' News, 1998: 11). This was part of a regional strike in Mpumalanga province, backed by COSATU, after negotiations over Mbombela's decision to contract water provision to Biwater broke down in the provincial division of the Local Government Bargaining Council failed (COSATU, 1997a). COSATU designated August "as a month of action against privatisation in Mpumalanga"

In Nelspruit, SAMWU's president, Mashishi, led the march to the council's offices, where he requested it reconsider the decision to privatise (SAMWU Workers' News, 1998: 11). The SAMWU president argued that the "council should rather consider SAMWU pilot projects which show the way for municipalities to continue delivering services" (SAMWU Workers' News, 1998: 11). Ronnie led the protesters in Witbank, requesting the mayor and council members to join SAMWU's campaign against privatisation (SAMWU Workers' News, 1998: 11).

The final plan for the SAMWU campaign was adopted by the Central Executive Committee at a meeting held on 25-27 February 1998 (SAMWU, 1998: 2). It was to involve the national, provincial and branch levels of the union, and SAMWU leaders would co-ordinate activities (SAMWU, 1998: 2-3). Maria van Driel, an activist from Cape Town who was now based in Johannesburg, was appointed the national campaign coordinator, and helped organise the campaign structures (Lier, 2007: 39). *SAMWU Workers News* was now supplemented by a free *SAMWU Campaigns Bulletin*, which was printed in large numbers and delivered to union offices for distribution to members and in COSATU “locals.” The “locals” are constitutional structures that meet regularly and that are based on union members, office-bearers, and officials, from different COSATU unions active in the same geographical area.²⁹

7.3.3. Linking workers and communities in 1990s Cape Town

In the Western Cape from 1997, Ronnie reported, SAMWU also made efforts, to engage other unions, community groups, and to raise its concerns in COSATU’s Public Sector Co-ordinating Committee and in meetings of the COSATU regional structure (Ronnie, 1997).

SAMWU framed its campaign in a very innovative way that echoed the struggles of the 1980s, and the traditions of social movement unionism: worker-community unity in action. Putting it in other words, it did not just approach municipal neo-liberalism in terms of saving jobs, better wages, and job security, or in general (abstract) terms as complete opposition to privatisation. Instead, it emphasised that the privatisation of municipal services would reduce (township) communities’ access to basic services (SAMWU, 1998: 1). Under privatisation, SAMWU argued, only those who can afford to pay for services would get the services, and the private sector, pursuing profits, would focus on the suburbs, perpetuating past injustices (SAMWU, 1998: 1: 2). SAMWU’s arguments linking up of workers’ and consumers’ concerns have been a notable feature of its post-apartheid discourse (Webster and Ludwig, 2017a: 143), facilitated by the nature of municipal services.³⁰

²⁹ Many of these have collapsed in the last 20 years, but they were a major part of COSATU in the 1980s and 1990s. Their origins lay in FOSATU’s township-based cross-union shop stewards councils: for more on these, see Baskin (1982).

³⁰ There has been almost no such activity of this type by unions like state sector unions like NEHAWU and SADTU. In the 2010 general strike in the state bureaucracy and services, unions did never “raised demands that rallied the support of the larger working-class community,” like linking workers’ wage demands to demands for better hospitals and schools (Bekker and van der Walt, 2010: 147-150). Instead, they alienated much of the public by disrupting services on which poorer people relied.

There were two ways of doing this: one was to try and engage township communities directly, as the union, and the other, which was more successful, was to engage communities through community-based organisations. Examples of the first approach appeared in 1997. *SAMWU Workers News* reported on the outsourcing of refuse removals through the “Clean and Green” campaign (Adams, 1997: 5). This was being done under the ANC, which the union had recently supported in the local elections. Nonetheless, the union pointed out that the system relied on contract workers paid significantly below the municipal rates for equivalent work (Adams, 1997: 5). The article, written by the Robert Adams, the-then Cape Town branch secretary, without reservation that this (Adams, 1997: 5):

... clearly privatisation of the refuse services of Ikapa areas ... It is not right for casual refuse removal workers to be earning a salary of that is half of what permanent municipal employees earn. The salary of R750 being offered is not enough to live on.

The issue here seems to be about cheap labour and not living wage jobs. If the council is serious about cleaning up the area, why don't they show some responsibility by employing more staff on a permanent basis?

This was strong language for an ANC allied union, and the union, concerned with the spread of precarious, non-union employment outside of the existing municipal workforces and bargaining units.

Then the union decided to target the Billy Hattingh refuse removal scheme. The SAMWU press insisted that Khayelitsha has not been clean for a single day since the contractor was brought in (SAMWU, 1998: 5). Xolile “Boss” Nxu, a SAMWU shop steward in the area, told the *SAMWU Campaigns Bulletin* that the Billy Hattingh scheme was hiring the unemployed to clean the area on foot, with bags (SAMWU, 1998: 5). To demonstrate that the job would be done better by municipal workers, SAMWU members spent a Sunday cleaning up the area (SAMWU, 1998: 5). The SAMWU clean-up was also intended to demonstrate that workers with proper equipment would deliver a much better refuse removal service (SAMWU, 1998: 5). The union faced some opposition from local unemployed people, who hoped that the privatisation scheme would provide jobs (SAMWU, 1998: 5).

In the same period, SAMWU also began to strengthen links civil society organisations that were opposing privatisation of municipal services, including those outside of the Congress-aligned “mass democratic movement.” This turned out to be very well-timed, as this was a period in which the space created by the decline of SANCO in the context of ongoing township frustrations and the already visible effects of municipal neo-liberalism, led to widespread unrest.

From the late 1990s into the early 2000s, there was a wave of struggles in townships against municipal neo-liberalism, which often consolidated around community-based groups that were dubbed the “new social movements” (Maisiri, Nyalungu and van der Walt, 2020: 808-810). This term referred to a wide range of community forums and committees, usually based amongst non-workers: long-term unemployed, youths, and pensioners (Barchiesi, 2007: 62; Maisiri, Nyalungu and van der Walt, 2020, McKinley, 2012). Some of these structures were involved in illegal reconnections of electricity and water for residents disconnected because of failure to pay for those services (Barchiesi, 2007: 62). Illegal reconnections were widespread, as ESKOM and municipalities struggled with non-payment and unbilled consumption (SALGA, 2015: 27).

These developments were also taking place in Cape Town. Resistance to municipal neo-liberalism did not only come from SAMWU, but also came from township neighbourhoods as people suffered the negative effects (McDonald and Smith, 2004: 1476; Wainwright, 2012: 78). Water disconnections took place at an alarming rate in the city, mainly of poor households who could not afford to pay for the services (Morris, 2012: 20; McKinley, 2006: 417; McDonald and Smith, 2004: 1475).

From 1996 to 2004, approximately 92 772 households had their water supply cut off (Morris, 2012: 20-21). In 2000, for example, 14 355 households in Khayelitsha had their water supply cut off for around six months due to non-payments (Morris, 2012: 20-21). In Hanover Park and Manenberg, historically Coloured townships, 533 and 516 households had their water supply cut off, respectively (Morris, 2012: 20-21). This “deliberate termination of water supply for failing to pay water bills” (Hemson and Owusu-Ampomah, 2006: 151) demonstrated that the city’s enforcement of cost-recovery measures: water services were to be provided based on an individual’s ability to pay for the service, not as a basic human right (Morris, 2012: 18).

There were also issues with the basic quality and quantity of services provided by contractors. The Social Justice Coalition reported in 2013 on Mshengu's provision of chemical toilets in Khayelitsha, and revealed that Mshengu did not provide 346 toilets, as per the contract with the city, but only 256 (Social Justice Coalition, 2013a: 19-21). There was no regular cleaning and maintenance of the chemical toilets, some were not in good condition, and in addition, Mshengu did not employ local labourers as required by the contract (Social Justice Coalition, 2013a: 19-21).

Rubbish and other waste were not collected regularly and on time in the township, as agreed by both the city and its contractors (Green, 2018). Rubbish was gathered in large storage sites, which were dirty and unhygienic, and there was a lack of monitoring systems in place. Residents in Site C residents in Khayelitsha stated that Masighame Trading did not collect filled refuse bags regularly, and when it collected those that were broken, left a trail of trash (Green, 2019). The metro provided contractors with refuse bags to give to community members for free, but the contractors do not always distribute the bags properly, and in some cases, residents were asked to purchase the bag. In 2019, Site C residents complained that they did not get two plastic refuse removal bags as promised (Green, 2019). In this situation, many residents engaged in illegal dumping, including in a nearby river, which became contaminated, posing a threat to the environment and human health (Green, 2018).

There were numerous illegal reconnections, so that between 1996 and 2001 with, for example, an estimated 52 670 illegal water connections in the Tygerberg area (Smith, 2002: 42). There were also more collective forms of protest. In the Makhaza section of Khayelitsha, according to ILRIG's Mthetho Xali (2002: 115), there was strong opposition to the installation of water meters, and a march in the council 2001 against water disconnections: protesters argued that services like water were human rights. In September 2001, there were demonstrations in Tafelsig, east of Michells Plain on the Cape Flats, against water cut-offs (Smith, 2002: 42). The protests targeted cost recovery that measures of cutting water and electricity for non-payments (Ludwig, 2019: 138). Some community-based groups, like the Soweto Electricity Crisis Committee in Gauteng, organised free electricity reconnections in defiance of the government (Sosibo, 2011).

7.3.4. Who rules Cape Town? The difference that a municipality can make

There was then, a clear basis for joint activities between SAMWU and community-based organisations around post-apartheid municipal neo-liberalism. The union had started to move towards in this direction with its 1997 anti-privatisation workshops in the Western Cape, and *ad hoc* meetings, but by the late 1990s it had developed a more systematic approach. This centred on establishing and supporting forums that brought SAMWU, IMATU, and other organisations together around a common anti-privatisation theme. This was very much a return to social movement unionism, but it co-existed, and sometimes contradicted, the political unionism that the union was involved in through the Tripartite Alliance at the same time.

SAMWU helped initiate anti-privatisation coalitions forums in Johannesburg in Gauteng, and in Cape Town, in 1999 (Barchiesi, 2007: 50-69; Lier, 2005: 44). These were triggered by the two metros adopting ambitious reform programmes around the time, the iGoli 2002 plan and the proposals of the Unicity Commission, respectively (Lier, 2005: 44). Some elements of iGoli 2002 plan, which was championed by the ANC, have been noted earlier and will not be repeated. The key points are that the plan was presented as a solution to a financial and institutional crisis in greater Johannesburg; aimed at cost-effective service delivery, including through corporatisation, commercialisation, and privatisation; emphasised cost-recovery; and was unprecedented in its ambitions and scope (see City of Johannesburg Annual Report, 2001/02; also, Bacon, Widner and Woldemariam, 2012; Dawson, 2010; Harrison, 2017: 223; McKinley, 2012; Musi, 2010).

The iGoli 2002 plan was opposed by IMATU, SAMWU, community-based groups, and sections of the ANC and SACP. Around 1998, SAMWU started to initiate what became the Anti-iGoli Forum, which drew in the two unions, the central Johannesburg SACP, several community groups, and a street vendors' association, and drew in figures linked to SAMWU's research, like Rees (Buhlungu, 2004a; McKinley, 2012). SAMWU backed this development by producing and distributing a documentary titled *Fighting Privatisation in Johannesburg* (SAMWU, 1999). The video stated the union was engaged in a "bitter struggle" and that the fight against iGoli2002 was the story of "just one of those fights." In mid-2000, Forum merged with the Wits 2001 Crisis Committee that brought together SASCO and other student groups, NEHAWU, Trotskyists and anarcho-syndicalists, who had been fighting the outsourcing of support service staff at Johannesburg's University of the Witwatersrand (McKinley, 2012;

Maisiri, Nyalungu, and van der Walt, 2020). It was now renamed the Anti-Privatisation Forum (APF) and expanded across Gauteng.

In Cape Town, SAMWU's engagements gave rise to a Local Government Transformation Forum in 2000, which was later renamed the Cape Town APF (Lier, 2005: 45; Lier and Stokke, 2006: 812; Xali, 2006). Cape Town's Forum was strongly supported by many of the city's SAMWU leaders, among them veteran Coloured union activists influenced by the city's independent left traditions. It eventually drew in round 40 groups, ranging from NGOs and labour service organisations, including ILRIG, to Trotskyist groups, to NEHAWU, the UCT Worker's Support Committee,³¹ the Mandela Park Anti-Eviction Campaign, and the Concerned Residents' Movement (Lier, 2005: 46; Lier and Stokke, 2006: 811-812). It also helped inspire another coalition, the Western Cape Anti-Eviction Campaign, in November 2000 (Lier, 2007: 38; Miraftab and Wills. 2005.). These organisations shared a common struggle around increased service charges, cut-offs, and evictions, and privatisation (Wainwright, 2012: 78). When I interviewed him in 2018, Ronnie argued (face-to-face interview, 14 November 2018):

The union has been very instrumental in building the relationship between the workers and the community understanding that the workers are drawn from the communities. This relationship led to the formation of [the] Anti-Privatisation Forum ...

The development over time of these two forums helps bring to light some of the specific features of SAMWU on Cape Town, and the ways in which the different Tripartite Alliance dynamics played out in the two metros. The process in Johannesburg was backed by SAMWU's Johannesburg head office, and the Gauteng regional structure of the union, the leaders of which were predominately black Africans. They were also increasingly and noticeably much more closely linked to the ANC. They also operated in a context where the ANC was firmly in control of the metro.

The process in Cape Town was closely associated with the union's Cape Town head office, Western Cape regional structure, and Cape Town branch, which were more sceptical of ANC and too a harder line on privatisation. The relation with the ANC was linked to its historically (relatively) weak roots amongst Coloureds but had more to do with the fact that these Cape

³¹ Like the Wits 2001 Crisis Committee, this had been involved in struggles around outsourcing, in this case at the University of Cape town (UCT).

unions were influenced by the region's independent left tradition and included a many veterans Coloured leaders –as well as some white leftists (see Mawbey, 2019). This was a group that now worked within the Alliance, RDP, and Freedom Charter framework, but retained some political independence in this space. The ANC's control of Cape Town and in the Western Cape was weak in the late 1990s, it had lost support in coloured working-class communities specifically, and it was not able to open doors for upwards mobility or patronage in the same way as in Johannesburg and Gauteng.

The SAMWU campaign in Johannesburg came to a sudden stop in 2000. The union had escalated its campaign against iGoli 2002 in late 2000, with a two-day strike in mid-November and another at the end of the month (Barchiesi, 2007: 63). The city council threatened legal action, refused to give SAMWU permission to protest publicly in terms of the laws governing public gatherings, and laid charges for vandalism by strikers (Barchiesi, 2007: 63). Soon before the local government elections in December, the union unilaterally stopped its campaign, entered negotiations with the municipality. It quickly reached a settlement in which the protests were stopped in return for promises of job security and a vague municipal commitment to further engagement over iGoli 2002 (Musi, 2010).

In early 2001, the municipality unilaterally implemented iGoli 2002, but SAMWU remained silent. It did not restart its campaign. It seems clear that the ANC, parts of COSATU and many in SAMWU in Gauteng wanted the union to back down from a confrontation with the ANC that could have been embarrassing, if not disastrous, in the upcoming local government elections (Musi, 2010).

None of this means that SAMWU was as severely compromised as SANCO, which by this time was marginal and in crisis. It was in no way simply an ANC stooge. In July 2002, SAMWU held a massive three-week national strike, its biggest ever (Cooper, 2006: 37; 2009: 22-23). It included marches to municipal offices and occupations, blocking roads, and picketing. In addition to wage issues, it raised demands about the lavish pay of senior municipal officials and privatisation. Obviously, this strike was directed against SALGA, which was a predominantly ANC-led body, and many of the issues raised were obviously criticisms of the ANC's performance in local government.

But no effort was made at community-worker alliances. SAMWU had not just backed down on the iGoli 2002 issue of the local government elections, but also due to pressure from the ANC and COSATU regarding the Gauteng APF (Barchiesi, 2007; Buhlungu, 2004a; McKinley, 2012). The APF was regarded as developing into a hub of anti-ANC and far left forces, like the Soweto Electricity Crisis Committee which was led by a former ANC town councillor who had been expelled from the party, Trevor Ngwane.

It is important to say here that the issue not only about pressure from outside. Many in the SAMWU head office in Johannesburg, the union's Gauteng region, and its Johannesburg branch shared ANC and COSATU concerns about the APF. SAMWU's withdrawal from the Gauteng APF was also line with a central feature of Alliance politics, the belief that the ANC must be contested not alienated (van der Walt, 2006). The Alliance was the key method to shape ANC policies, and the ANC was seen as the main vehicle for workers' demands (Lier and Stokke, 2006: 819). It could not be surrendered, from this outlook. As NUM leader Gwede Mantashe, in a 2003 debate with Ngwane put it, better to work inside the Alliance and ANC than "howl on the periphery" (quoted in Maisiri, Nyalungu and van der Walt, 2020: 801). Even without this way of thinking, many in the unions simply did not agree with many of the groups drawn to the APF (Maisiri, Nyalungu and van der Walt, 2020: 808-810). Even Mashishi, the most important left-wing leader in the Johannesburg national office, complained that the APF, started by SAMWU, had been "hijacked" (quoted in Buhlungu, 2004a: 9)

The 2003 SAMWU congress failed come up with a clear position on these issues. The Secretariat's report stated that the union supported progressive social movements, and should form tactical alliances with them, and that community-based organisations were important in the struggle against local government restructuring that was against working-class interests (Secretariat report to SAMWU's 7th National Congress, 2003). On the other hand, it argued, there were increasing numbers of new, independent social movements in South Africa, and the union should therefore be cautious and selective in any engagements (Secretariat report to SAMWU's 7th National Congress, 2003).

Without a clear direction but some sort of acceptance work with social movements, different SAMWU structures could interpret the road forward in different ways. In Gauteng, all organisations with ANC links withdrew from the APF by the middle of 2001, including NEHAWU, SASCO and SAMWU. In 2003, COSATU pushed the APF out of the offices it

used in COSATU House “at the behest of the ANC,” and by this time, many Alliance leaders were making “public attacks” on the APF (McKinley, 2012: 10, 14). In 2004, SAMWU’s work on iGoli 2002 had been reduced to “doing research” to see if the programme “delivered the promised benefits,” and only then, if that were the case, would it consider restarting its campaign (Buhlungu, 2004a: 9-10). This was in line with the principle of accepting privatisation on a case-by-case basis, which COSATU had endorsed in the 1990s with the National Framework Agreement and the Municipal Services Framework Agreement, and far from SAMWU’s original complete opposition.

But the situation in the Cape was different. The ANC was hesitant about, and sometimes critical of, SAMWU’s participation in the Cape Town APF, which clearly included anti-ANC forces (Lier, 2007: 43). There were also suspicions about the loyalty of the SAMWU leaders in the city to the ANC and the Alliance. But then, when the ANC’s grip on the Cape Town municipality started to slip, which was as argued earlier, in important ways linked to the racial demographics of the city and the region, SAMWU’s opposition to municipal neo-liberalism stopped being a threat. It just did not raise the same sort of issues seen in Johannesburg. If SAMWU fought municipal neo-liberalism, even alongside groups that the ANC did not like, the struggle would be against the country’s most important *DA-led* municipality and put the DA in a bad light.

That could also be expected to help the ANC in future elections, as the ANC fight back against the DA in the Western Cape focused on arguing that it was a white party that did not care about the townships. In local government election, the ANC in Cape Town repeatedly hit the DA-led council for the state of the townships and was willing to attack it for municipal neo-liberalism (even though it had the same policies). A good example was in 2010, when the ANC Youth League laid charges at the Human Rights Commission against the council for building unenclosed toilets in Khayelitsha. These were being by a private contractor, the issue sparked a massive controversy called the “toilet wars” (Tempelhoff, 2012).

The power relations between the ANC and SAMWU were also different. The ANC lacked significant access to state power in local and provincial government in the Western Cape, so it had (relatively more) limited scope to offer union leaders upward mobility, or less space to offer patronage to workers in municipal jobs. It was not able to exert the same direct pressure, and it could not easily appeal to a narrower “Africanism” to close down discussions. Instead,

it was much more dependent on SAMWU than in Gauteng. SAMWU had a large presence in black African townships, was the only large ANC-aligned organisation in the Western Cape with large Coloured membership and influence, and it was very well organised and resourced, which be useful in election campaigns. There were many reasons to avoid pushing too hard on SAMWU in the Western Cape.

The different paths being taken by SAMWU in the two cities and provinces continued for years after the events of iGoli 2002. The Gauteng APF had almost no remaining links to the Congress movement from 2001 until it closed in 2010. But, in Cape Town, it was different. The Cape Town APF was still active in 2005, and SAMWU was still involved even though its activities were “circumscribed” by the Alliance and needed a “difficult balancing act” (Lier and Stokke, 2006: 819). These pressures most came from *ordinary* SAMWU members, loyal to the ANC, creating dilemma for leaders like Ronnie (Lier and Stokke, 2006: 819). But the APF was not cut-off by the union, instead it relied on it heavily for resources, its meetings were sometimes attended by the union’s national leaders (Lier and Stokke, 2006: 817-818), this was something that almost never took place in Gauteng before the split.

In 2009, 2010 and 2011, SAMWU held several protest marches on the municipal offices in the Civic Centre. These marches were part of an ongoing struggle against privatisation and had some successes, When I interviewed him, Peter Africa of SAMWU mentioned that (face-to-face interview, 8 January 2019):

As the union continued with the fight against privatisation, in 2009 the City of Cape Town terminated some contracts it had with some private firms. However, the private firms took the city to court. The private firms won the case, and they were reinstated. The private firms continued with the provision of services. Later on, the City of Cape Town continued with the contracting out of services.

Interestingly, these marches received support from some civil society organisations in and around Cape Town (e.g., Phaliso, 2009)

7.3.5. Back to the courts

As elsewhere, the union found it hard to avoid the temptation of using the legal system. It used the courts to delay privatisation plans affecting the city abattoir, Company's Garden, and Epping Fresh Produce market through the courts (Ludwig, 2019: 136). It also managed to win a case against the use of the Billy Hattingh scheme Khayelitsha, when, in March 1998, the CCMA ruled that this was an unfair labour practice (SAMWU, 1998: 5). However, councillors from the Tygerberg took the case to the Labour Court (SAMWU, 1998: 5), and the Court eventually overturned the ruling.

A problem that the union had now created (for itself) was that this process had now established some case law that outsourcing was *not* an unfair labour practice. The reliance on lawyers and intricate legal arguments also created the exact same problem of excluding members that happened when unions developed high-level economic policy documents using experts – something that Ronnie (1996) had previously condemned. This shows that it was difficult to balance the union's more top-down work (NEDLAC, policy research, etc.) and its more bottom-up actions (campaigns, workshops, marches, etc.)

7.4. Conclusionfs

This chapter has unpacked some of the complexities of SAMWU's development in this period. Two types of unionism, sometimes seen as mutually exclusive, co-existed: political unionism and social movement unionism. In different areas, as discussed, the union balanced these in different ways, with a more hard-line pro-ANC position emerging in Gauteng, and more flexible position in Cape Town, including more sustained work with community-based groups, including those from outside the Congress tradition. Some of this difference, it was argued, arose directly from the context, history, and politics of municipal unionism in Cape Town, including the influence of the Cape's left-wing traditions.

Clearly, unions are complex and contested structures, not reduced to their leaders, and secondly, the historic traditions of a union also make a difference in its present-day operations and ability to renew itself, exactly as Hyman's "trade union identity" model predicted (e.g., Hyman, 1996). But these developments also show how trade union identity can be, as a union grows and operates in different contexts. It is easier to map the identity when dealing a single union, in a relatively limited space, over an extended period, as with the history of the CTMWA

(see previous chapters). By the early 2000s, SAMWU was a large, sprawling union and within its developing identity, there were clear variations.

As a last point in this chapter, it is important to note the gap in what SAMWU did in the 1990s, with regard to so-called atypical workers. It tried to level-up the conditions of all workers in (direct) municipal employment, including workers in casual and other precarious employment, and to centralise collective bargaining as part of this, and, at the same time, also tried to block the growth of precarious work that took place through municipal outsourcing, which created a pool of (indirect) municipal employment, including casual, contract and labour brokered workers, who just did not fit its centralised collective bargaining model. The efforts to completely block privatisation, through strikes, community-worker alliances, the law, and policy, were all part of this process.

But it failed, and it also hid another failure of the union at the time: it tried to *protect* so-called non-SER workers, but despite committing to recruiting them, did very little to actually *organise* them. This step was only really taken in Cape Town from the mid-2000s, and when it was becoming clearer that municipal privatisation, like GEAR, had come to stay. This will be the subject of the next chapter.

Chapter Eight: Organising Cape Town's Fissured Municipal Workplace: SAMWU from 2004

8.1. Introduction

This chapter focuses on the work that SAMWU did to fight municipal neo-liberalism by directly organising so-called non-SER municipal workers, focusing closely on Cape Town. The active work that SAMWU did, in the first decade of democracy, aimed to halt the onset of neo-liberalism, extend protections to all workers and ensure that all municipal workers would be employed by the same employer, the municipality, meaning they would come under the union and share the same conditions and wages, and would be covered by the same collective bargaining system. The key challenge that faced the union was that, while so-called atypical employment had a long history in the municipal sector, which included a large secondary labour market of casual and migrant workers, neo-liberal municipal restructuring involved a proliferation of employers at the *same* workplace, but under different terms and employers, and in terms of the LRA, bargaining options (using the terms of Webster, 1994). This fissured workplace was something different (Weil, 2014: 8).

In the 1990s, SAMWU's efforts had focused on trying to prevent the adoption of municipal neo-liberalism through a range of activities – lobbying, campaigns, alliances – as seen in the previous two chapters. The unions were formally committed to organising the growing pool of outsourced workers, the need for which had also been emphasised by the 1997 September Commission (COSATU, 1997b), and SAMWU passed resolution supporting such. There were some efforts at *organising* these workers, but the overall thrust of union activity focused on *protecting* these workers through reforms to the labour laws, a process that continued well into Zuma years and continued in the NMW system. The same was true of projects like the Anti-Privatisation Forums: these brought together unions, mainly representing in-house employees, and community and leftist groups, and in this way linked up the communities and workers, unemployed and employed.

SAMWU did not manage to recruit some of these workers. In the early 1990s, the Cape Town branch started recruiting and organising workers employed through third parties and on casuals (Jordhus-Lier, 2010: 126). But there was no proper campaign to organise the fissured workplace. Generally, SAMWU, through its various activities, was winning some protection *for* these workers, but it did not prioritise *organising* these workers.

In the second decade of post-apartheid South Africa the fight to stop neo-liberal reforms was largely lost: neo-liberal municipal reforms were well-entrenched, and there was an ever-growing pool of so-called non-SER workers in need of unionisation, as both the ANC and the rival DA imposed the same basic policies in the municipalities that they controlled. The threat to the union and its members posed by these developments was serious, but as argued in chapter one, a threat alone does not itself generate union responses, or explain the forms that such responses might take. COSATU has long-standing resolutions to organise these workers, this has rarely turned into action. SAMWU, however, has a consistent history of organising so-called atypical workers that has set it apart in COSATU. In earlier chapters, this thesis has drawn on Hyman's 1996 argument, that a given "trade union identity" is "likely to preference a particular response to the rise of insecure work" (Heery and Abbott, 2000: 157), to try to explain the phenomenon of trade union identities in the context of the history of the CTMWA and SAMWU in Cape Town. This chapter looks at how this played out from the mid-2000s.

8.2. The fissured municipal workplace

As noted in earlier chapters, not every employee provided by a third-party is a low wage, rightless non-SER worker, because skilled workers in high demand can in some cases earn more through such contracts than in-house permanent workers (Adler, *et al*, 2000). This is sometimes the case in municipalities. For example, municipalities spent R1.26 billion on consultants in the 2018-2019 financial year to help draft their financial statements leading to complaints by the Auditor General (Gerber, 2020).

It is clear from the preceding chapters that *most* labour provided by brokers and third-party contractors to municipalities, in a wide range of services, has been for low-wages and vulnerable, non-union and in worse conditions than equivalent workers in full-time municipal employment. Furthermore, municipalities have been openly motivated by hopes of cutting costs and outsourcing labour issues in following this approach. Three main categories of so-

called atypical labour emerged: workers directly employed by the municipalities but on a casual and / or part-time basis; workers working for labour brokers and / or third-party service providers; and EPWP workers, employed by the state through Department of Public Works and Infrastructure, but allocated to municipalities.

The impact on SAMWU, of the fissured workplace, was not immediately apparent. The union's numbers grew rapidly in the 1990s and 2000s, despite the rapidly changing context. The rising tide of so-called non-SER jobs in the municipal arena on a scale unmatched anywhere else in the core state sector. These developments posed a threat to the union, as a growing number of people doing work for the municipality, including using its facilities, were not directly employed, and paid by the municipality and so, outside of collective bargaining at the municipality or through the SALGBC.

The fragmentation was often extreme, with larger municipalities having dozens of contractors the employees of each of which would have separate, if any, collective bargaining, and with a wide variation in wages and conditions. In addition, the EPWP system, a state-sponsored source of cheap labour, was largely outside of the LRA and NMW system. SAMWU in the 1990s was excited by the option "public-public partnerships", where one part of the state helps build the capacity of another part (e.g., Hall and Pape, 2000: 15), but the EPWP system was a PUP of a very different sort, a neoliberal PUP.

In many cases, if anything, unions have settled down to a role as the representatives of permanent workers, entrenching a divide between these workers and so-called atypical employees in the same workplaces (Kenny and Webster, 1999, 2008). In this situation, as scholarship on the atypical workers has shown, the result has been that they have chosen to organise outside of COSATU, and sometimes outside of the unions altogether. David Dickinson (2015), for example, has examined how casual workers in the SA Post Office organised their own action committees, like the *Maberete* (the "berets"), to fight labour broking after the failures of COSATU's Communication Workers' Union.³² Mondli Hlatshwayo (2018) showed how Community Health Workers, employed by NGOs contracted to the Department of Health and ignored by unions like NEHAWU eventually formed their own National Union of Care Workers of South Africa in 2015. Satgar (2016), similarly, showed how an

³² The successor to POTWA.

#OutsourcingMustFall campaign by outsourced support service workers, backed by students, secured unprecedented levels of insourcing.

8.3. The problem with the law

One reason was that it was very difficult for unions, moulded by a specific context, to change course. Many unions were used to signing up workers to stop-order forms permitting their respective employers to deduct membership fees from their wages (Gentle, 2009). Union meetings often take place on weekends, and at night, when it is assumed that the workers are not on duty. The LRA favours large, registered, national trade unions negotiating with big employers who have large human resources departments. It defines an employee as any person who works for another person and who receives or is entitled to receive remuneration, and who in any manner assists in carrying or conducting a business of an employer (Patel, 2011: 23-25), but assumes that the employee mostly works at the employer's premises. The issue is that because of labour broking and outsourcing of municipal services, argues Theron (2009: 129), "the workplace can no longer be conceived as the place where the employee of an employer works as defined by the South African Labour Relations Act."

Technically, since the workers supplied by a third-party work at a workplace that does not belong to their employers, they are at the premises of a client. Their "workplace" remains the premises of their employer such as the labour broker or the subcontracted service provider, where their administration and management take place (Theron, Godfrey and Visser, 2011: 69). These offices, where the workers do not work, are their workplaces, while the places where their actual work takes place are then not deemed their workplace. A labour broker worker, who spends almost all working time in the Cape Town municipal facility, is for example, expected to treat an office somewhere else as the workplace – even though this is where they do not work.

This situation creates serious problems for these municipal workers. Unions in South Africa are mainly built around specific workplaces in specific industries partly for very practical reasons. Industrial unions are the preferred and arguably most powerful model of union, adopted by FOSATU, COSATU and others (Byrne, Ulrich and van der Walt, 2017). A general union such as the 1980s "populist" unions organised by township can draw in many people but tend to have weak structures at the workplace and no clear negotiating partner. The workplace

is where workers can associate and know each other, and find common interests despite other differences (Moosa and Potgieter, 2018). The workplace is where workers, as a united group, have structural power.

Labour law has focused on workplace-based unions in other ways. For example, the LRA allows protests including by strikers at 100 metres of the employer's premises, which would mean such protests may not take place near the municipality. The workplace is important, as a union in terms of the 1995 LRA onwards must be sufficiently representative in the workplace to exercise organisational rights (Theron, Godfrey and Visser, 2011: 69). Trade unions are entitled to access to the workplace for purposes of recruitment and union work. The representatives which trade unions are entitled to elect are elected from the workplace (Theron, Godfrey and Visser, 2011: 69). Lastly, a workplace is also important because it allows collective bargaining to take place (Theron, Godfrey and Visser, 2011: 69). As Theron, Godfrey and Visser (2011: 69) argue, collective bargaining is based on unions having adequate members and power in the workplaces they organise (Theron, Godfrey and Visser, 2011: 69). In the same vein, collective bargaining is less likely to happen if there is no effective workplace organisation (Theron, Godfrey and Visser, 2011: 69).

Resultingly, the extensive use of third-party workers, whether from labour brokers, service contractors or the EPWP programme undermines organisational rights and collective bargaining. At a given workplace, a growing precarious workforce supplied by third parties will tend to be outside unions, leaving unions to represent a limited and in likelihood shrinking "core" of workers (Kenny, 2020). The right to freedom of association, unions, bargaining, and strikes is established in the 1996 South African Constitution. For example, Section 23 (2) of provides that "every worker has the right to (a) form and join trade union (b) to participate in the activities of a trade union; and (c) to strike" (Constitution of the Republic of South Africa, 1996).

Such rights are not openly or formally removed using third-party workers but are breached with impunity by such practices. Without a real option to use the LRA, the important right of freedom of association is undermined. Workers need to be able to associate to build workers unity and promote common interests in an organisational manner (Budeli, 2009: 57). Without the right to freedom of association, workers are more likely to be fragmented and weak, and this weakens them in relation to the employer. They are effectively although not openly denied

the right to join trade unions. The result is a what David Weil (2014: 8), quoted in Anner, Pons-Vignon and Rani (2018: 8) calls a “fissured workplace,” where the workers in the workplace are divided by the “fissures” of multiple employers, contracts, and terms.

In this situation, it is tempting for unions to ignore precarious workers, who have other employers (often hostile to unions and reluctant to offer stop-order facilities for example), who are in different bargaining units, and who are more difficult to organise, retain and service, than “core” staff. An atypical workforce in this situation, especially if neglected by the unions or alienated from them, can sometimes become reluctant to organise, or it might form new organisations outside the unions. A key example discussed earlier were the casualised workers at the South African Post Office who formed their own action committees called the *maberete* (Dickinson, 2015, 2016). They organised outside SAMWU’s sister union, the CWU – the only recognised union recognised within the South African Post Office’s mail delivery services between 1992 to 2012 – and CWU only came in at the end, playing a role in the negotiations that largely ended labour broking (Dickinson, 2016: 26-33; Donnelly, 2016).

But the approach described by Gentle (2009) was shared across COSATU, including in the state sector. What made SAMWU very different to the Communications Workers Union, or for that matter NEHAWU in higher education, was that it continued to actively engage with the growing pool of non-SER workers. Its two sister COSATU unions were harmed by rapidly growing casualisation and privatisation but were unable to stop the process and in any case, did little to organise these workers when the process happened (Dickinson, 2015, 2016; Nieftagodien, 2017; van der Walt, Bolsmann, Johnson and Martin, 2002). Like much of COSATU, they placed their hopes in reforming the labour law, or in winning court cases (van der Walt, Bolsmann, Johnson and Martin, 2002) rather than actively organising these workers.

8.4. Organising the fissured municipal workplace: SAMWU’s 2000s shift

Things began to change significantly in the second decade of democracy. SAMWU, as shown in the previous chapter, actively organised workers, and communities as part of its campaign against privatisation. SAMWU – in the first decade of democracy – used lobbying, campaigns, alliances like APF’s as well as the Tripartite Alliance, research and policy proposals including by ILRIG –, to try and halt the onset of neo-liberalism and to protect not just communities but

also workers. Blocking the neo-liberal reforms was a way of ensuring workers' common conditions and rights under a single employer, in this case the municipality, in which a strong union SAMWU would bargain and defend.

In this period SAMWU engaged in some workplace battles related to precarious workers as well as some organising. There were some strikes connected to these measures. For example, in 1997 municipal workers in Khayelitsha, Cape Town, took to the streets protesting the introduction of the Billy Hattingh Scheme (Ludwig, 2019: 136). There was a tension between the municipal workers and the ANC councillors in Tygerberg, and some councillors were assaulted (Ludwig, 2019: 136). The Cape Town High Court issued an order to the union and other workers to stop disturbing the municipal services of the City of Tygerberg, and harassing the ANC councillors, Khayelitsha officials and other people taking part in implementing the scheme (Ludwig, 2019: 136).

This must be understood in the context of SAMWU's hostility towards neo-liberalism as well as its long-standing formal commitment to organising all workers in the sector. SAMWU's current constitution, section 3.1.1, states that (Constitution of South African Municipal Workers Union, 2007):

Membership of the union shall be open to workers employed, directly or indirectly, in local authority and water utilities and allied undertaking of the economy whether in the public private or voluntary sector ...

These workers, SAMWU's constitution states, include workers providing public and administrative services in municipalities and local authorities; health and social services; libraries, culture, and other community services; water and sanitation; solid waste management and environmental services; road construction and storm water drainage; electricity generation and distribution; public transportation and traffic control; and telecommunication and information services.

No distinction was drawn here between those employed directly by the municipality, and those who are not, or between casual and temporary staff, or permanent workers. What is stressed was that all the workers should be employed in secure, decent work with equal pay for equal work and collective bargaining rights. Sidney Flusk, a SAMWU organiser in the Cape metro,

summarised the union's position in an interview conducted by the author: "The SAMWU's commitment to organise casual, contract, labour broker workers and EPWP workers is informed by the union's constitution and the Local Government Service Charter [of] 2016" (face-to-face interview, 15 January 2019).

In the early 2000s SAMWU decided on a three-year plan for organisational renewal that include devoting time and resources to developing strategies to recruit and represent these workers (Samson, 2004b: 45). The motives for such actions seem to be partly a mixture of preserving the union, but more important was the union's commitment to defending all the workers. Union documents from the time do not indicate a sense of the organisation being under threat, and, as noted earlier, SAMWU's numbers were at the time extremely healthy. SAMWU's Peter Africa explained, when I interviewed him, that (face-to-face interview, 8 January 2019):

SAMWU has decided to organise these workers because the majority of them are vulnerable and do not have a legal organisation that will represent them. As such, the majority of them have approached SAMWU for help in relation to their employment conditions and benefits

He did add, though:

This commitment is informed by the fact that the SAMWU's failure to organise these workers will significantly undermine the union's organisational presence and power.

A marked shift towards directly organising (not just protecting) precarious workers happened in Johannesburg. In 2011, for example, SAMWU's Johannesburg branch launched an organising drive at the municipal service provider, Pikitup (Webster and Ludwig, 2017b: 178). This was a large workforce, in an entity that further contracted some of its own staff. In 2010, Pikitup's permanent workforce was roughly 2 800 but a similar number was outsourced as temporary staff (Webster and Ludwig, 2017b: 179).

On 1 April 2011, SAMWU workers employed by the municipality joined permanent as well as temporary workers at Pikitup on a one-week go-slow, followed by a two-week protected strike from 7 April 2011, demanding Pikitup absorbed all its outsourced workers as permanent basis

(Webster and Ludwig, 2017b: 179). The campaign was a success as Pikitup ended up absorbing roughly 2 900 workers involved in cleaning services (Webster and Ludwig, 2017b: 180). The permanent Pikitup workforce increased to roughly 5 400 (Webster and Ludwig, 2017b: 180). It should be mentioned that SAMWU still pushes for the government to do away with privatisation of municipal services. For example, on 11 May 2023, SAMWU marched to the Gauteng provincial government's offices and the ANC headquarters in Luthuli House (Ramushwana, 2023). During the protest, Gauteng SAMWU's deputy general secretary, Dumisani Magagula, mentioned that the privatisation of municipal services placed the jobs and livelihoods of public servants at risk (Ramushwana, 2023).

There were several protests led by SAMWU and precarious workers themselves. In September 2007, non-permanent workers at Johannesburg and Tshwane metros took to the streets demanding the removal of labour brokers, and the direct employment of all workers by the metros (Rees, 2009:111; Theron, 2011:21). The Department of Labour's 2011, 2013, 2014 and 2015 *Annual Industrial Action Reports* noted, for example, numerous protests led by SAMWU involving precarious workers. For example, in the Sol-Plaatjie municipality in the Northern Cape, workers associated with SAMWU embarked on strikes on 5 August 2013 demanding permanent appointment of all casual and contract workers as per settlement agreement that was reached on 12 June 2013 (Department of Labour Annual Industrial Reports, 2013: 39).

On 10 February 2014, workers from Umlazi, Nkandla, Mbonambi, Mthonjaneni and Ntambanana in Northern KwaZulu-Natal, protested demanding, amongst others, a minimum wage of R4 500 and permanent employment with benefits of all contract and part-time workers who worked for more than five years (Department of Labour Annual Industrial Action Report, 2014: 25). On 4 March 2015, workers in the Ventersdorp municipality protested raising numerous issues such as continuous use of the service providers who are close to the directors and politicians and harassment of workers on racial grounds, amongst others (Department of Labour Industrial Annual Action Report, 2015: 31).

The 2015 SAMWU congress, held under the theme of "Decent Jobs, Wages and Accessible Services" made it explicit that the union sought to include EPWP workers (Ramotlou, 2015). It was resolved that the union should increase its membership base, and organise every worker who is rendering municipal services, including casuals, part-time workers, labour broker workers, workers in other contractors, and EPWP workers (Ramotlou, 2015). All workers,

including the EPWP workers, needed to have a place in the union, and the union furthermore denounced the exploitation and victimisation that EPWP workers experienced daily in the municipalities (Ramotlou, 2015).

On 15 March 2021, SAMWU held a National Collective Bargaining Conference in Johannesburg. At the conference, SAMWU resolved that (SAMWU Secretariat, 2021):

The union should engage EPWP and CWP workers and other COSATU affiliated unions where there are CWP workers with the aim of having a joint programme. The union should also recruit these workers to join SAMWU

Furthermore, at the same conference SAMWU resolved that that EPWP and CWP workers should be employed on a permanent basis by municipalities. SAMWU is of the view that EPWP and CWP workers in the sector should enjoy the same conditions of service (SAMWU Secretariat, 2021). SAMWU also reaffirmed its long-standing demands for an end to casualisation, the outsourcing of municipal services and the use of EPWP employees. All should be employed in decent, permanent jobs with proper remuneration, benefits and working conditions. The aim was not excluding precarious workers from municipalities but to demand that all workers who employed in whatever way become employed permanently by municipalities on equal terms (Ramotlou, 2015).

At its 2021 congress, SAMWU objected to the many municipal services being outsourced, especially services that are permanent functions of the municipalities (SAMWU Secretariat, 2021). The union further noted that the outsourcing of municipal services has resulted in workers being in precarious working conditions with no job security, paid lower wages while the owners of these companies are making millions (SAMWU Secretariat, 2021). In line with the above view, SAMWU, resolved that all these functions be insourced because it will save municipalities money, and it will ensure that these workers have job security and that their conditions of service are aligned to those of all workers in the sector (SAMWU Secretariat, 2021).

8.5. Recruiting in Cape Town from the 2000s

To increase its membership base in the Western Cape, SAMWU had taken up a recruitment drive in line with a resolution taken at its 1997 congress (Serfontein, 1998: 42). SAMWU

wanted to increase its membership to 150 000 in 1999 (Serfontein, 1998: 42). SAMWU started its massive recruitment drive on 19-26 October 1998 by recruiting new members in the Darden Route and Karoo Branches (Serfontein, 1998: 42). From Garden Route and Karoo, SAMWU members went to the Boland area and spend days in early November 1998 (Serfontein, 1998: 42). The recruitment drive campaign was a success in a sense that many new municipal workers were recruited, especially in different municipalities (Serfontein, 1998: 43). Through its recruitment campaign, SAMWU managed to address all the problems municipal workers were faced with, and the union made an impact on their members (Serfontein, 1998: 42).

However, by the mid-2000s, SAMWU was losing significant numbers of members in Cape Town. SAMWU's Cape regional secretary, Mike Khumalo, recalled that while in 2003, the membership in the metro reached 18 000, it then dropped steadily, to 15 000 in 2005-2006, then 13 000 in 2010, where it has remained until the present (face-to-face interview, 21 January 2020).

Year	SAMWU membership in Cape Town region
1993/4	11 500
2003	18 000
2005/6	15 000
2010	13 000
2015	12 000
2020	13 000

Table 5: SAMWU membership in the Cape Town region 1993-2020

Source: Catchpole (2002:144); Lier (2007:38). Mike Khumalo (interview, 2020).

There were several reasons for the rapid drop, some of them linked to organisational dynamics. There was a successful recruitment campaign by IMATU. IMATU had roots in white workers' unions which had formally opened their ranks to all with the Wiehahn-era LRA reforms. It was probably still predominantly comprised of white workers at its founding in 1996 and was certainly seen as a mainly white, economic union. SAMWU's Khumalo recalled (face-to-face interview, 21 January 2020):

IMATU use[d] to be the union for white municipal workers. with time, it became open to non-white workers. It's approach to allow non-whites workers in the union was very much conservative. Some non-white workers were reluctant to join it

This was in contrast with the militant, politicised, mainly black African and Coloured SAMWU. In the years that followed, IMATU actively recruited blacks, Coloureds, and Indians, with some success. In the 2000s it made rapid inroads in Cape Town, to the extent that “there was a time when SAMWU had less membership than IMATU” (face-to-face interview with Peter Africa, 8 January 2019). SAMWU later overtook IMATU, but the gap stayed narrower than before. In terms of union representation, the Cape Town's 2010/11 *Annual Report* stated that SAMWU had 12 282 employees, while 9 294 employees belonged to the IMATU (City of Cape Annual Report 2010/11:100).

Why workers went from SAMWU to the other union is debatable. In some cities, black African workers especially in more white-collar jobs were really attracted by IMATU's reputation of being reasonable and moderate, unlike a supposedly strike-prone SAMWU (Nthyinya, 2014). SAMWU's Mike Khumalo implied that issues in SAMWU drove some people into joining the other union. There was unhappiness where some “members did not like some of the decision the union leadership were taking” and left (Mike Khumalo, face-to-face interview, 21 January 2020). SAMWU's Peter Africa, provincial organiser from mid-2015, had another view (face-to-face interview, 8 January 2019):

... this was not SAMWU's fault; it was because the IMATU poached the SAMWU members because the IMATU had officials working in the recruitment [in the] city of Cape Town ... Instead of doing the right thing when the SAMWU send in members' names, the IMATU officials were taking the SAMWU members for their union. The situation caused members to pay dual union membership fees

Whatever the reason, of importance to this thesis is that there were also conditions outside the union that were taking a toll. By this time municipal neo-liberalism was well-entrenched in the city. As noted in Sections 6.3. and 6.4. both the ANC and DA engaged in substantial reforms, with major effects on workers, fostering non-unionised, precarious work and a “fissured” workplace.

Union numbers were falling as well because fewer workers in the municipal workplace could meaningfully access LRA right for reasons explained in the opening section of this chapter. The unionisation rate in the municipality remained very high, way above most of the private sector: it was around 87.5 percent in 2010/11 (City of Cape Town Annual Report 2010/11: 100), but this referred only to workers employed directly by the metro. But the numbers of workers directly employed by the municipality in full-time work were falling steadily. According to SAMWU's Khumalo, in 2000, it had a permanent staff component of 36 000, which had fallen to around 26 000 in 2020 (face-to-face interview, 21 January 2020). This was directly linked to restructuring, with some workers coming through labour brokers, others through private service providers to the municipality, and others through the EPWP jobs.

The city's reports back this up. From 2000 and 2016, the municipality seems to have pushed its permanent workforce to below 30 000. For example, its 2015/16 *Integrated Annual Report* stated that at the end of June 2016 it had just 26 349 permanent staff, including all levels from top management to the unskilled (City of Cape Town Integrated Annual Report 2015/16: 125). The next report, for 2016/17, had permanent staff at 26 865 (just under 2 percent increase) (City of Cape Town Integrated Annual Report 2016/17: 153).

By the mid-2000s, this had gone on for almost a decade. According to Khumalo, the union was not well-prepared for the restructuring, and lost members due to measures like the closure of some depots and municipal nurseries (face-to face interview, Mike Khumalo, 21 January 2020).

As noted in the previous chapters, large parts of the municipality were affected by neo-liberal reforms, including cost-cutting, commercialisation, corporatisation, privatisation and growing use of precarious workers. These included electricity, law enforcement and traffic department, office and administration, solid waste, water and sanitation. Casual and part-time jobs, the supply of workers by third-party employers like labour brokers and service providers, and the growing use of EPWP labour saw precarious work spread throughout the City's departments.

Municipal reports seem to suggest that the vacancy rate for the City of Cape Town was very high, at 8.61 percent in 2015/2016 and 9.69 percent for 2016/17, meaning almost 10 percent of permanent jobs were not being filled (City of Cape Town Integrated Annual Report 2015/16: 125; City of Cape Town Integrated Annual Report 2016/17: 153). This lends itself to the idea that the municipality preferred to get the affected tasks done in other ways, including by casual

and part-time staff. For example, at the Hanover Park solid waste depot, there is also a substantial number of refuse removal workers who are continually employed but on a casual basis. According to SAMWU shop steward Ishmael Cloete, who works at the Hanover Park depot, based in a predominantly Coloured township, these workers are employed on periods from two weeks to three months, and sometimes even longer, working full shifts (face-to-face interview, 31 July 2019):

... casual workers ... perform municipal services such as sweeping of the streets, area cleaning and bin collections. They work shifts and are paid their wages fortnight. Some starts their shift at 7:00 am to 15:30 pm, and others start their shift at 12:00 am to 20:30 pm. They do not have benefits like house subsidy and medical aid. They only have UIF deduction ...

Casual workers are cheaper than permanents: they can earn as little as R2 000.00 monthly, whereas the entry-level minimum salary for a permanent, low-level municipal worker such as general refuse removal workers is R8 500.00 (face-to-face interview, Andrew March, 17 January 2019).

Other precarious workers are in similarly poor situations. Private firms employed casual, part-time, and permanent workers, but the first two sets seem to have particularly bad conditions. In 2009, SAMWU leaders reported that in some firms these workers did not have adequate access to washing and cleaning facilities (Ronnie and van Niekerk, 2009: 32-33). Reports by the Social Justice Coalition (SJC) in 2013 and 2016 (SJC, 2013; SJC, 2016) state that some workers working for private contractors did not receive protective work clothing such as rain suits, gloves, safety shoes and overalls, obliging them to do without or buy from their own pockets.

Lance Veotte, formerly a SAMWU shop steward at the Water Works department, then the Cape Town Branch SAMWU Chairperson, suggested that (face-to-face interview, 30 January 2019):

The city does give contractors money for working equipment, but the contractors do not buy equipment for workers. As a result, the safety and health of poor workers are

compromised. Those who have working equipment are expected to not lose their equipment, or else they have to pay for them ...

This seems to show a long-term pattern where, as another way of cutting labour costs, notably salary costs, private companies not only employed small numbers of workers to do jobs that would be done by larger numbers in normal conditions, but also cut costs on equipment (Ronnie and van Niekerk, 2009: 32-33). Andrew March, SAMWU shop steward in the Transport, Roads and Stormwater Department, maintained (face-to-face interview, 17 January 2019):

The city is employing the cheapest labour without benefits. The bottom line is cost saving, and it does not matter what the workers' implications are. The cost-saving happens at the expense of poor workers.

Many labour broker workers were vulnerable to arbitrary dismissals, as they were not protected the same way as in-house municipal workers (Rees, 2009: 116). These workers' contracts were fixed-term contracts, meaning fixed days, weeks, and months, and even years (Rees, 2009: 116). But these were also conditional, as they would end if the municipality stopped using the service provider, then their contract was likely to be stopped (Rees, 2009: 116). Some workers for private providers, a report revealed, did not even have copies of their employment contract and did not know whether their employment contracts existed (Social Justice Coalition, 2014). This took place at arms-length from the municipality, as it had no direct relationship with the workers as employer and did not have to deal with these issues in standard collective bargaining.

Creating even more issues for the union was that a complex structure of contracting was in place. As seen in the previous chapter, in Cape Town the City of Cape Town's rapid bus transit system MyCiTi was a major investment with a range of private contractors involved in the design and construction phase. Large parts of the system when it was up-and-running were contracted out, to vehicle operating companies Kidrogen, Table Bay Rapid Transit and Transpeninsula Investments, while cashier, marshalling and cleaning services went to other firms (Washinyira, 2018; also, face-to-face interview, Peter Africa, 8 January 2019). Similarly, there is a law enforcement programme funded by the private sector outside the city's Safety and Directorate section with 224 externally funded law enforcement officers effectively doing duty for the City of Cape Town (City of Cape Town Integrated Annual Report 2016/17: 96).

On top of this, the use of EPWP workers was gaining ground at an unprecedented rate. In a 2016/2017 report, the City of Cape Town reported that it had used more EPWP workers in many departments to improve operational productivities than in the previous five years (City of Cape Town Integrated Annual Report 2016/17; also see Webster, Ludwig, Masikane and Spooner, 2021: 2-3). The city stated that EPWP workers gained work experience and skills (City of Cape Town Integrated Annual Report 2016/17: 64). It ran 745 projects from 2009-2012 worth R1.4 billion that involved EPWP projects (South African Cities Network, 2013/14: 23). The Table shows the number of EPWP “job opportunities” in the City of Cape Town from 2010/11 to 2016/17 financial years.

Financial Years	EPWP workers “job opportunities”
2010 – 2011	13 145
2011 – 2012	26 403
2013 – 2014	38 303
2015 – 2016	44 942
2016 – 2017	45 370

Table 6: The number of EPWP Workers in “Job Opportunities” in the City of Cape Town, 2010/11 to 2016/17 financial years

Source: *City of Cape Town Annual Reports, 2010/11 to 2016/17.*

These workers faced temporary employment, irregular earnings, a lack of benefits of union representation (Webster, Ludwig, Masikane, and Spooner, 2021: 3). Due to their short-term contracts of three to six months, job insecurity is a major concern (Webster, Ludwig, Masikane, and Spooner, 2021: 3). In municipalities, EPWP workers were employed in traffic and law enforcement, water, sanitation, and refuse removals. The municipal nursery in Newlands in the southern suburbs relied heavily on EPWP workers, according to a SAMWU representative (face-to-face interview, Mike Khumalo, 21 January 2020). EPWP workers, said another, also “perform municipal duties such as cleaning of streets in the city and its townships, refuse removal and beach” (face-to-face interview, Peter Africa, 08 January 2019).

The city reported that Law Enforcement’s Stabilisation Unit had trained 90 EPWP workers to be employed in saturation policing in Cape Town’s crime hotspots and other areas (City of

Cape Town Integrated Annual Report 2016/17: 96). The Unit is deployed in gang-concentrated townships such as Bishop Lavis, Manenberg, Hanover Park and Ottery. There is also a Neighbourhood Watch programme that draws on EPWP workers. For example, the City of Cape Town's 2016/17 *Integrated Annual Report* mentioned 50 EPWP workers and eight auxiliary law enforcement officers at ten facilities in the Gugulethu and Nyanga townships (City of Cape Town Integrated Annual Report 2016/17: 102).

The employment of EPWP workers is large-scale but also quite complicated. As seen in the previous Table, in the 2016/2017 financial year there were 45 370 EPWP workers in the system, nearly twice the number of permanent municipal staff. But it must be noted that the EPWP employment duration is limited, so these are not permanent or long-term jobs; many are only for three or six months. Further, in fact some people are re-employed in the same year but counted as another "job opportunity." The City of Cape Town counts every contract not every individual person employed as a "job opportunity," which is partly why the number is so high. It must not be forgotten that no matter how the figures are counted, they represent a disturbingly large group of people being cycled in and out of work through the EPWP database as job seekers in a wide range of jobs.

Further complicating the system is that ward councillors play a role in selecting local people within the geographically defined ward within the municipality. SAMWU's Peter Africa explains that "The EPWP's hiring method is through ward councillors and the programme hires people from where they live" (face-to-face interview, Peter Africa, 08 January 2019). But NGOs are also involved, like the Insika Foundation, an implementing agent contracted by the Department of Co-operative Governance and Traditional Affairs to manage the CWP in the Western Cape and KwaZulu Natal from 2018 to 2021 (Allies-Husselman, 2019). Then again, the EPWP is based in the Department of Public Workers and Infrastructure. But its workers undertake many municipal duties. Who then is the employer whose workplace these workers should direct their attentions in terms of the LRA?

Compounding the issue, as noted in a previous chapter, EPWP workers get very low wages on the grounds that this is a relief work. In 2012, then-SAMWU Cape Town regional secretary, Mario Jacobs stated that EPWP workers got R60.00 per day while a permanent council worker received R240.00-plus (Jacob, 2012). With the passing of the NMW Act, EPWP workers were specifically excluded from the national minimum wage, getting a lower rate: a Ministerial

determination published in 2018 set this at R88.00 per day (Department of Labour Annual Industrial Action Report, 2018). This meant was around 41 percent of the national minimum wage of full-time permanent workers, and the salary gap further increased if benefits such as medical aid and provident fund are included (Webster, Ludwig, Masikane and Spooner, 2021: 3).

In 2019, a local Cape Town newspaper, *Athlone News*, revealed that EPWP workers in Manenberg earned as little as R740 - R780 per month (Allies-Husselman, 2019: 2-3). The same article stated that while they “work a total of eight days a month and earn a R780 stipend,” their supervisors “work two days a month and earn a stipend of R2 540” (Allies-Husselman, 2019: 2-5). SAMWU’s Jacky Saal, Deputy Regional Secretary and Mike Khumalo, SAMWU Chairperson stated that EPWP workers who cleaned the streets earn a daily rate of R90.00 - R100.00; they did not of course get additional benefits, or special rates for work on public holidays (face-to-face interview with Jacky Saal, 18 January 2019; face-to-face interview with Mike Khumalo, 21 January 2020).

Wage, called “stipend”, payments were sometimes late. This author attended a meeting held at a Manenberg School on the morning of 15 January 2019 under SAMWU auspices where EPWP workers present stated they did not have employment contracts. Later that year a local newspaper reported that EPWP workers in Manenberg complained that they had not been paid their salary or stipend for more than five months or had not been paid their stipends in full or regularly (Allies-Husselman, 2019: 2-5). According to SAMWU’s Peter Africa, late payment was a common occurrence, similar to the situation facing some workers on private contractors (face-to-face interview with Peter Africa, 08 January 2019).

SAMWU has made several efforts to recruit and assist precarious workers. By 2009, for example, SAMWU’s Ronnie and van Niekerk (2009: 32) reported that the City of Cape Town’s solid waste department had 36 percent of the workers who were not permanent in 2009, and the union managed to organise 28 percent of the non-permanent workers in Cape Town’s refuse removal department.

In 2019, SAMWU’s Peter Africa claimed that recruitment started to take place on a large-scale among so-called non-SER workers in the municipality: “The SAMWU has managed to

organise around 3 500 non-permanent workers” and that “These workers include EPWP workers, casual and labour broker workers (face-to-face interview, 8 January 2019).

The exact numbers of precarious workers who have joined SAMWU at a given stage is unfortunately not quite clear from union figures. For example, a SAMWU leader reported 13 000 paid-up members in Cape Town but stated that this figure did not include labour broker and EPWP workers (face-to-face interview, Mike Khumalo, 21 January 2020). This suggests some figures given for union size are simply a headcount of members using stop-order facilities for membership fees provided by the municipality to its own employees.

8.6. Organising: protests and strikes in Cape Town

Another case in point is SAMWU organising workers hired by the Hlumani Wasteman (Pty) Ltd, a division of Wasteman Group which is partly owned by the French water corporation Suez Environment (Jordhus- Lier, 2010: 126). In 2007, Wasteman hired close to five hundred refuse removal workers, and SAMWU claimed to have organised three hundred of these workers at the beginning of 2007 (Jordhus- Lier, 2010: 126). Furthermore, in 2006 SAMWU had managed to organise 176 workers hired through the labour broker called Masibambane Recruitment to work for the Cape metro (Jordhus- Lier, 2010: 127). However, organising workers hired through labour brokers is not simple because labour brokers hire workers to work in numerous places often not for a long period (Jordhus- Lier, 2010: 127). As a result, it is not easy for a union to recruit these workers and keep them (Jordhus- Lier, 2010: 127-128).

Since the 2000s, the union has engaged in many protests, including strikes raising issues like opposition to the contracting out of municipal services, wages, working conditions, racism, victimisation, and opposition to short-term contract employments and the extensive use of labour brokers and EPWP workers. The EPWP system was and is a major concern for the union, especially as EPWP numbers tripled from 2010 to 2016 (see Table 6 above). Cape Town SAMWU wants the EPWP system abolished, not by pushing these workers out, but by getting them employed permanently and directly by the City of Cape Town. According to SAMWU shop steward, Ishmael Cloete, of the solid waste depot in Hanover Park, the city made extensive use of the EPWP system (face-to-face interview, 31 July 2019):

EPWP is a system we want to eradicate because it exploits the workers. These workers do not have benefits, their salary is very low, regardless of them performing municipal duties.

The union resolved to recruit EPWP workers and defend their rights, as they were doing the same tasks as full-time permanent municipal workers and therefore were also municipal workers.

There was a convergence of struggles by SAMWU and the precarious workers from the late 2000s although sometimes things went on separate tracks. On the SAMWU side, frustrated at a lack of consultation, workers protested on 31 January 2008 against the City of Cape Town's restructuring process. The union argued that the process was a unilateral, dictatorial restructuring that made employment relations unbearable (Department of Labour Annual Industrial Action Report, 2008: 3). The action emerged from a dispute with the City of Cape Town around the organisational rearrangement of workers (Department of Labour Annual Industrial Action Report, 2008: 3). SAMWU workers also protested for the delivery of better services in their communities (Department of Labour Annual Industrial Action Report, 2008: 3).

Meanwhile, precarious workers also started to take action. For example, on 14 September 2009, parking attendants employed by SPS embarked on a strike protesting being fired by SPS for standing up for a colleague. A woman parking attendant was allegedly stripped of her underwear by a man, her boss (Department of Labour Annual Industrial Action Report, 2009: 19). During the protest, the parking attendants voiced other concerns. They stated that before the SPS was given the contract, workers used to be allocated five parking bays each by the City of Cape Town, from which they had to make R500.00 per month for the City (Department of Labour Annual Industrial Action Report, 2009: 19). Additionally, they were paid a monthly salary of R450, and were allowed to keep all the takings above the R500.00 they were required to make for the city of Cape Town. Under SPS, they alleged, the basic salary was replaced by a pure commission system, and they now had only four parking bays to make R500.00 (Department of Labour, 2009: 19). If they failed to generate R500.00, they were charged with misconduct, and then dismissed (Department of Labour Annual Industrial Action Report, 2009:19).

On Friday, 24 April 2009, around 300 SAMWU members marched to Cape Town's Civic Centre demanding an end to privatisation of municipal services (Phaliso, 2009). Significantly they demanded that municipal services be returned from private firms, and their workers insourced, and that non-permanent workers be employed permanently by the municipality (Phaliso, 2009). They handed a memorandum to the DA's head of the Mayoral Committee, Dan Plato, (Phaliso, 2009). In September 2009, SAMWU led a mass march on the Civic Centre demanding the full-time employment of labour broker workers. An agreement was signed between SAMWU and the municipality that the city would employ labour broker workers permanently. Later in the year, November 2009, indeed close to 1 000 labour broker workers at various depots were employed permanently by the City of Cape Town (face-to-face interview, Mike Khumalo, 21 January 2020).

From 2012 to 2015, SAMWU worked repeatedly with EPWP workers to get them permanent jobs and better salaries. This has been studied in detail by Ludwig and others (Webster, Ludwig, Masikane and Spooner, 2021: 3). For example, on 5 July 2012, 100 SAMWU members went on protest around Keizergracht street in Zonnebloem Cape Town demanding the City of Cape Town to employ more workers for municipal services, and salary increases for workers hired under EPWP (Department of Labour Annual Industrial Action Report, 2012: 36). It was reported that permanent council workers are paid R240 a day and EPWP worker paid R60 a day (Department of Labour Annual Industrial Action Report, 2012: 36). During the protest, SAMWU handed over memorandum of demands to the City of Cape Town (Department of Labour Annual Industrial Action Report, 2012: 36). Webster, Ludwig, Masikane and Spooner (2021: 3) also point out that in 2012 SAMWU supported an unprotected strike by EPWP workers. SAMWU demanded that the City of Cape Town employ EPWP workers permanently, or at least extend their contracts by a year so the city of Cape Town and the union could engage on phasing EPWP workers into vacant job positions (Webster, Ludwig, Masikane, and Spooner, 2021: 3).

The municipality was reluctant, arguing it did not control the EPWP's service conditions (Webster, Ludwig, Masikane and Spooner, 2021: 3). It was worried about the growing numbers in the strike, which rose to 200. The campaign slowed down after two months of intensive protests, but was revived by SAMWU in 2013, but this time the union emphasised gaining community involvement and meetings to support the EPWP workers (Webster, Ludwig,

Masikane and Spooner, 2021: 3). There were strikes in 2014 and 2015, although uneven won some recognition of the rights of the EPWP workers.

At the same time, the pattern of separate struggles continued. In September 2013, for example, SAMWU municipal workers embarked on a strike demanding a salary increase, an end to discrimination at some municipal depots, a transport allowance, and an adjustment of work programmes. On 20 May 2014, SAMWU workers marched to the City of Cape Town's Civic Centre demanding better working conditions, as well as calling for an end to victimisation of workers by managers. The same year, November 2014, the MyCiTi bus drivers embarked on a protest demanding an increase in salary to R9 000 per month, medical aid, better working hours and other benefits (Department of Labour Annual Industrial Action Report 2014: 34). On 4 December 2014, hundreds of EPWP workers, supported by some members of SAMWU, picketed outside the City of Cape Town's Civic Centre demanding to be employed permanently by the City of Cape Town (Isaac, 2014). During the picket, one EPWP worker, Nangamso Ndlazi, said "she has been a casual worker for EPWP for three years". She said EPWP does not offer them any benefits even though they are doing the same job as municipal staff" (Isaac, 2014). Some SAMWU members supported the EPWP workers because they are "fully behind the idea of decent jobs" (Isaac, 2014).

On 16 April 2015, SAMWU workers went on strike protesting the city's Technical Operation Centre Call Centre at the City of Cape Town, complaining about racism and victimisation; the union demanded the removal of white management at the centre (Department of Labour Annual industrial Action Report, 2015: 32). On 4 May 2015, workers affiliated to the SAMWU in the City of Cape Town embarked on a strike. SAMWU pointed out that workers demanded an 11 percent salary hike, provision of transport for workers and the removal of the shift system that was changed without discussion with workers and SAMWU (Department of Labour Annual Industrial Action report, 2015: 32). On 9 September 2015, EPWP workers, led by SAMWU, marched to the City of Cape Town demanding permanent employment (Bernardo, 2015). During the protest, SAMWU, demanded that the City of Cape Town's mayor, Patricia De Lille, mayor of Cape Town from 2011 to 2018, agree to filling vacancies such as cleaning positions with EPWP workers (Bernardo, 2015).

In October 2015, EPWP workers, supported by SAMWU, marched to the city's Woodstock's solid waste depot demanding that all the EPWP workers should be employed permanently by

the city of Cape Town because they are delivering municipal services (HR Pulse News Desk, 2015). EPWP workers mentioned that they were abused and exploited. At the time of the march, the city of Cape Town had vacancies available. This time, there were major gains for EPWP workers, the most since 2010. SAMWU won a settlement with the City of Cape Town in 2015 (Webster, Ludwig, Masikane and Spooner, 2021: 2-3). Besides other grievances, the municipality agreed to employ EPWP workers in 20 percent of vacant posts in future (Webster, Ludwig, Masikane and Spooner, 2021: 3). The city of Cape Town created a separate EPWP database to allow an investigation into EPWP workers' working conditions and grievances (Webster, Ludwig, Masikane, and Spooner, 2021: 3). It further agreed that EPWP workers have the right to join and be represented by a union.

As noted, the author attended a meeting held at a Manenberg School on 15 January 2019 under SAMWU to deal with EPWP issues. After EPWP workers complained that they worked without contracts, SAMWU representatives present at the meeting promised to try get the problem fixed. That year, SAMWU launched its "Back2Work Campaign". The aim of the campaign was to win the insourcing of municipal services, oppose EPWP, ban labour brokers, end forced retirement. reinstate dismissed members and fight for community service delivery. This platform obviously allowed the union to build support on a wider front.

To give effect to the campaign, SAMWU set up steering committees in township communities to mobilise community members and sought to work together with community-based organisations. SAMWU's Mike Khumalo, stated that in his community, for example, the SAMWU steering committee worked with the Vrygrond Community Development Forum (face-to-face interview, Mike Khumalo, 21 January 2020). On 27 November 2019, SAMWU held a general meeting in Rylands Civic Hall to discuss, amongst others City of Cape Town's EPWP database, filling of vacancies at the City of Cape Town, labour broking and the "unlawful" dismissal of SAMWU workers (Velapi, 2019). The general meeting was attended by unemployed people, EPWP workers, labour broker workers and dismissed SAMWU members (Velapi, 2019). At the meeting, SAMWU regional secretary Mike Khumalo, told the audiences the following: the union wants the city of Cape Town to fill close to 10 000 vacancies then available in the City of Cape Town's departments; the union demand that the it should not create jobs via EPWP, but create and employ young and energetic people full-time; and the union demanded that the City should reinstate the dismissed workers belonging to the union (Velapi, 2019). In a press statement issued on 12 December 2019, SAMWU stressed the view

that all municipal services should be insourced, and that workers in third-party employment, including the EPWP, should be given permanent municipal jobs by the City of Cape Town (Khumalo and Miselo. 2019).

The author attended a Back2Work meeting on 22 January 2020 at the Dulcie September Civic Centre in Athlone. SAMWU was discussing the issues the campaign raised, and registered people onto an EPWP database. On the issue of insourcing, SAMWU argued that all outsourced municipal services should be brought back in house and be delivered directly by the City of Cape Town. The union emphasised previous successes, stating that 1 000 solid waste EPWP workers had been employed permanently by the municipality because of earlier struggles. However, the City of Cape Town was not doing enough to employ EPWP workers permanently, who were after all performing municipal services that are continuous. There were, union speakers at the meeting stated, more than 10 000 employment vacancies in the municipalities which were not being filled. While the City said it lacked money, the representatives claimed, it created more and more well-paid managerial positions and appointed retired friends.

The growth of empty posts was in the context of the municipality apparently forcing young workers to take early retirement, which the union representatives speculated was a way for officials to create space for friends and families. On the issue of reinstating dismissed members, SAMWU pointed out that members had been dismissed unfairly, without following proper procedures; these workers should be reinstated. Lastly, the union insisted that it was committed to fighting for better services to township communities. Some areas in the City of Cape Town did not receive adequate municipal services. The union also campaigned for adequate municipal services to these areas. Through its Back2Work campaign, SAMWU reached a settlement with the City of Cape Town at the CCMA on 28 November 2022 to have close to 32 workers employed via labour broker, Affirmative Portfolios, to be permanently employed by the city of Cape Town. These workers were expected to start working permanently for the City of Cape Town from the 1st of November 2022. However, the City of Cape Town delayed it further to 1 December 2022. Mike Khumalo mentioned that “It is our position that they were ready to work but it was the city that caused the delay, and they should be paid from the 1st of November 2022 failure which reservation of right applies” (face-to-face interview, 4 October 2022).

8.7. External and internal challenges in organising Cape Town’s fissured municipal workplace

It is important to note that these activities faced serious challenges. Some are external to the union and have to do with the problems of organising precarious workers. Some are internal, to do with problems inside SAMWU. These challenges are outlined in what follows.

8.7.1. External challenges

As much as SAMWU tries to organise the changing municipal workforce in Cape Town, with as we saw some success, these workers are difficult to organise and the “fissured” workplace itself causes further problems. As shown in the literature, the “fissured” workplace does not just increase worker vulnerability and weakens unions, but creates tensions within the workforce (Dickinson, 2016: 27).

There were and are tensions between permanent and precarious workers in the municipal field. While, for example, municipal workers have achieved massive gains through SAMWU, these achievements are constantly under threat because of the increasing number of workers supplied through labour brokers, the outsourcing of municipal services and the EPWP system. The precarious “periphery” does not just co-exist with the “core,” but has the effect of “eroding the core” workforce and post-apartheid labour rights (Kenny and Webster, 1998). They are under threat as the employer can access many unemployed people who are desperate to take any jobs at practically any wages and working conditions. Despite SAMWU’s best efforts, a very large number of precarious workers carry out municipal duties. There are also tensions amongst the precarious workers. Issues like race also come into play. As in the 1980s (face-to-face interview, Merle Brown, 29 November 2018), casual jobs are mainly given to black African and Coloured workers and as seen at the January 2020 Back2Work meeting in Athlone, there is still the perception that whites get the best deal.

The EPWP system creates divisions within many communities because many unemployed people who want to enter the programme compete with workers already participating in the programme (Webster, Ludwig, Masikane and Spooner, 2021: 4-5). The power of ward councillors to get people into EPWP jobs is open to patronage and party politics, which also breeds distrust (Scully and Moyo, 2022: 466). For example, Scully and Moyo (2022: 466) note

that in South of Gauteng members of the ruling party ANC were given jobs when a public building was constructed through the EPWP project. The short duration of EPWP contracts and high turn-over of workers made it difficult for SAMWU to effectively organise EPWP workers, who are also often employed to different sites over time, not able to meet in the depots regularly (Webster, Ludwig, Masikane and Spooner, 2021: 3-4). On 3 July 2012, SAMWU issued a statement titled “Cape Town’s job creation claims are fake – SAMWU” published by Politicsweb. In a statement, SAMWU Cape metro rejected the City of Cape Town’s continue use of EPWP (Mario, 2012). The union mentioned that quality jobs should be created for quality services to be delivered to the communities (Mario, 2012). The use of EPWP is part of the problem of poor service delivery, therefore, local government should employ full time or permanent workers rather than using EPWP (Mario, 2012). The EPWP system has become a source of cheap labour and workers are turned into slaves (Mario, 2012).

The balance of power has slightly shifted towards the employer, and the union’s struggle, as seen above, is such that it does not fit easily with the LRA’s assumptions about trade unions. Collective bargaining for precarious workers, and winning systematic real wage and other gains is difficult. Furthermore, some private firms have threatened to fire workers who join the union and, in some cases, have carried out the threat. The Tripartite Alliance has grown quite distant from workers’ struggles in the post-apartheid period. During the apartheid period the COSATU leadership had championed community struggles; built a strong relationship between organised workers and communities, however, in post-apartheid the tripartite alliance has not championed workers struggles effectively. Paret (2017: 181) notes that COSATU was once a “social movement unionism”, especially during the apartheid period.

However, COSATU’s partnership with ANC and the SACP in post-apartheid period has shifted away from community struggles; the partnership makes COSATU less active in mass mobilisation to gain political influence because the federation is, to some extent, allied to ANC-led government (Paret, 2017: 181). Additionally, there has been tensions within the Alliance resulting from the adoption of GEAR which led to the tensions between the working-class group of the tripartite alliance and the governing party, especially after Thabo Mbeki become the president in 1999 (Pillay, 2021: 138). Budeli (2012: 476:) also notes that the tension occurred during the 2007 ANC national conference when COSATU, SACP and the ANC youth league pushed for the removal of Thabo Mbeki accusing him of pushing the neoliberal agenda.

As a result, Jacob Zuma was the preferred candidate as was seen to be closer to the poor working-class (Budeli, 2012: 476).

There were, however, some important SAMWU responses to these challenges. As seen above, SAMWU started to work within township communities to reach precarious workers, build community support, and hold meetings away from the workplace. These activities were often not as successful as the union hoped (Webster, Ludwig, Masikane and Spooner, 2021: 3-4). SAMWU also managed to build solidarity by supporting the self-organisation of EPWP workers, with SAMWU working with EPWP worker “co-ordinators” and attending running general meetings for EPWP workers for purpose of taking mandates from them (Webster, Ludwig, Masikane and Spooner, 2021: 3-4). It used its resources to cover travel costs and experimented with ways of including EPWP worker into SAMWU decision-making structures (Webster, Ludwig, Masikane, and Spooner, 2021: 4-5).

In interviews, SAMWU representatives told the author that the union remained committed to organising precarious workers despite the challenges (face-to-face interview with Mike Khumalo, 21 January 2020) and that the union sincerely wants to deal with the exploitation of EPWP workers (face-to-face interview with Jacky Saal, 18 January 2019). One innovation was to compile a database of EPWP workers, to aid with placement into the municipality. Another was to get a precarious workers’ details into a database for the union’s own use. Furthermore, said SAMWU’s Mike Khumalo:

We do not charge them membership fee because of their short-term employment contract. We organise them in a sense that we have them in our database and that allows the union to represent them fully (face-to-face interview Mike Khumalo, 21 January 2020).

8.7.2. Internal challenges

SAMWU’s efforts were also undermined by an internal leadership crisis at the national office in Johannesburg. This centred on a corruption scandal involving over R130 million, which was exposed in 2013-2014. Key national office bearers, involved in the scandal, purged scores of critics and used union resources to hire bodyguards to control access to the union offices and records (McKinley, 2014). Around 160 members and staff were expelled for demanding a

forensic audit (Jim, 2015; McKinley, 2014). The 160 members were part of the “Save Our SAMWU” campaign centred in Johannesburg (Ashman, 2015: 58; McKinley, 2014; Nieftagodien, 2018: 177; Majavu, 2021).

The crisis spilled over into Cape Town, where SAMWU’s chairperson in the Cape region, Mzoxolo Miselo, deputy secretary Bridget Nkomana, treasurer Beauty Kanuku and deputy chairperson Mkhuseleli Nyaniso and some of the shop stewards campaigned against the corruption. They were served with suspension letters on 8 September 2022 (Payi, 2022), part of the purge by national office bearers involved in the scandal. The SAMWU branch of Cape Town was now incapable of fulfilling the most basic functions of a trade union, namely: defending members’ interests and improving their terms and conditions (Faulkner, 2015). Furthermore, the SAMWU Cape metro region lacked financial resources to deal with labour matters because the leadership in Cape Town was often told that the union did not have money (Piya, 2022). Yet, the Cape metro region together with Boland, Garden Route-Karoo and West Coast contributed close to 1 million in subscription fees, but the Cape Metro had not received its regular allocation of R290 000 to meet the needs of members since 2016, as the monies were withheld by the national office (Payi, 2022).

Matters came to a head in 2015, when the Hawks, South Africa's Directorate for Priority Crime Investigation which targets organised crime, economic crime, corruption, and other serious crime, arrested three SAMWU officials during a meeting of its Central Executive Committee (Ashman, 2015: 58; Nieftagodien, 2018: 177). The meeting suspended the then general-secretary, who was wanted by the police (Jim, 2015; Ashman, 2015: 58; Majavu, 2021). However, while the corrupt officials were ousted, it was too late to prevent the emergence of two splinter unions, the Democratic Municipal and Allied Workers Union of South Africa (DEMAWUSA) and the Municipal and Allied Trade Union of South Africa (MATUSA), which affiliated to COSATU’s new rival, SAFTU.

DEMAWUSA was formed in 2016 was able to make some inroads, including in Cape Town and Johannesburg, and registered new members (Blackburn and Cross, 2021: 564) and in 2018 claimed 2 800 members. Membership escalated to 12 000 members in 2020 (Majavu, 2020; van Rensburg, 2018). The smaller MATUSA had 2 000 members in 2018 (van Rensburg, 2018). Both challenged SAMWU and aligned strongly with SAFTU (also see Blackburn and Cross, 2021: 564; Sidimba, 2019).

MATUSA managed to make inroads amongst EPWP workers in Cape Town (Washinyira, 2018a, 2018b).

was also involved in a strike in October 2018 by cashiers, cleaners and marshals at MyCiTi in Cape Town. The workers, employed by Afroteq Academy, Excellerate and Metro Cleaning Services, demanded that the cashiers, cleaners, and marshals of stations services be insourced, employed directly by the City of Cape Town (Washinyira, 2018b). They complained about the salary difference between them, as third-party workers, and those of cashiers, cleaners and marshals employed directly by the city. Patrick Mabindisa, the spokesperson for the striking workers said (Washinyira, 2018b).:

Striking employees earned less than those employed directly by the city. Cashiers employed by the city earned five times as much as the striking cashiers. We will be here till MyCiTi insources all of us, till the city provides basic services to its citizens, not just to people of a certain colour. We will shut down the City of Cape Town. There will be no transport moving ...

The strike was opposed by the contractors, which said they paid above the national minimum wage, as well as by the city of Cape Town which said it was locked into multi-year commitments with the contractors (Washinyira, 2018a). that same year, it was involved in a strike by EPWP workers who said they worked as bus drivers, fire fighters, nurses, and rubbish collectors (Washinyira, 2018a). Some of the MyCiTi workers who took part were victimised: Mabindisa, the spokesperson, said (Washinyira, 2018b):

... about 50 TBRT drivers had been dismissed. The TBRT has sent letters to workers threatening dismissal on the grounds of “participating in an illegal strike,” bringing the company’s name into disrepute and causing loss of revenue.

DEMAWUSA was active in Johannesburg, and de-registered for striking without a secret ballot, but the decision was suspended on appeal (Blackburn and Cross, 2021: 564). Neither is recognised by the City of Cape Town, which only recognises SAMWU and IMATU (face-to-face interview, Mike Khumalo, 21 January 2020), and they do not seem to have access to the SALGBC.

Meanwhile, following the arrests by the Hawks, SAMWU reformers were able to act against the corrupt faction and begin a process of renewal. But evidently this disastrous situation undermined union activities. SAMWU in Cape Town continued to play an important role among precarious workers even during the crisis, and the subsequent rivalry between SAMWU and MATUSA.

The SAMWU crisis, as noted earlier, was part of a larger crisis in COSATU. Some of the roots lay in processes of eroding workers' control within the federation and its affiliates, patronage politics, battles to control union monies and investments which run into billions of rands and the spill-over of ANC factional politics into the unions (see Buhlungu, 2010). Things came to the crossroads at the end of 2013 when a special congress of COSATU's affiliate NUMSA resolved to withdraw all support from the ANC including the support for the 2014 elections. The union had supported the rise of Zuma but was appalled by the police shooting of striking miners in 2012 in Marikana, and the ongoing neo-liberal policies of the government (Kenny, 2020: 123; Räthzel, Cock and Uzzell, 2018: 505).

This violated COSATU's support as a federation for the Tripartite Alliance and led to NUMSA's expulsion in 2014, following which it was joined COSATU's FAWU, the South African Policing Union and numerous small unions like DEMAWUSA and MATUSA in forming SAFTU in 2017. NUMSA had 318 727 members in 2014 and FAWU 127 000 membership in 2014 (Ashman, 2015: 50).

The new federation is headed by COSATU's former General Secretary, Zwelinzima Vavi, who was suspended and then dismissed after a sexual harassment scandal (Kenny, 2020:123). NUMSA experimented with a United Front to link to community groups and eventually sponsored a Socialist Revolutionary Workers' Party in 2018. In the same year SAFTU held a Working-Class Summit. The party was formed by NUMSA, community groupings and other SAFTU union affiliates (Grootes, 2019). On 14 to 15 December 2018, the party held a pre-launch conference in Birchwood hotel in Ekurhuleni in Gauteng province (Jim, 2018). The aim of the conference was to assess how far those who have formed the party have come in setting up the structure in all nine provinces, as well as to develop a detailed political strategy for 2019 and beyond (Jim, 2018). SAMWU was not featured in the formation of this party.

With the loss of NUMSA, and FAWU, state sector unions now predominated in COSATU. While NUM had 270 649 members in 2015, NEHAWU was 277 317, SADTU 253 039, SAMWU 161 490 members, the South African Transport and Allied Workers Union (SATAWU)³³ 152 254 members and the Police and Prison Civil Rights Union (POPCRU) 149 339 members; all other affiliates were below 100 000 (Ashman, 2015: 50). At its 2018 congress, COSATU reported a membership decline from 1.9 million to 1.6 million (Kenny, 2020: 119), mainly due to the loss of FAWU and NUMSA, and to NUM bleeding members to a splinter, the Association of Mineworkers and Construction Union (AMCU) (Kenny, 2020: 127). SATAWU itself had fallen from a high of 218 014 in 2015 to 101 485 in 2018, due partly to a breakaway National Transport Movement (NTM) (Feketha, 2018), which also joined SAFTU, which soon claimed 700 000 members.

But the issues in COSATU went beyond the ANC issue. COSATU had been experiencing bureaucratisation, internal disputes and divisions, battles for control of the federation and its affiliates' resources, and ongoing evidence of corruption and mismanagement union monies and investments (Ashman, 2015: 57; Nieftagodien, 2018: 177; also, Buhlungu, 2010). A pattern was also established of senior union leaders earning large salaries, far more than members' average salaries, and benefitting from access to union credit cards, travel allowances and hotels stays, and pocketing fees for serving on boards of directors on behalf of the union (Buhlungu, 2010; Nomvete, 2018; Pillay, 2011: 64).

The problem of corruption and mismanagement of union funds was centred on union investment arms (Barron, 2018) and not unique to SAMWU. Similar problems split SATAWU, where a former union president was sentenced to 10 years in prison for theft of union monies (Mahlakoana, 2015a), and there were scandals in the Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union formed in 2019. (Barron, 2018; Fengu, 2016; Musgrave, 2016; Nomvete, 2018) and POPCRU (Mataboge and Underhill, 2011). This was not just a COSATU problem was not unique to COSATU either, as SAFTU's FAWU was shaken by its own big scandal in 2019 (Harper, 2019) while FEDUSA dismissed its Secretary General, Dennis George, over a questionable share deal the same year (ENCA, 2019).

³³ SATAWU is a successor to COSATU's T&GWU and SARHWU, created through the mergers intended to establish industrial unions/

The situation weakens the ability of unions to protect and educate members (Buhlungu, 2010) and undermines trust in unions. The lavish lifestyles of NUM leaders and their perceived lack of interest in members' issues has been blamed for example for the union losing the platinum mines to AMCU (Kenny, 2020; Nieftagodien, 2017). Splits also weaken unions in various ways. Unfortunately, the COSATU / SAFTU and NUM / AMCU splits have mainly involved unions competing for the same pool of union members – mainly permanent full-time SER workers, between unions and federations – rather than any large-scale organising of precarious workers (van der Walt, 2019b).

Kanyenze, Kondo and Martens (2006:163) make an important point when they argue that labour movement influence is disadvantaged by an absence of labour movement unity at national level, as well as an absence of strategic alliance between unions and other civil society organisations representing marginalised people. The problem is intensified when unions operate as enemies to each other rather than working together to advance the interests of the workers (Kanyenze, Kondo and Martens, 2006:163). Consequently, workers' bargaining power becomes weaker when they confront employers.

8.8. Conclusion

This chapter highlighted the work SAMWU did to fight municipal neo-liberalism by directly organising atypical / precarious municipal workers, with special reference to Cape Town. The neoliberal restructuring of municipal services including privatisation has contributed directly to the changes in the workplace and workforce. Consequently, SAMWU has opposed privatisation in the 2000s through lobbying, campaigns, and alliances, amongst others. Further, the union began to organise atypical / precarious workers, including EPWP workers, with some recruitments in the City of Cape Town. There have been numerous protests and strikes in Cape Town since 2000s led by SAMWU and atypical / precarious workers themselves raising issues like opposing outsourcing, the use of labour brokers, poor wages and working conditions of atypical / precarious workers.

SAMWU has been successful in winning some demands like permanent employment of some of these atypical / precarious workers in Cape Town. It should be noted that while SAMWU tries to directly organise atypical / precarious workers, the union is faced with external and internal challenges to organising the “fissured” municipal workforce in Cape Town. The

external challenges including the difficulty in organising atypical / precarious workers and that the “fissured” workplace itself creates problems as there are tensions between atypical / precarious workers and permanent municipal workers. SAMWU’s internal challenges include corruption within the union, which led to the expulsion of members and other members leaving SAMWU to form splinter unions.

Chapter Nine: Conclusion

9.1. Introduction

One of the major features of neo-liberal capitalism, including in South Africa, is the proliferation of precarious employment. This is a global process, common to many countries (Goslinga and Sverke, 2003: 290-291; OECD, 2018; Pernicka, 2005: 207; ILO, 2011; Rasak and Babatunde, 2017: 18-34). However, as the thesis has argued, precarious work did not start with neo-liberalism. It has been common enough in the history of capitalism that the notion of a so-called SER, meaning full-time, regular, open-ended employment with a single employer over a long period (Theron, 2003: 1249) is problematic. The SER is not really the standard form of employment, but is quite rare (van der Linden 2003: 199, 201; van der Walt, 2019a: 16).

Under apartheid, for example, there was a large “secondary labour market” marked by “virtually no job security” (Webster, 1994: 317-318): precarity was an issue for local unions preceding neo-liberalism (Ulrich and van der Walt, 2022).), Labour markets were closely linked to race, but this was complicated by the growth of more skilled and semi-skilled layers of black African workers (Southall, 1985), and a substantial number of white workers, often women, in precarious employment (Kenny, 2016: 31). This means that while neo-liberalism has promoted precarity, precarious work is older than neo-liberalism and cannot be explained only by reference to neo-liberalism. It also means that it is important to historicise precarity, and instead of seeing it as a new challenge for unions, look at how unions grappled with this problem in the past – instead of strong unions being the result of workforces based on the so-called SER, the SER was a *consequence* of strong unions (van der Walt, 2019a: 16).

Aspects of the older stratification carried on into the new South Africa, and neo-liberal policies – like labour market flexibility and privatisation – promoted the growth of precarity, this latter development initially described as a divide between workers in the “core” and the “periphery” (Buhlungu and Webster, 2006; Kenny and Webster, 1998; Kenny and Bezuidenhout, 1999). This has been undermining the gains won by workers through the democratic transition, and COSATU’s struggles as well as its influence on the ANC through the Tripartite Alliance, reforms seen in laws like the 1995 LRA.

These expansion of precarious employment through neo-liberal reforms is a major challenge for union survival and revival globally and in South Africa. The power of unions is weakened if precarious workers are ignored (Webster and Ludwig, 2017b: 178), and the growing precarious workforce erodes the conditions of the existing “core” workers (Kenny and Webster, 1998; Pillay, 2008).

Few unions in South Africa have grappled with this challenge very well. For example, unions often oppose restructuring like outsourcing, but do little to organise precarious workers when outsourcing is established (van der Walt, Bolsmann, Johnson, and Martin, 2003). In fact, union leaders and resources have often been drawn into practices that foster precarious employment, such as involvement in privatisation deals by union investment companies (Pitcher, 2012: 254), and by the overlap between COSATU and ANC leaders that the Tripartite Alliance, which enables upward mobility into the growing black African elites that the ANC is creating through measures like BEE. The majority of COSATU members are in so-called SER jobs, many of these in the state sector (Buhlungu and Webster, 2006: 254; Webster, 2006: 22). Union splits and realignments in the 2010s saw unionists shifting loyalties between NUM and AMCU, COSATU and SAFTU, and unions competing for each other’s members (van der Walt, 2019b: 24-25). Instead of making inroads into the precarious workforces, which are a big part of the 70 percent of workers outside of unions, they have fought to win “core” workers from each other (van der Walt, 2019b: 24-25).

This does not mean COSATU has ignored precarious workers. Its response has been to try and protect them by getting the ANC to tighten labour laws so that precarious workers are protected better and on more equal terms. That is to extend protections to help these workers and end a situation where precarious employment is so attractive to employers, both private and governmental. However, this is not the same as organising these workers, who remain largely outside the unions, which represent a shrinking part of the workforce and have lost the trust of many precarious workers (van der Walt, 2019b). One result is that precarious workers have often formed their own organisations outside the unions (e.g., Dickinson, 2015, 2016; Hlatshwayo, 2018; Nieftagodien, 2017).

9.2. The puzzle

SAMWU is an important exception to this, including amongst COSATU unions, with a long track record of fighting to extend protections but also directly organising precarious workers in its sector, including in metros like Ekurhuleni, Johannesburg, Tshwane, and Cape Town. Municipalities across the country employ a steadily growing number of precarious workers: casuals, part-time workers, labour broker workers, workers employed in third-party service providers, and government sponsored EPWP workers. This is on a scale unmatched elsewhere in the state sector, and as in other cases, these workers tend to be cheap and non-union. This process has happened under both ANC- and DA-led municipalities. Meanwhile, the mixture of neo-liberalism and democratisation has had certain negative effects on poorer / working-class communities, leading the SAMWU to engage in struggles around both workplace issues and service delivery.

Given that other COSATU unions, including unions in the state sector such as Communication Workers Union, and NEHAWU, have not done so, this needs explanation. The main questions addressed in this study: firstly, in what ways did the CTMWA and SAMWU organised and protect precarious workers during and after apartheid? Secondly, what explains the union's activities? There is a growing interest in the importance and possibilities of union renewal (e.g., Fairbrother and Yates, 2003; Ibsen and Tapia, 2017; van der Walt, 2019a; Webster, Britwum and Bhowmik, 2017), but what are the factors that enable or disable, and shape, efforts at renewal? And what explains union choices in the first place?

The thesis has addressed these questions through an historical lens and with a particular focus on Cape Town. In answer to the first question, it has traced the union's responses to precarious labour back to the 1930s and tracked how the union fought to halt municipal neo-liberalism through a range of strategies. These include: campaigns, alliances with community and other bodies (for example, the APF), research and proposing concrete policy alternatives, lobbying the ANC, and using the courts in an effort to block municipal neo-liberalism. It has played an important role in COSATU battles to tighten up the labour law and shape policy including through the NFA, and through the Tripartite Alliance; and finally, it has recruited and campaigned amongst precarious municipal workers, with some success, including in getting EPWP workers into full-time municipal employment. The details are provided in earlier

chapters and show consistent work even during the crisis that shook and split the union in the mid-2010s.

For the second question, parts of the answer have been set out in earlier chapters and my overall solution to the SAMWU puzzle is outlined at length in the first chapter. I am not going to repeat all of its details here, but instead, I am going to pull the points together that are significant for the larger field of labour studies.

9.3. The case study and its implications

As noted in the chapter one, a case study is not suitable for generalisations, and while this thesis contributes to contemporary discussions of union responses to precarious work, it is essentially a case study of SAMWU and its main predecessor, the CTMWA, in Cape Town. This does not mean, though, that the study cannot point to some larger issues in labour studies, and for future research.

First, the study shows that it is indeed possible for a union to play an important role, and achieve some successes, through effective and imaginative strategies. As indicated by the case study, where unions are able to link issues around precarious work to larger societal concerns – in the municipal case, concerns about service delivery – it becomes possible to build alliances of solidarity with other organisations, develop an inclusive agenda, and span the divide between the workplace and the community.

In the 1980s, FOSATU and COSATU unions often managed to span this divide by cooperating with the UDF. A common experience of racial oppression reinforced class solidarities amongst black African workers, and apartheid provided a common enemy, which encouraged trade unions to identify with opposition parties like the banned ANC (Buhlungu, 2010) and the liberation struggle more broadly. The end of apartheid complicated the situation, with the ANC now in government, but embracing neo-liberalism, COSATU in the Tripartite Alliance, and numerous trade union leaders moving into government (Buhlungu, 2010). A focus on issues like privatisation allowed SAMWU to find a new way to span the divide, in this situation. This made it possible to criticise ANC *policies* like GEAR without criticising the ANC itself, so avoiding an open break with the ANC or the Alliance framework (van der Walt, 2006).

Second, the case study shows that the idea that the 1990s are a watershed, with a sudden rise in precarious work due to neo-liberalism, is overstated and needs to be modified. Neo-liberalism does promote precarious work, but it is not the start of precarious work: it existed earlier. This study argues for the need to be careful not to reduce precarious work to precarious work under neo-liberalism. Precarious work was “always widespread” in Africa under colonialism and apartheid (van der Walt, 2019: 10). The SER was never “standard” in pre-1994 South Africa, and union battles against precarious work did not start in the 1990s under the ANC. The fight against neo-liberalism was also part of the battles of the new unionism in the 1980s, although this often hidden by accounts focused on unions’ anti-apartheid politics.

This means that it is important to look at how earlier unions – like SACTU, FOSATU and the early COSATU – addressed precarious labour, and think about what this means for current union challenges. Rejecting pessimistic accounts that see unions as doomed by precarity, this thesis draws attention to long histories of relatively successful and sustained union responses, like those of CTMWA / SAMWU.

If we historicise precarious labour, and struggles against precarious labour, it becomes possible to see “a far richer, more radical and creative history” of workers struggles, and open a “toolbox of valuable experiences” (van der Walt, 2019a: 2). More work needs to be done on how unions did this in past, how this was affected by different trade union identities, and what other conditions helped or undermined this activity. Doing this requires, also, more work on the history of types of precarity, and how these have changed, or not, with neo-liberalism, and with what results for unions (see Ulrich and van der Walt, 2022).

Third, the SAMWU case shows that the standard “political” categories of unions – into business unionism, political unionism, and social movement unionism – used in labour studies have limitations. Looking at SAMWU, this thesis has argued that, despite failures and limitations, the union has managed to avoid the narrower focus of activities that many COSATU unions have shown since 1994. SAMWU is also in the Alliance, and combines elements of 1980s-style social movement unionism, with 1990s-style political unionism, with the mix varying over time and place. This confirms work that suggests that COSATU post-apartheid, in general, does not neatly fit either category but has contradictory tendencies (Pillay, 2013), but also draws attention to arguments that the standard categories need to be

rethought as they were developed from a limited number of cases and do not describe many unions well (van der Walt, 2023a).

It also raises an issue about explaining union actions. The Industrial Sociology literature correctly places a lot of emphasis on the constraints imposed on COSATU and its unions by the Tripartite Alliance and the overlap with ANC and the formation of a black African elite, and the challenges coming from neo-liberalism, including precarity. But this is not enough to explain why unions act as they do, because, as this thesis shows, SAMWU has been an outlier among COSATU unions in its response to precarious labour.

It is true that, in the Cape Town case study I examined, the ANC's lack of control of the municipality greatly benefitted SAMWU as it did not face the problems of, for example, SAMWU in Johannesburg where the ANC was in office. In most of South Africa since the first post-apartheid local government elections, the ANC has been the dominant party. Since SAMWU is part of the Tripartite Alliance as part of COSATU, this means the union faces a complicated balancing act of encouraging workers and townships to vote for ANC, and defending the ANC against the DA, while also having to engage with ANC-led municipalities as employers, and with ANC-led municipalities as providers of services to black African and Coloured township residents (Barchiesi, 2007).

This situation paralysed the ANC-allied SANCO (Maisiri, Nyalungu and van der Walt, 2020: 808), and led SAMWU to back down from supporting a range of protests by township residents, and leave the APF in Gauteng (Buhlungu, 2004; McKinley, 2014) and call off its campaign against the iGoli 2002 municipal reforms in the ANC-run Johannesburg metro (Musi, 2010). SAMWU's strong links to the ruling pro-neo-liberal ANC like the rest of COSATU, with the ANC the municipal government in most of the country, have led to some benefits in the form of labour law reforms but also held the union back, as it is dissuaded from hard fights with ANC-led municipalities – and the ANC-led government and black political elite, with which many union leaders were closely connected.

SAMWU in Cape Town, where the ANC only briefly held municipal power in parts of the city 1996-2000, before the metro, and then from 2002 to 2006, when it was a metro, is different. SAMWU here, was not under any pressure to hold back on fighting municipal neo-liberal reforms or organising precarious campaigns as these would not harm a sitting ANC municipal

government. It operates in the only big metro that has consistently been outside of ANC control. Here in fact, the ANC is likely to promote such SAMWU activities as a way of embarrassing the DA – even though it carries out these same basic policies DA when and where it is charge.

So, when SAMWU helped set up the APF coalitions in Cape Town and Gauteng, it stayed in the first named to the end but left the second named in about 18 months, as it was linking the union to closely to forces seen as anti-ANC (this withdrawal is discussed in Buhlungu, 2004). In other parts of the country SAMWU and COSATU was heavily focussed on winning over the ANC, to change its policies to something closer to the abandoned RDP, meaning it avoided involvements that would cause problems for this strategy (Maisiri, Nyalungu and van der Walt, 2020: 808), but in Cape Town it did not face this problem since the ANC was not threatened by service delivery protests or militant municipal workers. In an answer to the issue raised in chapter one about whether SAMWU acts any differently under a DA-led metropolitan council than under an ANC one, we can say that it can act in a more militant way for a longer time, as the ANC will not stand in its way.

But even without this, the evolving SAMWU / CTMWA trade union identity shaped the union's actions: unions' responses are deeply shaped by their past, and their traditions. Hyman (1996), as noted, suggests that the past and politics of a union shape what it can do: a given "trade union identity" (Hyman, 1996) is "likely to preference a particular response to the rise of insecure work" (Heery and Abbott, 2000). It is being argued in this thesis that SAMWU's strong identity as a union built in struggles against privatisation and neo-liberalism, but also reaching back into decades based in a primarily Coloured working-class, largely split between a subordinate primary labour market and a secondary labour market, and influenced by Western Cape left traditions, as well as the experiences of mass struggles from the 1970s, and reshaped by the UDF and COSATU periods, enabled an enduring focus on so-called atypical/precarious workers as well as a greater independence, even within the Tripartite Alliance framework. It is important to note here that the CTMWA was influenced by non-ANC, non-SACP, and "non-workerist" currents like the far-left Unity Movement.

When we combine this with the effects of the special situation of Cape Town, we can say that while political unionism, exemplified by the Alliance with the ANC, could cause serious problems for SAMWU in most municipalities – in terms of the constraints imposed by the Alliance politics and the entangling of the COSATU union leaders and resources with the ANC

political elite – it did not create the same in the Cape Town metro. In the special circumstances of Cape Town, SAMWU could much more easily maintain and revive elements of the militant social movement unionism of the 1980s and managed to strike a balance between this and the political unionism represented by the Alliance. It also could not ignore the anti-ANC views of many in the Coloured working-class, leading the union to tone down the ANC issue in the city while, nonetheless, being under far less pressure to follow the ANC party line. This does not mean it was not affected by the ANC connection, for good or bad. For example, the effects of political unionism, including its role in the COSATU/ SAFTU split – in which the ANC issue was central – had impacts in Cape Town, such as MATUSA operating as a SAFTU rival to SAMWU in that city.

It is important to debate what unions *should* do (van der Walt, 2022), to understand different experiences and ways in which unions map and utilise power resources, in which the PRA is a very useful method. But, as this study shows, what an actual union can and will do is in part conditioned by the trade union identity. This thesis questions prescriptive approaches that centre on what unions *should* do, by highlighting how evolving union identity shapes what unions *can* do. Developing union strategy means looking at the patterns of union activity over a relatively long period of time.

Fourth, this study's examination of trade union identity confirms the importance of looking at the "deeper worlds" of ideas, cultures and practices that shape what unions do (van der Walt, 2023a: 36-39). This includes the intellectual life of unions, and the impact of left traditions and role of a wide range of intellectuals. There is work looking at the influence of the ANC and SACP on unions (e.g., Lambert, 1988; Turok, 2003), but the work on the 1970s and 1980s has been mainly focused on the conflict between ANC-aligned "populists" and FOSATU-linked "workerism" (e.g., see Baskin, 1991; Byrne, 2011; Byrne, Ulrich and van der Walt, 2017; Forrest, 2011; Plaut, 1992). The "workerist" unions emphasised strong shop-floor structures, based on shop stewards and assemblies, and organised by industry, and were political but not party-aligned; while "populist" unions were usually general unions, with loose structures built around charismatic leaders, and were often organised in townships rather than workplaces, with strong ANC and UDF links (Baskin, 1991: 77-90; Byrne, Ulrich and van der Walt, 2017).

The impact of non-ANC, non-SACP, and "non-workerist" currents like the Unity Movement on the unions have been ignored. A lot of the work on the Unity Movement tradition focuses

on the middle-class intellectuals and schoolteachers who shaped it (Nyoka, 2020; Soudien, 2019), and the group is often described as having faded away in the late 1950s or early 1960s (Bundy, 1984; Hirson, 1995; Rudin 1996), and it is stereotyped as being abstract and isolated (e.g., by Simons and Simons, 1969). But it clearly had an influence on factory workers like Ernstzen and Foster, and some unions.

Looking at these working-class, often Coloured or mixed-race organic intellectuals can shed new light on the unions (see Ulrich and van der Walt, 2022), and move beyond the debate on the role of white intellectuals in the new unionism (e.g., Buhlungu, 2004; Maree, 2006), as noted by Ulrich (2007). To understand such developments, it becomes important to look at “labour beyond COSATU” (Bezuidenhout, 2017), including the registered and parallel unions and at complicating the history of race in unions (Ulrich and van der Walt, 2022).

As noted in this study, Buhlungu (2010) states that labour studies in South Africa have ignored that racial loyalty – not just class solidarity – has played an important role in forging unity in unions like those of COSATU, and in securing the loyalty of black African workers to the nationalist ANC and the Tripartite Alliance. He also argues that more attention has to be paid to the relationship between black Africans and Coloureds in the unions (Buhlungu, 2010).

SAMWU provides a way into this issue, with SAMWU is presently predominantly black in composition countrywide, but SAMWU in Cape Town emerging largely from the old CTMWA; it has had many Coloured leaders and still has a large Coloured base in Cape Town and the Western Cape. Cape Town’s elections are complicated and cannot just be seen through a racial lens (Eldridge and Seekings, 1996), and SAMWU and COSATU includes many pro-ANC working-class Coloureds in the Western Cape. However, the ANC’s relative weakness in the Western Cape and Cape Town is directly linked to the fact of a Coloured majority, of which many are not in favour of the ANC, whether because they prefer the DA or come from the Cape’s non-ANC left traditions; this includes SAMWU members.

9.4. Conclusion

In closing, the above points to the importance of looking at unions carefully, not just focussing on national-level decisions, congresses, and actions. Unions are national bodies, but they are rooted in actual workers in actual workplaces, and workplaces are operating in different

contexts, places, and spaces. In this we can expect that there will be real differences between branches, sections, and regions. Therefore, we must be careful about treating the local level as just an example and outgrowth of a national union or of its federation. Even if we use the trade union identity model, issues of size and scale, place, and space, time, and change, all affect how the identity develops, is interpreted, and is imprinted. Even if we talk about neo-liberalism, which exists globally, the reality is that evolves in different ways in different contexts: for example, the connection between BEE and neo-liberalism in South Africa is directly linked to the country's history, and to ANC politics. But even South Africa is also not homogenous, and the same way that global developments are shaped by national developments, so are national developments shaped by local contexts.

These issues cannot be properly addressed by the focus on contemporary case studies seen in a lot of Industrial Sociology but point to the need for more labour history work, and a greater dialogue, within labour studies between historical and sociological perspectives (see Ulrich and van der Walt, 2022). If we do not do this, we miss key issues as this study of the CTMWA and SAMWU in Cape Town has shown. There are many gaps in what we know about unions' history and as national bodies, but we also need more work on unions in specific cities and local contexts – including of SAMWU itself.

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