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“Workers’ Strikes and Collective Bargaining. A study of the SAMWU municipal worker strike of 2018, Port Elizabeth, South Africa”

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Abstract

The focus of this study centered on investigating the perceptions and opinions surrounding the eruption of strike action and its effectiveness during a collective bargaining process. The case study employed was the 2018 municipal strike in Port Elizabeth, organised by the South African Municipal Workers Union (SAMWU). A Marxist theoretical framework was chosen for this study. It argues that strike action is a means through which workers communicate their dissatisfaction or enforce particular demands, with trade unions playing a protagonist's role. Strike action, generally, is caused by a plethora of reasons ranging from disciplinary issues and conditions and hours of work, to be mention a few. However, the major force behind strike eruption is the wage agenda, as workers are always striving to get better wages while employers, on the other hand, attempt to reduce them so as to increase profits.

South Africa has had its fair share of municipal strike action ever since the apartheid period, the early stages of democracy up to the contemporary times of the 21st century with various strategies, successes and losses being experienced. Democracy in South Africa also saw some developments in the labour sphere in relation to statutes surrounding strike action. The LRA and the Constitution of South Africa inform the right to strike and offer guidelines as well as consequences that steer strike action in a direction that does not jeopardize the workers, employers and the general public.

The research found that workers do understand what strike action is, its causes and its various implications. Furthermore, it was discovered that this worker tool has been successful in putting pressure on the negotiation process as well as luring employers back to the negotiation table, for example. However, it was also uncovered that there are present, factors that hampered the impact of strike action during the bargaining procedure in focus. These are namely, the political institutionalization of trade unions, ill-equipped union leaders, a reluctance to implement strike agreements by employers, the use of violence by municipal workers during the strike, to mention but a few. Therefore, when looking at the strike in question, the effectiveness of strike action during the collective bargaining process was found to be easily contestable.

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Chapter 1: Introducing the subject matter of this study

1.1 Introduction

The focus of this research is based upon the various opinions and perceptions that workers possess in relation to strike action. An investigation into the effectiveness of strikes during the negotiation process was also launched. This was inclusive of a discussion on whether this tool, harnessed by workers, reinforces this process or at times debilitates it. The case study employed for this research was the 2018 municipal worker strike, organized by the South African Municipal Workers Union (SAMWU) that occurred in Port Elizabeth. This strike was chosen so as to (1) collect contemporary data on this area of research and (2) because it was organised by SAMWU. The significance of this trade union is that it is the biggest municipal trade union in the public sector and as such can provide much needed insight on strike action within the municipal and the broader public sector.

1.2 Context of the Research

In order to analyze the perceptions and opinions of strikes and their impact on the collective bargaining process, a Marxist theoretical framework was used. Hyman (1989: 17) defined strikes as the temporary stoppage of work by a collective of workers as a means of communicating a dissatisfaction or enforcing a demand. The inception of strikes can be attributed to the relationship between management/capital and labour. Their interactions, therefore, create a conflict of interest emerging primarily over the wage-effort negotiations. This butting of heads between these two parties is worsened by an imbalance of power in favour of management/capital (Cox, 2015; Gall, 2013; Lenin, 1964). Marxist scholars, therefore, argue that this struggle for power is a culmination of the controlling group's (management/capital) oppression of the subordinate group's (workers) interests through various stratagems of domination. The result will be the resistance to this control and domination by workers causing workplace conflict such as strikes (Gall, 2013; Lenin, 1964).

Workers fight against this domination because under the capitalist economy employees are estranged from the means of production, as such, they do not work for themselves but for wages (Lenin, 1964; Hyman, 1971; Hyman: 1989). The employers, on the other hand, try the best to cut wages to increase profits. Therefore, workers strive to attain the highest level of wages possible, because if they do not intervene, they will be paid only enough to cater for a basic

living (Lenin, 1964; Hyman, 1971; Hyman: 1989). This throws the worker and the employer into the heart of class conflict. Lenin (1964: 310-319) states that the worker, in their individual capacity, hold no power or influence over their employer making it possible for the worker to be driven to slavery. It is, therefore, imperative that workers join their hands in unison to fight for their interests/demands through engaging in strike action or threatening to strike (Lenin, 1964; Hyman, 1971).

Worker unity can be achieved via trade unions as these institutions block employers from engaging in wage reductions allowing workers the capability to secure higher wages. As such, trade unions help in placing constraints on capitalist encroachments on the conditions of labour (Lenin 1964; Hyman, 1971; Gall, 2013). Henceforth, trade unionism plays a pivotal role in the enlightenment of workers as it reminds them that they can engage in an offensive attack against the owners the means of production (Lenin, 1964: 310-319). The absence of unionism can result in drastic socio-economic effects for the workers as wages will be cut during recessions more seriously with no hope of their restoration once the trade has improved (Hyman, 1971: 5).

In an effort to contextualize this research, a brief look into the history of municipal strike waves in South Africa, from the later stages of apartheid to contemporary times, is presented. The apartheid regime, replete with both a harsh and an oppressive climate, was not a deterrent for municipal worker strike action. This can be evidenced by the municipal strike of 1980 in Johannesburg where 10 000 workers downed tools in protest against poor wages (Fosatu Worker News, 1 October 1980). However, because of the belligerent nature of the apartheid regime, this and other strikes of this era, failed to secure any credible successes for the workers showing little to no effect on the collective bargaining process (Fosatu Worker News, 1 October 1980; Labour Bulletin, 1 November 1988).

The immediate post-apartheid period saw an unexpected rise in strike frequency. In 1998, a record-breaking 1324 strikes were experienced in South Africa (Cottle, 2017: 162). The predominant cause behind these strike rates was the workers' conscientization of the violent and long term attack by capital on the working class. This was also coupled with increased rates of unemployment, inequality and poverty after South Africa's independence from apartheid rule (Cottle, 2017: 162). Fast forward into the new millennium, strike frequency

reduced to an average of 71 strikes, occurring between the period of 2000 and 2009 (Cottle, 2017: 162).

While strike frequency declined at the start of the century, the intensity did not. In the public sector - to which the municipal sector is a part of - specifically, strikes of great immensity were regular. This was influenced by how workers of this particular sector felt the full extent of neo-liberal policies the African National Congress government put in place (Cottle, 2017; Amaoko, 2012). The public sector employees were of the conviction that these policies directly impacted their salaries and living conditions. This was mainly premised by the adoption of the Growth, Employment and Redistribution policy (GEAR) which was neo-liberal in nature and the abandonment of the Reconstruction and Development Programme (RDP). The RDP possessed predominant Welfarist components that had been put in place as part of an agreement between labour and the ANC in 1994 (Amaoko, 2012: 86). This caused frustrations to percolate within the public sector unions such as SAMWU, resulting in intense strike action (Amaoko, 2012: 86).

The above argument is evident in the public sector strike of 2007, among others. Over half a million workers, mobilised under numerous worker movements inclusive of SAMWU, engaged in strike action against their employers over wages. The intensity of this strike is visible by how 12, 9 million working days were lost during this period (Cottle, 2017; Van Rensburg & Van Rensburg, 2013; Banjo & Balkaran, 2009; Politics Web, 2011). This was followed by yet another public sector strike of great intensity in 2010, also incited predominantly by wages. SAMWU and other trade unions that represent workers in the public sector engaged in a nationwide strike that lasted for over two weeks causing the loss of 12 million working days (Van Rensburg & Van Rensburg, 2013; Ceruti, 2011; Cottle, 2017; IOL News, 12 August 2010; Politics Web, 2011). This contributed to the record-breaking 14, 6 million working days lost due to industrial action, the highest since the advent of independence (Van Rensburg & Van Rensburg, 2013; Ceruti, 2011; Cottle, 2017; IOL News, 12 August 2010; Politics Web, 2011).

Within the municipal sector, in which SAMWU is the biggest trade union, strike action is also deemed a strong tool which workers use to push their demands. This is evident in the municipal strike of 2018 in Port Elizabeth which, as aforementioned, is the focus of this research (Chirume, 18 June 2018; Nkosi, 13 June 2018). This strike came about as a response to the

leadership of the Nelson Mandela Bay municipality over a number of grievances that were not met due to a breakdown in negotiations. These grievances were namely the demand for back pay for long service hours, wage reviews as well as a re-assessment of which workers qualified for allowances, the insourcing of long term contractual workers and the use of legal personnel during disciplinary hearing (Chirume, 18 June 2018; Nkosi, 13 June 2018; Spies, 15 June 2018). However, the predominant area of dissatisfaction was how close to 3000 workers lost their employee benefits after the amalgamation of the Port Elizabeth, Uitenhage and Despatch to form the Nelson Mandela Bay Municipality. As such, the workers demanded that each municipal employee who was subjected to this receive a reimbursement of R30 000 (Chirume, 18 June 2018; Nkosi, 13 June 2018).

Aside from this and other grievances previously mentioned, municipal workers were also unhappy with the decisions and policies that were being implemented by the then Democratic Alliance (DA) party leadership at the helm of the municipality. Sentiments brewed among the workers pertaining to how this leadership was anti-poor and anti-working class in its actions and decisions, this being an aggravating factor during the strike (Spies, 15 June 2018; Gall, 2013).

When investigating the role of the strike in the negotiation process, there is a need to look at the legality aspect of this phenomenon as this can either hamper or consolidate its effectiveness. It is important to note that the right to strike enjoys strong protection in South African law through the Labour Relations Act (LRA) and the Constitution of the Republic of South Africa (Brassey, 2013; Du Toit, 2012; Murwirwapachena, 2014; Davis, 2009; The Labour Relations Act, 1995; The Constitution of the Republic of South Africa, 1996). This right comes with its preconditions that if ignored, can render the strike illegal thus forfeiting its protection. Of great importance in this pursuit of strike legality is the need for the union to (1) give a notice to strike to the employer and (2) engage in a strike ballot where union members vote on whether they should engage in strike action, to mention just a few. Failure to do this has serious ramifications for both the workers and the union (Welsh, 2000; Rycroft, 2015; Crompton, 2005, Tenza, 2015; Labour Relations Act, 1995). Due to how strong and important the right to strike is, it is no surprise that it also comes with limitations. These limitations are based on the grounds found in Section 65 of the LRA. A failure to comply with these restrictions can result in a number of consequences occurring inclusive of employers instituting disciplinary action against the

workers carrying out these infringements, for example (Du Toit, 2012; Davis, 2009; Gathongo, 2015; Myeza, 2009; Welsh, 2000; Achmat, 2015).

Violence during strike action can be seen to be a common occurrence during strikes in South Africa. It can potentially disturb the effectiveness of this worker tool making it an area worthy of investigation for the purposes of this research. South Africa has experienced regular, protracted and increasing strikes that are violent in nature (Calitz, 2006; Tenza, 2015). The prevalence of this strong-arm tactic lies in the absence of law or policy that directly deals with strike-related violence (Tenza, 2015: 218). This occurrence can be attributed to a number of factors that differ from strike to strike. However, the most glaring causes are firstly, the use of replacement/scab labour which angers strikers. This increases worker aggression and hostility and also causes a delay in labour dispute settlements (Tenza, 2015; Calitz, 2016). Secondly, contact between striking and non-striking workers is another contributing factor towards this phenomenon especially when the strike is heated and emotions are high (Tenza, 2015: 223).

This research's contribution to the body of knowledge, henceforth, will be to increase the understanding of strike action in South Africa and specifically within the public and municipal sectors, whereas aforementioned, strike action has become a norm. Furthermore, this research will assist in pinpointing the various weaknesses that debilitate the effectiveness of strike action within these sectors. Moreover, by locating the elements where strike action is efficacious, this will offer awareness around areas of strike effectiveness and how to increase its stratagem so as to generate a greater impact during the worker struggle.

1.3 Goals of the Research

The goals of this research will be set out in these following objectives:

- Explore workers' understanding of strikes and why they consider strikes a necessary tool during the bargaining process.
- To explore the various social, economic and political factors that made the Port Elizabeth municipal workers to go to strike in 2018.
- To explore how the 2018 Port Elizabeth municipal strike affected the results of the collective bargaining negotiations.
- To explore the relationship of SAMWU and the municipal workers during the strike action in 2018.

- To explore the main consequences experienced by the municipal workers who participated in the 2018 municipal strike in Port Elizabeth.
- To search if the Port Elizabeth municipal workers strike experienced some form of violence or not and if so, to who it was directed to?

1.4 Methods, Procedures and Techniques.

The research method to be employed in this research was qualitative and descriptive in nature. This research method seeks a form of illumination, understanding and exploration to certain situations (Hoepfl, 1997: 48). This research method was employed via semi structured in depth interviews with the use of an interview guide/schedule inclusive of a list of open-ended questions to be explored during the interviews with the respondents (Hoepfl, 1997; Boyce et.al, 2006).

Purposive sampling was used to define the sample type for this research (Etikan et.al, 2017: 2). This sampling technique is when there is a deliberate choice of a participant due to the attributes that they possess (Etikan et.al, 2017: 2). It is for this reason that the sample of respondents was acquired from SAMWU members who form part of the municipal staff in Port Elizabeth that took part in the 2018 strike in Port Elizabeth. More specifically, the sample size comprised of 9 municipal workers who possess the aforementioned criteria. The data was collected in Port Elizabeth at the municipality and also at the SAMWU offices in the same city. After that the data was transcribed and analyzed via a thematic analysis. This entails the identification of data patterns of value and interest. These themes were then used to address the research question and its objectives (Maguire & Delahunt, 2017: 3353). In an effort to adhere to ethical considerations, consent forms were issued to the respondents for them to sign. Furthermore, the identity of the respondents was kept anonymous throughout the course of this thesis.

1.5 A brief explanation of the chapters to follow

The premise of the first chapter was to introduce the question posed for this research as well as its objectives. Furthermore, this chapter provides a brief summary of some of the major themes prevalent within this study. Moreover, a discussion on the methods, procedures and techniques used for purposes of this study was also discussed.

The second chapter deals extensively with a Marxist perspective on strikes. Inclusive in this discussion was a look into how strike action can be defined and what it really entails.

Furthermore, the same Marxist lens were employed when looking into trade unions, their function as well as the main causes surrounding strike action.

The third chapter's premise is based on the municipal workers' participation in public sector and municipal sector strikes that have occurred in South Africa during the apartheid era up to recent times. This is in an effort to not only map the course of strike action in the public and municipal sectors post-apartheid, but to also understand why they occur and how they normally manifest. Within the same chapter, the legal considerations surrounding strike action, the violence element and the criminal and civil consequences that can emerge from it also constituted part of the discussion.

The fourth chapter focuses on the analysis of the data acquired from the interviews conducted for purposes of this research. To achieve this, the raw data is analyzed against a Marxist perspective and the surrounding literature on strike action dealt with in the above mentioned chapters.

The fifth chapter, forms the conclusion of the research. It includes a summary of the discussions prevalent within the above mentioned chapters and the findings as well as the inferences drawn from this research. The chapter also provides recommendations and conclusions based on the findings of this research. Lastly, a focus on the significance of the subject matter and the wider implications of this research is also given.

Chapter 2: A Marxist perspective on strike action

2.1 Introduction

It is important to note that a Marxist view on strike action has been given wide ranging attention from a plethora of scholars. This phenomenon can be seen to be a result of the relationship that exists between labour and capital, as workers experience the whip hand from the owners of the means of production (Lenin, 1964: 310-319). Strike action, therefore, becomes the means through which workers can correct the imbalance of power that exists within this relationship by withdrawing their labour (Hyman, 1989; Lenin, 1964). This collective worker struggle can also be facilitated through trade unions whose role is to unite workers against a common enemy - i.e. the employer (Hyman, 1971; Lenin, 1902). Strikes arise due to grievances which are existent within a particular labour force. These complaints can be attributed to a number of reasons that range from the wage agenda to working conditions and a lack of proper channels of communication between employers and their employees.

As such, this chapter seeks to search the understanding of strike action and the protagonist role played by trade unions during this phenomenon. Furthermore, an exploration into the main causes of strikes is also undertaken. This was done so as to investigate the root elements of worker resistance within the labour sphere. Moreover, this discussion was informed by a Marxist theoretical framework as it is one of the founding schools of thought on strike action in the capitalist economy.

2.2 How can strike action be defined and what prompts its occurrence?

According to Hyman (1989: 17) “strikes can be defined as the temporary halt of work by a group of employees with the intention of expressing grievances or enforcing demands”. Strike action, therefore, is different from other industrial actions as it represents a collective militant act by a group of employees (Hyman, 1989: 17). This implies that strike action is calculative in nature and is designed primarily for the unified expression of worker dissatisfaction (Hyman, 1989: 17). The eruption of strikes arises from a conflict of interest that occurs over the wage-effort bargain which is also exacerbated by an imbalance of power in favour of the employers, much to the detriment of their employees. Henceforth, industrial conflict becomes a ripple effect of this unfair relationship that exists between capital and labor (Cox, 2015; Gall, 2013;

Lenin, 1964). As such, worker resistance via strike action arises due to a desire by workers to destabilise the control and domination they face at the hands of their employers due to this power disparity (Gall, 2013; Lenin, 1964).

This feature of domination, control and power imbalance between employers and employees is caused by the order of capitalism. This is a socio-economic system that allows for a minute number of the population to privately possess land, factories, the manufacturing implements and the provision of goods and services. The majority of the society, on the other hand, owns very little or no property thus compelling them to hire themselves out as workers (Lenin, 1964: 310-319). Marx's view on the development of capitalism and the division of labor that comes with it is that, it results in the dehumanisation and degradation of workers to a point often referred to as powerless alienation (West, 1969; Hyman, 1975). This term describes the workers' jeopardy caused by their separation from ownership of the means of production. This brings about a lack of control over the conditions of employment, an inability to influence general managerial policies as well as a lack of control over the immediate work process (West, 1969: 2). According to Lenin (1964, 310-319) - "this drives the individual worker to become absolutely powerless in the face of the capitalist. It then becomes possible for the capitalist to crush the worker completely, driving him to his death at slave labor".

As such, due to this powerless alienation present within the capitalist economy, workers do not work for themselves but rather for wages. Employers, on the other hand, will attempt to reduce these wages so as to increase their profits (Lenin, 1964; Hyman, 1971; Hyman: 1989). The malicious nature of the employers is further evidenced by how in the face of economic recessions they will slice wages even more severely. When trade eventually improves, employers will refuse to restore those wage cuts, disadvantaging the workers even further (Hyman, 1971: 5). Workers have an inclination to attain the highest possible wages so as to procure for themselves a decent life. This is because, if left to the employers they will be paid just enough to sustain a basic/bare existence (Lenin, 1964; Hyman, 1971). The consequence of this is the creation of the never-ending struggle between employers and employees over the issue of wages expressed in various ways inclusive of strike action (Lenin, 1964; Hyman, 1971).

Strikes can be viewed as the industrial equivalent of war between nations. Similar to war, it can be described as a conduct of industrial relations through other means (Hyman, 1989; Lenin,

1964). It is for this reason that strikes, from a Marxist standpoint, are referred to as a school of war. This is where workers learn the means through which they can engage in a struggle against their enemies so as to attain freedom from the domination of capital and government (Hyman, 1989; Lenin, 1964). Gall (2013: 37) states that “strikes normally require motivation as well as mobilisation”. As such, strike action as a collective expression of conflict is different from individual conflict. This form of capitalist resistance requires the careful construction and mobilisation of social agency (Hyman, 1989; Gall, 2013). However, strike action also possesses huge costs and consequences for not only the employers, but for the workers and the unions as well. Thus, this tool is only employed as a measure of last resort (Hyman, 1989: 20).

The eruption of strikes is a common feature within capitalist society as it signifies the on-going working class struggle against that very system. Every strike reminds the capitalists that it is the workers and not them who are the real masters. It serves as a prompting for the very same workers, that their position is not hopeless and that they are not alone (Lenin, 1964: 310-319). In times of strikes the worker states his demand, reminding the employers of all their abuses and claiming his rights. The worker does this by not only thinking about their individual self and their wages alone. This is only achieved through thinking in the collective consciousness of all the workers who went on strike and who have stood beside him/her, fearing no impending hardships that may come (Lenin, 1964: 310-319).

2.3 A Marxist look into trade unions

It is important to start this discussion by noting that the collective struggle of workers, generally put forward by trade unions, is economic in nature since it is pitted against employers for better terms in the sale of their labour power and better living and working conditions (Hyman, 1971; Lenin, 1902). As such, trade unionism seeks to not only unite workers but also unite them according to the tools of their trade or the manner of the product they produce. Thereby, this groups them according to the different boundaries that are imposed on them by the capitalist system (Hyman, 1971; Gramsci, 1919). Hyman (1975: 36) refers to this as “the structure of trade unionism”- with these being a universal feature within trade unions. In some European countries, this division exists along political or religious lines while in Africa there are many unions created solely for particular companies/sectors within a given nations (Hyman, 1975; Van Rensburg & Van Rensburg, 2013).

What gives unions their great value is that they represent the first attempt of workers to abolish the competition that exists among themselves which gives life to the supremacy of the bourgeoisie/employers. This attempt is achieved through their wanton desire for cohesion with the bourgeoisie/employers in relation to the ownership of the means of production (Hyman, 1971; Engels, 1844; Hyman, 1975; Hyman, 1989). Marx (1847: 149) argues that, the collective organization - i.e. unions - at its inception, was mainly focused on defending wages but now developed into being responsible for the creation of a workers' consciousness of class unity. This consciousness, put forward by trade unions, informs the working class to change from a class in itself to a class for itself. This resulted in the interests of the mass workers becoming class interests, unifying every worker under the working class (Marx, 1847; Hyman, 1971; Hyman, 1975). The outcome of this unity was not only the disappearance of competition in the labour market threatening the stability of capitalism but also, as aforementioned, the development of a workers' class consciousness and the training of workers in methods of struggle such as strike action (Hyman, 1971: 8).

Le Blanc (1988: 10) defines one of the major guiding principles of trade unionism as "democratic centralism". This ideology, Marxist-Leninist in nature, entails the dynamic interaction between the individual and the collective/trade union as a whole (Le Blanc, 1988: 10). This creates a system whereby the highest level of participation by the general membership is assured especially in instances of decision making and the execution of unionist work. As such, this ideology forms the true and unhampered synthesis of both central governance and proletariat/worker democracy, informing a strong contribution of the general membership of the union in the on-going class struggle (Le Blanc, 1988: 10). Therefore, democratic centralism sees to it that the freedom of discussion and the unity of action within trade unionism is achieved. As such, democratic centralism ensures the unification of worker organizations. In spite of this unification, there must also be an atmosphere of not only wide and free discussion of trade union questions, but also of open comradely criticism and assessments of every day events in trade union life (Le Blanc, 1988: 10).

However, in the formative years, unions were viewed by not only employers but by governments as dangerous and submissive (Hyman, 1989: 81). Resistance in the form of espionage, private arsenals, hired thugs and assassins were employed by leading companies in order to engage in a war against union organization (Hyman, 1989: 81). Local and national government have also been historically and contemporarily aiding towards the employers in

such resistance or war (Hyman, 1989: 81). This is evidenced by how the government has engaged in the capturing of unions through the use of kindness, especially during times of war and difficulty. Through the co-opting of trade unions and their leaders into various consultative committees that are typically ineffectual and by offering rewards for good conduct, an attempt is made to make sure that there is 'responsible' trade union movements (Hyman, 1989: 83).

Therefore, the unions have become, in every sense of the word, "associated" with the government as well as employers due to the scores of committees of various kinds as well as their accepted responsibility to be consulted on any subject that affects their members (Hyman, 1989: 83). Many feel the perception that they have had this responsibility imposed on them and as such have become part of the body of the state. Therefore, union organisation has metamorphosed from fully being a rival power to now being in partnership with the government and as such creating an implied loyalty to it (Hyman, 1989: 83). The result of this is that the union leaders are now generally willing to exercise restraint both in the scale of their demands and in their use of official strike action (Hyman, 1989: 83). Due to this fallacious relationship that union organization holds with the government, industrial conflict has become increasingly institutionalised, professionalised and antiseptic. Thus, situations rarely compel union leaders to wield the strike weapon and in the event that such instances arise, the conflict itself is expressed in notably peaceful forms (Hyman, 1989: 83).

2.4 Main causes of strikes

Institutionalisation can be defined as the management of industrial conflict such as strike action and violence. Institutionalisation, therefore, creates and maintains formalised structures whose sole purpose is to regulate as well as manage conflict in an effort to restore order, enforcing the legitimacy of management without the use of skills of coercion (Chinguno, 2015: 580). These institutions form a double barrelled function which is to represent workers' collective voice on one end and also be vehicles of institutionalisation on the other. (Chinguno, 2015; Hyman, 1989). This is excessively contradictory in nature as these institutions challenge employer hegemony and at the same time defends it. This can have the effect of trade unions being a joint partner within the regulation of the production process due to the procedure of negotiation (Chinguno, 2015: 508). However, this changes the nature of trade unions from an advocate of the collective demands of the workers to a watchman whose job is the maintenance or discipline of workers. This can result in workers deciding to push their grievances and demands through

other means – i.e. strike action. This is because, institutionalization makes trade unions dismal at representing the needs and demands of the workers effectively, leaving them with little to no option but to engage in strike action (Chinguno, 2015: 580).

There is a widespread assumption that agitators play a significant role in the eruption of strikes (Hyman, 1989: 60). It is common to find that employers control industrial disagreement through giving penalties against strike leaders (Hyman, 1989: 60). This view is held among many politicians, media and industrial managers/employers. This is seen as an attempt to persuade their employees as well as the general public that only fools choose to disrupt (Hyman, 1989: 60). Shop stewards, therefore, are the first point of target for the label of an agitator. Nonetheless, the role of the shop steward in some instances, as mentioned earlier, is to prevent rather than promote strikes (Hyman, 1989: 60). As such, there are times when shop floor grievances are a ticking time bomb of conflict and even shop stewards fail to step up to lead a strike. However, in incidents such as these, there will always be workers who possess an aggressive temperament as well as strong and influential views that then take up the role of the agitators. They possess the ability to rile fellow workers leading to the start of a strike (Hyman, 1989: 60).

It is argued that the key to high worker morale, high productivity as well as industrial peace lies within the human relations in industry (Hyman, 1989: 61). Proponents of this approach, therefore, argue that employers can attain their objectives through the encouragement of cohesive social relationships with the labour force (Hyman, 1989: 61). This can be achieved through the provision of workers with supportive leadership and as such ensuring that the existence of effective channels of communication between management and employees are present and strong (Hyman, 1989: 61). Thus, strike action may arise due to a lack of these channels or lines of communication. Furthermore, when these channels are subject to managerial bias, this can also cause the eruption of strikes. This is because if employers decide to employ manipulative approaches, these channels can be used as a tool to deny workers the rationality of industrial conflict creating deep-seated frustrations among them resulting in strike action (Hyman, 1989: 61).

Burchill (2008: 141) argues that there are three groups of issues that are responsible for the eruption of strike action. The first are referred to as basic issues and these surround matters such as wages and hours of work (Burchill, 2008: 141). The second group of issues are those

which are referred to as solidarity issues and these surround matters concerning recognition, closed shop disputes or disputes between unions (Burchill, 2008: 141). The third group are defined by issues that deal with discipline, redundancy as well as working arrangements, referred to as frictional issues (Burchill, 2008: 141). However, it should be noted that there are existent, different variations in the forms, levels and trends of strike activity over time and space and across occupations and industries. As such, these different groups of issues may be more prevalent in certain industries than others (Burchill, 2008: 141).

2.5 Conclusion

Conclusively, it can be seen that this particular Marxist perspective endeavors to explain the occurrence of strike action by attributing it to the imbalance of power that exists between the employer and the employees as well as their never-ending wage conflict. Strike action, therefore, is a revolt on the part of the workers against the relationship of domination and control that exists between them and the owners of the means of production. Strikes are also frequently facilitated via trade unions. These institutions can be defined as an attempt by workers to abolish the competition that is existent among them and uniting against the one common enemy - the employer/owners of the means of production. These collective worker organizations are also guided by the principle of democratic centralism within their functioning. This entails a structure where full participation of members is quintessential in decision making and union activity. However, the radical and militant nature of trade unionism has been watered down due to the relationship that has developed between these institutions and the employers/government. Furthermore, there are present, from a Marxist perspective, various causes that lead to the eruption of strikes ranging from institutionalisation of labour relations, agitators, a lack of proper communication channels down to basic, frictional and solidarity issues.

Chapter 3. Municipal workers' strike activity from apartheid to contemporary times

3.1 Introduction

The motive of this chapter is to launch a discussion on the historical strike activity in the municipal sector in South Africa. The timeline guiding this exploration was taken from the last stages of apartheid South Africa up to contemporary times. By so doing, an understanding of municipal strike action from its grassroots to its top leaf is going to be reached. Accompanying this investigation is a discussion on the legal requirements surrounding strike activity, particularly what makes strike action legal/protected or illegal/unprotected. Furthermore, a look into the occurrence of violence during strike actions, inclusive of the causes behind this phenomenon as well as the legal ramifications that can flow from such aggressive acts during a strike will form part of this exploration. The legal basis of these discussions are derived from the Labour Relations Act of 1995. This statute gives the framework informing the right to strike entrenched within the South African Constitution. However, before diving into the above mentioned discussions, a brief look into SAMWU will be done. This is in an effort to contextualize the protagonist role the union plays in municipal workers' strikes. Furthermore, a look into their successes and shortcomings may help bring light to the efficiency of strike action or its lack thereof within the municipal sector.

3.2 Municipal Strike Action under Apartheid.

It is important to understand that strike action within the municipal sector is not an occurrence that started when apartheid ended. Even in the harsh and oppressive climate of the apartheid regime, municipal workers still possessed the will to strike against their employees (Fosatu Worker News, 1 October 1980). This is evidenced by the municipal workers' strike of 1980, where 600 workers from the Orlando Power station went on strike. The intensity of this strike quickly grew as 3 days later, 10 000 municipal workers downed their tools in support of the strike action (Fosatu Worker News, 1 October 1980). The major grievance among the Johannesburg municipality workers was the wage issue. Due to inflation, the wages that they were being given - R33 per week - were not keeping up with the rise in inflation. As such, the

municipal employees took to the streets demanding a living wage of R58 a week. Instead of putting pressure on the negotiations in favor of the workers, the municipality was absolutely unwilling to heed the plight of their workers. This culminated in the use of force by the employers as they not only called the riot police to contain the striking workers, but also went on to lock them up in their compounds under police supervision, day and night (Fosatu Worker News, 1 October 1980). Afterwards, the Johannesburg municipality sent 1000 workers back to the homelands without pay. This was a move that was in contravention of an agreement previously reached by the workers and the municipality. It seems as though there was existent, strong anti-union sentiments during this time as employers sought to act in a manner that tamed unions and reduced their militancy. In this case, strike action was grossly ineffectual and failed dismally at reinforcing the bargaining process (Fosatu Worker News, 1 October 1980).

Within the same decade, specifically in 1987, SAMWU was formed and gradually grew into the largest trade union in the municipal sector with approximately 160 000 members (SAMWU Website, 2019; Mail and Guardian, 24 May 2019). This union represents workers that are the coal face of the municipalities in South Africa. SAMWU stands to build a democratic worker controlled organization that is based on the participation of its members in policy and decision making. The union also aspires to build a powerful team of shop stewards as well as provide its many members with education as well as training skills in an effort to advance the interests of workers within the workplace (SAMWU Website, 2019). SAMWU's goals as a trade union are, therefore, to fight for the protection and advancement of conditions of service, quality, health and safety of their environments of work. Furthermore, the trade union strives to regulate the relationships that exist between its members and their employers through means of effective collective bargaining (SAMWU Website, 2019). Last but not least, SAMWU also aspires to develop members by providing training as well as educational opportunities to advance their skills and competencies as well as their understanding of trade unionism (SAMWU, Website, 2019).

In 1988, SAMWU started making inroads into the labour sphere of South Africa. The Soweto municipal workers under this trade union engaged in strike action for a period spanning over four months. This strike was caused by (1) a refusal by the municipality to give its workers the wage increases that were due to them given the rise in inflation as well as (2) the desire to have their union, SAMWU, recognized (Labour Bulletin, 1 November 1988). This strike, made up

of 4 000 municipal workers, worsened when the employees met with the municipal officials to present their memorandum. The employers refused to engage in a dialogue, storming out of the meeting. Unlike the Johannesburg municipal strike discussed earlier, most of the workers were township residents rather than migrant workers. As such, they could not be forcibly removed from the area, making it difficult for the municipality to replace them with scab labourers (Labour Bulletin, 1 November 1988). Police intervention was also employed in a bid to take the strike off the streets. Again, the effectiveness of strike action proved to be elusive as the municipality announced that all of the SAMWU affiliated striking workers had been dismissed (Labour Bulletin, 1 November 1988). This hampered the verve of the strike as workers slowly started going back to work in an effort to secure their employment. The council further announced that it could only take back 70% of the workers, with 30% of the workforce deemed useless due to the decision of the municipality to privatize its services. Again, strike action seemingly proved to be ineffectual as it led to municipal workers losing their jobs while those that were still in employment failing to secure the wage increment they desired (Labour Bulletin, 1 November 1988).

In 1990, just 4 years before the fall of apartheid, municipal workers organized under SAMWU went on strike against the Pretoria municipality (Public Sector Action, 1 June 1990). The reasons behind their decision to strike was rooted in sentiments of poor working conditions, low wages, unfair labour practices and worker intimidation tactics by white superiors (Public Sector Action, 1 June 1990). The strike lasted for two weeks as the municipality's services were undisturbed due to the use of scab labourers. The strike ended after the employers threatened to put an interdict on the striking workers. This strike saw some considerable success as the workers eventually agreed to an out of court settlement with the Pretoria municipality with further wage talks being scheduled (Public Sector Action, 1 June 1990). To this end, strike action proved to be efficacious. However, during the apartheid period, this was seemingly an exception and not a norm as workers encountered huge losses whenever they decided to strike. This is evident in the 1980 and 1988 municipal strikes discussed above.

3.3 Municipal strike action activity in early Post-Apartheid South Africa

Fast track to the end of apartheid, South Africa had managed to accomplish a political turn around, however, the same could not be said about the economic side of things (Cottle, 2017: 161). This era saw the rise of structural changes inclusive of a reconfiguration of the industrial

relations system, the economy, the political atmosphere as well as a huge change in radical and socialist thought (Cottle, 2017: 161). While unions everywhere else on the globe were losing membership, those in South Africa were gaining members astronomically. The Congress Of South African Trade Unions (COSATU) - a member of the tripartite alliance inclusive of the African National Congress (ANC) and the South African Communist Party (SACP) - recorded 1, 3 million members in 1994 alone with its affiliates such as SAMWU also experiencing exponential growth (Cottle, 2017: 161). However, due to the rise in the subordination that COSATU had and still has to the ANC within the tripartite alliance, many implications came about. These included the migration of expert leaders from unions in COSATU to the ANC resulting in a brain-drain and the continued political institutionalization of these worker movements via this federation. The effect this had was reduction of the potency of trade unions and ultimately strike action progressively within post-apartheid South Africa (Barchiesi, 1999: 27-29).

However, despite some of these positive changes noted above, the country also witnessed an increase in the frequency of strikes. In 1998 alone, South Africa witnessed a record shattering 1 324 strikes. This was the highest number of strikes ever recorded in the country's history with a significant portion of those strikes emanating from the public sector to which the municipal workers constitute part of (Cottle, 2017: 162). In relation to the municipal sector, SAMWU engaged in its fair share of strike action during the early years of democracy. In 1995, for example, all the municipal workers were of the idea that the new political dispensation meant a better life for everyone and this was evident in the unions demand to raise the minimum entry level wage to R1000 per month (Workers News, 1997: 26). There were existent, sentiments that nothing had changed and the municipal workers felt as though they were still living in apartheid times. This resulted in the eruption of strikes in the Western Cape, Northern Cape and Free State provinces, soon spreading to the rest of South Africa (Workers News, 1997: 26).

Workers marched in the streets in an emotional display of their grievances with municipal employees in Pretoria protesting in front of the union buildings. This nationwide strike eventually ended when the government decided to make substantially improved offers. To this end, strike action tipped the scales in favor of the municipal workers, proving it to be quite effective in the furtherance of their demands, to a certain extent (Worker News, 1997: 26).

However, while the strike was impactful in other areas, the workers in turn, also experienced heavy losses. Many municipal workers were arrested and violent clashes with the police occurred with deaths being recorded in Pietersburg and Pretoria. Furthermore, a large number of municipal employers also lost their jobs (Worker News, 1997: 26).

Strikes during this period can be attributed to the prolonged and aggressive attack by capital on the working class. The country was experiencing a rising unemployment rate as well as widespread increases in inequality and poverty with the working class bearing the brunt of this (Cottle, 2017: 162). This was caused by the abandonment of the RDP - a policy that possessed a welfarist component and was agreed upon by the African National Congress (ANC) and labour in 1994 (Amoako, 2012; Cottle, 2017). The replacement of this policy was GEAR which was neo-liberal in nature and saw the ruling class attaining a major victory over the working class forces (Amoako, 2012; Cottle, 2017). This led to vexations arising within the municipal sector unions as the social bond that was created by both labour and the ANC government had been broken. The ANC government incessantly became reluctant to accede the demands of labour (Amoako, 2012; Cottle, 2017). Frustrations from COSATU affiliated unions to negotiate for salary increases as well as improved conditions of work within the rigid and harsh economic framework resulted in the outbreak of widespread strike action within this era, as they made strong use of their newfound right to strike. (Amoako, 2012: 86).

3.4 Municipal strike activity in the 21st century

The new millennium saw South Africa averaging 71 strikes per annum in all sectors, a drastic reduction from the figures of the 90's. However, while the number of strikes reduced, their intensity did not. This could be seen in not only the municipal sector strikes but also the public sector's industrial actions which municipal workers under SAMWU have greatly participated in (Cottle, 2017: 162). Therefore, to get a full grasp of municipal workers' strike action activity in the 21st century, an exploration into their participation in not only municipal sector strikes but public sector industrial actions as well is necessary.

SAMWU's role in the municipal worker strike activity of the 21st century can be evidenced by how it maintained its position as the biggest trade union in the municipal sector. Within this era, the trade union has made great strides in the protection of worker interests in the municipal sector both currently (as can be seen by the discussion to follow) and historically. It has also

been at the forefront of some of the biggest municipal and public sector strikes in South Africa over the past two decades (SAMWU Website, 2019; Mail and Guardian, 24 May 2019; Centre for Civil Society, 2010). Furthermore, the union still engages the South African Local Bargaining Council (SALBGC) regularly, negotiating collectively for all municipal workers with regards to issues surrounding wages and policies (South African Local Bargaining Council, 2019).

However, to only look at SAMWU in only a positive light will be rather folly. The trade union has been dogged by incessant internal conflicts due to allegations of mismanagement of funds (Smit, 14 June 2019; Smit, 30 July 2018). For example, it was confirmed that R88 million went missing from the union's coffers between 2012 and 2015. During this period, members were also expelled from the union after enquiring on the state of the finances (Smit, 14 June 2019). Furthermore, the union also failed to pay its dues to COSATU amounting to R3 million and was at the brink of losing its voting rights within the federation. Moreover, the union has been dogged by factionalism and this has further fueled the internal conflicts as well as member purging that has been occurring in the past (Smit, 30 July 2018).

The focus, at this juncture, is the 2007 and 2010 public sector strikes where in the former, 700 000 workers organized under various unions, inclusive of SAMWU, downed their tools after a breakdown in wage negotiations. SAMWU's participation in the strike came after a legal battle by the South Africa Local Government Association that sought to stop the municipal workers from engaging in the on-going strike action. The courts eventually granted SAMWU permission to join the strike with its entrance into the strike seeing 72 000 municipal workers downing their tools in support of the on-going industrial action (Fin24 Archives, 11 June 2007). The result of this strike was the loss of over 12.9 million working days during this period (Cottle, 2017; Van Rensburg & Van Rensburg, 2013; Banjo & Balkaran, 2009). The justification for the strikers' wage demands were immersed in themes that had emerged over the previous years concerning inequality in the workplace and general hardship due to the wages they earned (Van Rensburg & Van Rensburg, 2013; Ceruti, 2011).

The breakdown in negotiations prior to the strike was as a result of public service unions refusing to accept wage increases linked to inflation as their argument was that there was no real wage increases over the last 10 years and also condemned the employer's insistence to spread salary negotiations over a multi-term period (Banjo, 2009: 124). However, the

overarching problem was the growing discontent of workers about the government and as such the strike had major political undertones. It is evident that the attitudes surrounding this strike moved beyond mere discontent as the strikers' justification for their wage demands was riddled with themes that had been percolating over a long period of time (Ceruti, 2011: 8). The strike, therefore, demonstrated that the government was not prepared to better service delivery, fulfill "coming into power" promises and strive to create a better life and decent jobs for all. The reality of the situation was that the country's leadership failed to give its workers the appropriate wage increases and improve working conditions (Ceruti, 2011: 8).

Unlike in 2007, the 2010 public sector strike was caused by SAMWU and other various public sector union members who forced their leadership to act when the negotiations hardened up (Ceruti, 2011: 11). The union negotiators had a strong belief in the co-operation of the government and, as such, did not expect the strike to occur as it came as a surprise after workers rejected the final offer of the government (Ceruti, 2011: 11). SAMWU members in provinces such as Limpopo threatened to create a water crisis in the event that their demands were not heeded. The municipal workers, thereafter, embarked on a nationwide strike in support of not only their demands but of the entire public sector as a whole (Center for Civil Society, 27 August 2010).

Furthermore, there were present, politicians as well as other individuals agitating the frustrated workers such as the ANC Youth League leader, Julius Malema, who openly criticized the decisions of his party, publicly adding more reasons for workers to believe in their motive to strike (Ceruti, 2011: 11). This was further exacerbated by the huge expenditure that went into hosting the FIFA World Cup while there was a looming global economic crisis. Sentiments of inequality as well as the misdistribution of government resources added more fuel to the fire (Ceruti, 2011: 11). Moreover, the strike action was solidified after the government provocatively announced their final offer of 7% increase in wages, a day after public sector unions marched in Pretoria, putting the strike into full swing (Ceruti, 2011: 11). This coupled with feelings of shock and betrayal became the driving force for municipal workers and other public sector workers alike, to engage in serious strike action that went on for 12 days before the channels of negotiations were re-opened (Ceruti, 2011: 11). The result of this strike was the loss of 12 million working days, with the figure adding to the year total of 14. 6 million

working days being lost due to strikes - the highest working days lost since the start of democracy in 1994 (Van Rensburg & Van Rensburg, 2013; Ceruti, 2011; Cottle, 2017).

A question of vital importance is how these workers pushed their demands during these industrial actions? In both 2007 and 2010, workers mobilized for the strike and engaged in picketing as well as lunch hour demonstrations in all of the public service institutions (Banjo, 2007; Bekker & Van Der Walt, 2010). Across the whole country, workers in the municipalities organized under SAMWU and other various sectors of the public domain marched in the streets for “more money”. Quintessential administrative services were not available – municipality facilities, border posts, motor vehicle registration offices, port authorities and deeds offices (Banjo, 2007; Bekker & Van Der Walt, 2010). In most provincial capitals, members of various unions picketed at the entrance of their workplaces with strikers blocking access routes, causing traffic mayhem and queues going for several kilometers (Banjo, 2007: 125). Strikers also discouraged the use of scab labour (Banjo, 2007: 125).

The country’s security went on to show force so as to ensure law and order. In a gloves off approach, the government deployed security forces around the country comprising of the army and private security companies in order to maintain law and order during the volatile wage impasse (Banjo, 2007: 126). The striking workers retaliated by showing hostility in return, with several death threats being sent to government officials (Banjo, 2007: 126). Violence was also used as a technique by strikers in the public sector strike of 2010 as the police went on to arrest dozens of strikers for public violence, with sixty one strikers being arrested by the seventh day (Bekker & Van Der Walt, 2010: 144). In the same year, SAMWU workers disrupted service delivery and also, as aforementioned, intimidated their employers by threatening to cause a water crisis in the whole country (Center for Civil Society, 27 August 2010).

When looking at the nature of these strikes and their intensity, one would imagine that they were highly effective in furthering worker demands, however, this was seemingly not the case. In the strike of 2007, the effectiveness of this strike was rather limited, as workers demanded a wage increase of 12 percent, but in the end settled for 7.5 % increment (Ceruti, 2011: 12). A fixed percentage increment was pitched at 1.5 % per annum. Inclusive of these increments was a danger, night shift and housing allowances raised to a meagre R500 per month (Ceruti, 2011: 12).

The results of the 2010 strike were also rather underwhelming in nature as the striking workers were demanding an 8.6 percent increase. However, the strikers eventually agreed to settle for a 7.5 percent increment, a diminutive 0.5 % increment from the original offer from the government that extended the duration of the strike (Ceruti, 2011: 14). Workers were very dissatisfied with this deal, with the strike being suspended despite the settlement being rejected by the workers. The workers were willing to go on striking, but issues such as a loss of pay over a 21 day strike period were proving to be crippling. Furthermore, the workers were also extremely unsettled due to the top down manner in which the collective bargaining and the agreement was made (Ceruti, 2011: 15).

In line with municipal workers' strikes, the nationwide SAMWU strike of 2011, the Cape Town municipal workers' strike of 2015 and the Port Elizabeth municipal strike of 2018 were explored. In 2011, municipal workers organized under SAMWU engaged in yet another strike where the union and its members demanded an 18% increment with the employer only offering 6.8 % (Ncana, 14 August 2011; Fin24 Archives, 15 August 2011). This resulted in a deadlock during negotiations amid accusations by the union leaders that the employers were not negotiating in good faith (Ncana, 14 August 2011; Fin24 Archives, 15 August 2011). An estimate of about 300 000 workers participated in this strike with over 262 municipalities being affected as services such as refuse and revenue collection came to a standstill (Ncana, 14 August 2011; Fin24 Archives, 15 August 2011).

In 2015, SAMWU members in Cape Town engaged in a strike action due to wage concerns, the loss of allowances for female firefighters during pregnancy as the municipality deemed them non-operational and also due to the demands that were given in a memorandum to the municipality the previous year but were not given any attention (Petersen, 5 June 2015). In this particular strike, the City of Cape Town representatives argued that the majority of the issues that were raised by the union had already been dealt with through labour committees and local labour forums. They attested they had already made a number of concessions with the municipal workers. As such, the representatives of the Cape Town municipality argued that the workers really had no reason to engage in the on-going strike action (Petersen, 5 June 2015).

In an effort to see how the municipal workers pushed their demands forward, it was noted that the 2011 strike saw the use of violence as a predominant tool. Some of the municipalities even sought interdicts against the striking workers because of this (Polity, 25 August 2011). There

were many incidents of property damage and occurrences of power cuts coupled with municipality vehicles being hijacked by angry protestors. The SAMWU union members also went on to throw bins everywhere, trashing government buildings. Furthermore, non-striking employees were assaulted by the striking municipal employees (Polity, 25 August 2011).

This was not new to SAMWU led strikes as the Cape Town Municipality strike of 2015 also saw violence being used as a strategy of pushing the concerns of union members forward (Petersen, 5 June 2015). Striking workers were heard threatening members of the public as they marched in protest against their employers, promising that they were going to litter the streets of the city. Furthermore, municipality vehicles were also stoned with violent and intimidation tactics being used against non-striking employees (Petersen, 5 June 2015).

However, these vehement expressions of frustration seemingly did not help in effectively securing any notable wins for the municipal workers in both of these strikes. In 2011, as aforementioned, the employer/government only gave them a 6.8 % percent which was below half of what they initially demanded (Ncana, 14 August 2011). The 2015 Cape Town municipal strike, sadly enough, died down without any change occurring on the matters that the municipal workers wanted addressed (Petersen, 5 June 2015).

Contemporarily, municipal sector strikes still exist as a significant feature within the strike waves of South Africa. This can be exemplified by the 2018 municipal worker strike in Port Elizabeth which forms the crux of this research (The Citizen, 15 June 2018; Nkosi, 13 June 2018). This strike, also led by SAMWU was a response to grievances regarding wages as the workers demanded back pay for long service hours, wage reviews and a re-assessment of which workers qualified for allowances after negotiations broke down (The Citizen, 15 June 2018; Nkosi, 13 June 2018; Spies, 15 June 2018). These were not the only reasons behind this strike, as workers also had grievances regarding the insourcing of long term contract workers as well as the use of legal personnel during disciplinary hearings, which they argued was a waste of taxpayers' money (The Citizen, 15 June 2018). Furthermore, the workers were demanding that all outstanding overtime wages be paid, and that all suspensions of municipal workers that spanned over a duration of 3 months be lifted (Spies, 15 June 2018).

However, grievances over wages was still the main issue surrounding this strike as nearly 3000 workers lost their benefits after the amalgamation of the Port Elizabeth, Uitenhage and

Despatch to form the Nelson Mandela Bay Municipality (The Citizen, 15 June 2018; Spies, 15 June 2018). The workers were demanding that each worker that was victim to this be paid up to R30 000. There are existent, perceptions that the decisions taken by the Democratic Alliance (DA), which was at the helm of this municipality, were anti-working class and anti-poor and as such also contributed to the eruption of this strike (The Citizen, 15 June 2018; Spies, 15 June 2018). Furthermore, the leadership of the Nelson Mandela Bay Municipality has also been put under scrutiny as it has been blamed for the maladministration of the municipality due to its leadership style that was careless and arrogant in nature (Spies, 15 June 2018).

During the 2018 Port Elizabeth municipal strike, striking workers used an array of strike tactics. They marched to the City Hall in Port Elizabeth where they engaged in protest action. The SAMWU organised municipal workers, blocked the Lillian Diedericks and Mfanasekhaya Gqoboshe buildings that are in Govan Mbeki Avenue where they engaged in picketing for the duration of the strike. This is where most of the municipal transactions and payments are conducted, including the payment for services to the municipality (IOL, 15 June 2018; Chirume, 18 June 2018). The municipal workers also closed down municipality buildings in New Brighton as well as Uitenhage with traffic and licensing centers in these areas becoming non-operational. Services such as refuse collection and the paying of municipal bills became heavily affected and more workers joined the strike, increasing its intensity (IOL News, 15 June 2018; Chirume, 18 June 2018; Buso, 20 June 2018). Rubbish began accumulating in various neighborhoods in the city as a result of this with other service deliveries also being halted completely (Chirume, 18 June 2018).

Furthermore, the municipal employees engaged in violent antics as they torched dustbins and littered streets in the city center. They also stopped non-striking workers that were in the municipal buildings tending to their various duties from leaving their workplaces (Buso, 20 June 2018). Some of the municipal employees attempted to set alight a car that belonged to the municipality and non-striking workers' vehicles were also stoned (Buso, 20 June 2018). Shops within the city center were closed down as the municipal workers marched from the Lillian Diedericks building to the City Hall. The police had their hands full trying to stop any further destruction to property due to their palpable frustrated mood (Buso, 20 June 2018). Even though some of the customer care centers were open, the general public was advised to be cautious when going there as reports of intimidation by the striking employees at these

municipal buildings were made (Buso, 20 June 2018). However, SAMWU distanced itself from these events attesting that their members were not responsible for these occurrences. Although the presence of the police was high, no arrests were made (Buso, 20 June 2018).

When assessing the effectiveness of the 2018 municipal worker strike in Port Elizabeth, the strike results were investigated. The agreement reached between management and their employees was a settlement of R10 000 for workers that had 12-17 years working for the municipality (Chirume, 22 June 2018(a); Chirume, 22 June 2018(b)). Employees that had 18-23 years in the municipality got a R16 000 settlement and those with 24 years or more got R21 000 (Chirume, 22 June 2018(a); Chirume, 22 June 2018(b)). Furthermore, 458 municipal employees, previously working as contractors would acquire permanent employment as from 1 July 2018. Issues regarding all municipality employees that were facing prolonged suspensions were to be further clarified with the unions. Policies surrounding the locomotion, scarce skills and overtime were set to be discussed more at the Local Labour Forum and if an agreement was met, it was to be implemented within the municipality (Chirume, 22 June 2018).

It can be seen that most of the demands that were made by the workers were closely met due to the strike action. However, some of the demands such as the use of expensive legal help at the expense of the municipality's budget were not even addressed (Chirume, 22 June 2018). To this end, one can come to the conclusion that the strike was rather efficacious in securing notable wins for the workers. However, a thorough investigation will be done on this issue in the coming chapters of this research.

3.5 Protected and unprotected strikes

The right to strike enjoys a great deal of protection in South African law via the LRA and the Constitution of the Republic of South Africa. Section 64 (1) of the LRA states that everyone has the right to strike and this informs section 23 (2) (1) of the Constitution also affording workers of this right (Brassey, 2013; Du toit, 2012; Murwirwapachena, 2014; Davis, 2009; Labour Relations Act, 1995). The right comes with certain prerequisites that if not adhered to will result in the strike being defined as illegal/unprotected. The most glaring procedural requirements for the attainment of legality are found within the LRA. Firstly, the issue that is in dispute must be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) or any applicable bargaining council (Collier & Fergus, 2018: 367). A period of 30

days must then pass after the referral of the dispute, or a certificate of non-resolution must be passed by the conciliator (Collier & Fergus, 2018: 367).

The LRA then requires that the union should give written notice to strike in terms of section 65 (1) (d) (i) and (ii) at least 48 hours prior to the start of the strike. Furthermore, a strike ballot should be conducted in terms of section 65 (2) (b), at which members that are of good standing can vote. A strike will then only occur lawfully when there is a majority vote by means of secret ballot (Welsh, 2000; Rycroft, 2015; Crompton, 2005, Tenza, 2015; Labour Relations Act, 1995; Collier & Fergus, 2018). However, the failure of a union to engage in a strike ballot does not necessarily affect the legality of a strike and does not remove any statutory protections that striking employees enjoy (Collier & Fergus, 2018: 374). The union members may use the lack of this requirement to object to the strike but employers cannot do the same (Collier & Fergus, 2018: 375).

While the LRA provides an extensive framework for the exercise of the right to strike, there are existent a number of limitations to this right (Davis, 2009; Du toit, 2012; Collier & Fergus, 2018). However, the most glaring and often violated limitation is procedural in nature. It states that a strike is only protected when the procedures that are mentioned in the LRA are followed, with these procedural aspects having been dealt with in the discussion above (Welsh, 2000; Rycroft, 2015; Crompton, 2005, Tenza, 2015; Labour Relations Act, 1995; Collier & Fergus, 2018).

The LRA provides incentives for compliance with requirements and limitations of strike action such as legal protection. However, unprotected strikes are not prescribed any criminal sanctions (Crompton, 2005; Manamela & Budeli, 2013). There are existent a number of legal remedies with regards to unprotected strikes that assist the employer in protecting their own interests. Employers are free to institute disciplinary action against striking workers carrying out an infringement on the limitations stated above or even sue them or their union for compensation (Du toit, 2012; Davis, 2009; Gathongo, 2015; Myeza, 2009; Welsh, 2000; Achmat, 2015). Furthermore, employers can approach the Labour Court to interdict and restrain unlawful conduct and have it in their capabilities to lock-out striking employees. Moreover, the employer has the right to dismiss an employee that has participated in a strike or in a conduct that is not in accordance to the Labour Relations Act and even go as far as locking out striking employees (Crompton, 2005; Manamela & Budeli, 2013).

The effect of these statutory provisions were seen in full force when municipal workers of the Tshwane municipality organized by SAMWU engaged in an unprotected strike in 2005 (News24 Archives, 11 August 2005). They failed to adhere to the limitation set out in the LRA to follow the necessary procedures within the Act, as such, failing to attain legal protection. The result of this was the municipality threatened to institute disciplinary action against the municipal workers for illegally absconding from their duties, a remedy made available to them by the LRA (News24 Archives , 11 August 2005; Du toit, 2012; Davis, 2009; Gathongo, 2015; Myeza, 2009; Welsh, 2000; Achmat, 2015). Furthermore, the Tshwane municipality this year, went on to attain an interdict against the striking municipal workers who had placed blockades on roads with municipal vehicles and were committing various other illicit acts. This is yet another recourse, as aforementioned, that the LRA provides employers in instances when striking workers are engaging in unlawful conduct (Madisa, 29 July 2019; Du toit, 2012; Davis, 2009; Gathongo, 2015; Myeza, 2009; Welsh, 2000; Achmat, 2015).

On the other hand, it can be noted that the nationwide municipal worker strike organized by SAMWU in 2011, for example, enjoyed full legal protection. This was achieved by merely adhering to the procedural requirements set out in the LRA to acquire a protected strike status (Welsh, 2000; Rycroft, 2015; Crompton, 2005, Tenza, 2015; Labour Relations Act, 1995; Collier & Fergus, 2018; Politics Web, 7 August 2011). Politics Web (7 August 2011) reported that the dispute between SAMWU and the employers was referred to the CCMA were a failure to resolve the conflict was experienced. SAMWU then went on to issue a notice to strike to the SALGBC expressing their intention to initiate a protected strike on the 15th of August 2011, as such, attaining full legal protection at the inception of the industrial action (Politics Web, 7 August 2011).

3.6 Strike violence: Causes and legal consequences

The question that needs to be posed at this juncture is what are the reasons behind the occurrence of violent strikes in South Africa? For starters, the use of replacement labour also derogatively termed as “scab labour” is one of the biggest causes of the uproar of violence during strikes in this country (Tenza, 2015; Calitz, 2016; Botha, 2017). Not only does this trigger violence and anger among the strikers, it also delays labour dispute settlements, increases hostility and transforms disputes over pay and working conditions into exercises of union busting. Being a scab labourer is quite dangerous because this group is usually targeted,

resulting in conflict occurring between them and striking workers. Therefore, the hiring of scab labour entices anger and increases friction between the two groups with violence becoming the product of this (Tenza, 2015; Calitz, 2016; Botha, 2017).

On the one hand, workers possess strong sentiments against scab labour as it poses a severe limitation on their right to strike as well as an obstacle to their fight of trying to earn a living wage in a highly unequal society (Calitz, 2016: 441). On the other hand, the replacement labour is taken from the unemployment pool of individuals desperate to earn something (Calitz, 2016: 441). This particular phenomenon during strike action raises a couple of concerns about, firstly, the safety of replacement labourers when they come into contact with striking workers. Secondly, the effectiveness of the constitutional right of the workers to strike as it is also put in jeopardy because of this. This right is weakened due to the continued production on the employer's side when they use the services of replacement labourers during a strike (Tenza, 2015: 219).

To counter these difficulties, the LRA places limitations on when employers can use replacement labour to instances when the employer's enterprise or service has not - either wholly or partly - been termed a "maintenance service" (Collier & Fergus, 2018: 383). Secondly, the hiring of scab labour is also limited to when the employer has not instituted a lockout at all, or the lockout has been triggered as a response to the strike (Collier & Fergus, 2018: 383).

The weight of this argument can be felt by the SAMWU led strike against the Gauteng municipality. The union leaders urged the employers not to use scab labour during the course of this strike (News24 Archives, 5 July 2002). Their explanation behind this was that the engagement of replacement labour simply creates tension within the workplace and had already been a source of conflict in certain places where the strike was occurring (News24 Archives, 5 July 2002). More recently, in 2016, Johannesburg municipal workers under SAMWU went onto physically attack replacement workers who had been employed to clean up the city during the course of a strike. Gunshots were also fired at Pikitup trucks that were used to carry the scab labourers showing the severity of the violence that can occur because of the use of scab labour (Mail & Guardian, 1 April 2016).

Tenza (2015: 222) goes on to argue that even the contact between striking and non-striking employees has the same effect. This limits the verve of the strike in instances when there is a group of workers not engaging in the strike action. This is because particular care has to be taken to make sure that the on-going strike does not cause an interference of the performance of the contracts of other employees attending to their duties. This ultimately creates sentiments of betrayal between the two groups (Tenza, 2015: 223). Experience has shown that violence most often occurs when one group, honoring their employment contract, meets the other group consisting of striking workers, resulting/causing a heated altercation (Tenza, 2015: 223). This is evident in the aforementioned municipal strike in Tshwane that happened back in 2005 where a non-striking employee was allegedly murdered by striking workers, showing the gravity of the violence that can occur when these two parties meet (News24 Archives, 11 August 2005).

Now that the causes of violence during strike action have been engaged with, the following discussion touched on the various consequences that may occur when workers decide to engage in a violent strike. These consequences, as will be noted below, range from civil to criminal liability and were placed under scrutiny during the exploration to come.

Section 67 (5) (4) of the LRA states that the employer has the capability of fairly dismissing employees that engage in unlawful violent conduct during a strike. The employer has the capability of even laying criminal charges against employees of this nature. Conduct that enjoys protection is only that which advances the lawful and legitimate elements of a strike (Manamela & Budeli, 2018; Labour Relations Act, 1995). As such, improper behavior as well as unlawful conduct will attract both civil and criminal liability. Misconduct also constitutes one of the three grounds for dismissal of an employee under the LRA (Manamela & Budeli, 2018; Labour Relations Act, 1995)

When there is a case of damage to property, it must be intentional as well as serious. Therefore, the actions of the employees must have been consciously targeted towards this act (Manamela & Budeli, 2013: 332). This form of violent behavior constitutes gross misconduct, forming grounds for dismissal and compensation to the employer. Assault by striking workers was termed by Manamela & Budeli (2013: 332) as - “the unlawful and intentional application of force to a person or a threat that such force will be applied”. Therefore, force does not entirely mean that there should be the actual application of a physical impact as threats may be sufficient. As such, assault includes fisticuffs, pushing and also shoving with any form of smite

on the employer, a colleague, a client or a customer constituting a serious act of misconduct, creating grounds for dismissal (Manamela & Budeli, 2013: 332). Intimidation, which are threats uttered not in jest also constitute grounds for dismissal (Manamela & Budeli, 2013: 332).

Furthermore, there is a duty that unions have entailing them to take all reasonable steps to stop and prevent the occurrence of violence, damage to property and other acts of misconduct during a strike (Manamela & Budeli, 2013: 333). As such, a union experiences vicarious liability for the acts of its members. This comes into effect when the employer can establish that there is existent, a wrongful act that was committed by the union members (Manamela & Budeli, 2013: 333). This is also informed by Section 11 (1) of the Regulation of Gatherings Act that states that- “if any riot damage occurs as a result of a gathering or demonstration, the organizer or convener responsible for such gathering or demonstration, shall be jointly and severally liable together with any person who unlawfully caused or contributed to the damage” (Manamela & Budeli, 2013; Regulation of Gatherings Act 205 of 1993).

3.7 Conclusion

Therefore, it can be noted that South Africa is no stranger to municipal strike activity with this phenomenon being a reoccurring element within the labour sphere of South Africa since the apartheid era. The predominant reason behind the eruption of these strikes is premised on the issue of wages which remains a constant theme across all the strikes mentioned during this discussion. In an effort to push the wage and other agendas, the workers are seen to employ an array of tactics inclusive of picketing, disruption of service delivery, vandalism and violence against government officials, scab labourers and non-striking workers.

The effectiveness of these strikes were rather questionable as most of the strikes mentioned in the discussion above failed at achieving the objectives the workers set out to attain to a larger extent. However, there are in existence, some strikes that although not attaining the full extent of their demands, managed to secure some considerable successes. This, unfortunately, is the exception and not the norm. It can also be argued that South Africa has in place, an extensive legal framework that deals with not only securing workers’ right to strike, but also with providing rules that should be adhered to in an effort to not only protect the employees but the employers as well.

The presence of replacement labour and contact between non-striking and striking employees has been seen to be predominant causes behind the occurrence of violence during strike action. The consequences of engaging in such acts can result in criminal and/or civil liability as well as creating grounds for dismissal by an employer.

Chapter 4: Municipal Strike action and its efficacy in the collective bargaining process

4.1 Introduction

Strike action is a culmination of the relationship between capital and labour. As such, it represents the refusal by labour to be subjugated to a relationship riddled with domination and control, culminating in strike action (Gall, 2013; Lenin, 1964). Through trade unions, workers possess the capability of unifying workers into a collective struggle directed towards their employers (Hyman, 1971; Lenin, 1902). The use of strike action as a tool is a familiar occurrence within the labour sphere of South Africa, particularly the public sector. Various strategies are employed during these strikes in an effort to push the agenda of the workers forward by putting pressure on the employers to negotiate in a fair manner. The effectiveness of this tool, both historically and recently, is rather contentious. When juxtaposed against their results, strikes in both the public and municipal sectors can be seen to have secured minimal success in attaining notable wins for workers.

This chapter, therefore, sought to analyze the 2018 municipal strike in Port Elizabeth by scrutinizing the data acquired when interviewing the workers that were a part of this incident. The Marxist theoretical framework as well as existing literature surrounding public sector/municipal strike action was used to engage the findings of the interviews conducted. The premise behind this analysis lied in trying to understand municipal workers' way of thinking around strike action as well what contributions it makes, negatively and/or positively during the collective bargaining process. Various discussions were launched and these comprised of (1) an investigation into workers' interpretation of strike action and its importance during the collective negotiation process. (2) An exploration into the reasons behind the municipal strike of 2018 as well as (3) how the strike furthered the urgings of the municipality workers. These discussions also included (4) the make-up of the relationship SAMWU possessed with its members during this strike and to what end it assisted in the attainment of the workers' demands. Moreover, (5) a look into the occurrence of violence during the strike in focus and (6) the various consequences that workers witnessed as a result of engaging in strike action was also done.

4.2 Workers' strike action and collective bargaining

When looking at the history of post-apartheid South Africa, it can be argued that strike action has been one of the strongest tools harnessed by workers in the struggle to achieve their demands. It is for this reason that this research explores workers' understanding of strike action and its role during the bargaining process. This was done so as to see how far workers' understanding of strike action goes, as well as how important they perceive this tool.

After engaging with the municipal workers that participated in the 2018 municipal strike, it occurred that they all displayed a good grasp on the concept of strike action and what leads to its eruption. A municipal worker from the administration department stated,

“Well strikes entail workers withdrawing their labor, which is something that they are selling to the employer. That’s not the only tool, but it’s a major tool and a very effective tool, to force the employers to come to the bargaining table and attend to the demands set before them on the bargaining table”.

This speaks to argument brought forward by Hyman (1989: 17) who viewed strikes as a stoppage of work by a group of employees so as to show a grievance and/or enforce a demand (Hyman, 1989: 17). In the South African public sector, strikes have historically been fulfilling this purpose since the apartheid period till now. For instance, in 1980 workers who formed part of the Johannesburg municipality downed their tools over a grievance around wages. The workers felt that their earnings were not keeping up with the rising inflation, with this issue of disgruntlement prompting the start of the strike (Fosatu Worker News, 1 October 1980).

When dealing with the effectiveness of strike action in furthering the demands of workers in South Africa over the last decades, the majority of the municipal workers were of the opinion that, to that end, strike action has been incredibly impactful. One municipal worker was of the belief that strike action allowed for the frequent reviewing of wage rates and policies by employers. Another municipal worker was of the conviction that strikes have had the impact of addressing the socio-economic interests of the worker both in and out of the workplace. A third opinion worthy of note was that strikes have been successful in instances when the employer is not willing to negotiate as it lures them back to the negotiation table. However, some of the municipal workers begged to differ. One municipal worker, who is a SAMWU shop steward, argued that,

“It has not been that effective in the sense that we would go out on strike and the agreement will be reached. But when it comes to the implementation of that agreement, there is a need to go back to the CCMA or bargaining council to force the employer to implement such agreements”.

Another worker, employed in the administration department of the municipality, also came with a contradictory argument to the commonly held position. He stated that strike action as a tool has been heavily compromised because of the alliance SAMWU has with the governing party. Furthermore, due to the political ambitions that some union leaders possess, this reduces not only their militancy, but their desire to strike in fear being viewed as anti-government.

When looking at the majority consensus - that strikes have been effective in pushing the demands of workers in South Africa over the last decades, Marxist scholars such as Lenin also posed a co-relating argument. Their standpoint argues that, strikes afford workers the possibility of attaining the highest wages possible in an effort to acquire a decent lifestyle. This is because a failure in doing this will result in being paid wages that are barely enough for them to survive (Lenin, 1964; Hyman, 1971). This is evident by looking at the one of the biggest public sector strike of post-apartheid South Africa in 2007 where strikes played a pivotal role in pushing the demands of the workers when there was a breakdown in negotiations (Ceruti, 2011: 6). The major grievance was that there had been no real wage increases over the past decade due to inflation, causing a growth in inequality as well as economic hardship (Banjo, 2009; Ceruti, 2011).

However, when looking at the contradictory views of some of the municipal workers, particularly on the issue of strikes being inefficient due to a deliberate failure by employers to implement strike agreements, supporting scholarly arguments were posed. West (1969: 2) contends that this is a consequence arising from the workers' division from the ownership of the means of production. Due to this powerless alienation, workers do not possess the ability to control their conditions of employment nor can they influence policies, as such, making them completely helpless in the face of the capitalist (West, 1969; Lenin, 1964). Furthermore, Hyman (1989: 83) argues that unions have become associated with the government changing them from being a rival power to now belonging and forming an implied loyalty to it. This goes to explain why some municipal workers are of the opinion that the relationship of SAMWU and the ANC coupled with the political ambitions of some union leaders has led to the

debilitation of strike effectiveness gradually. The glaring evidence is found in the case of COSATU, the biggest federation of trade unions in the country - to which SAMWU is also a member - and its subordination to the ANC (Barchiesi, 1999: 27-29). This has caused the political institutionalization of worker movements and a brain drain of union leaders to the ANC making strike action decrease in both militancy and effectiveness (Barchiesi, 1999:27-29).

When looking into (1) whether or not it is always necessary to strike in instances when the union is already in collective bargaining negotiations and (2) whether strike action actually reinforces the negotiation process, different views emerged. A majority of the municipal workers were of the perception that strike action is necessary and does reinforce the negotiation process. This is because when there is an impasse during negotiations, the next best option will not be to continue with the negotiations in hopes of finding a common ground, but to engage in strike action as this helps in applying pressure on the employer. This tips the scales in favor of the workers on the negotiation table and reinforces their side of the bargaining process. Furthermore, by engaging in strike action during the negotiation process, this attracts institutions such as the CCMA to step in and intervene so as to stop the dispute especially in instances when the employer is being reluctant to yield the demands of the workers.

However, others had opposing views to the aforementioned assertions with a municipal administration worker stating,

“I don’t think that strikes are always a necessity. However, it is a good bargaining tool to have and as such should not be the first option as everything should be exhausted and strike action has to be a last resort”.

This view was also supported by another municipal worker, who argued that there is a high probability that when workers go out on strike they will fail at getting their demands because strikes are not effective in this day and age, as such, they should be used as a tool of last resort. The third contradictory opinion raised was on the notion of no work no pay. Striking has financial ramifications for workers, therefore, it is not always necessary to engage in it when there is an on-going collective bargaining process.

In relation to the commonly held perception that strike action’s engagement during the negotiation process is necessary as it reinforces to the advantage of the workers, a number of

scholarly arguments were presented supporting this notion. It is argued that strikes arise from a conflict of interest that occurs over the wage-effort bargain (Cox, 2015; Gall, 2013; Lenin, 1964). This is exacerbated by the imbalance of power between the employer and the worker, with strike action being used as a form of resistance towards this control and domination giving employers more power than they previously possessed (Gall, 2013; Lenin, 1964). This can be seen by the 2018 municipal workers strike in Port Elizabeth in focus. The strike occurred during on-going negotiations and managed to reinforce this process as the workers, although not achieving the full extent of their demands, managed to secure some impressive wins for themselves nonetheless (Chirume, 22 June 2018(a); Chirume, 22 June 2018(b)).

On the other hand, there are instances when striking can prove to be unnecessary in the face of on-going negotiations. This is the case when all other possible options have not been exhausted. This is mainly because strike action, as aforementioned, carry (1) financial consequences for the workers and (2) in this day and age, possess limited chances of success and should be used as an option of last resort. Hyman (1989: 20) argued that because strike action possesses huge costs to both the workers and their unions, this tool should indeed be the last option after all else has failed. Therefore, in instances where there are available other options to achieve worker demands, strike action should be avoided at all costs (Hyman, 1989: 20). This is evident in the 2015 SAMWU led municipal strike in Cape town where workers went on strike even though the majority of the issues they were raising were already being dealt with in the labour committees and the local labour forums (Petersen, 5 June 2015). The strike then occurred despite the availability of better options to achieve the workers' demands. This resulted in the strike failing to reinforce the on-going collective negotiation process and it ended without any notable successes secured for the workers (Petersen, 5 June 2015).

An exploration into whether strike action in the public sector, particularly in the municipalities, shows a growing political/economical awareness developing among the workers was also launched. A larger part of the municipal workers that were interviewed argued that strikes are in actual fact not indicative of a growing political/economical awareness. A legal department municipal worker stated,

“It’s not strike action that seeks to conscientize them, but the growing inequalities, poverty and dispossession of our people”.

Another opinion was raised stating that strike action does not show a growth in political/economic awareness. This is because, even in the 2018 Port Elizabeth municipal workers' strike, the majority of the municipal employees had no in-depth knowledge of what it is they were fighting for exactly. The above arguments were then echoed by the municipal worker in the roads department who stated that,

“You see workers are not too much into politics and economics or their understanding of it, their major concern is about their demands, if there are demands and the demands are not met and every avenue has been exhausted, then that leads to a strike”.

However, one municipal worker argued differently. It was stated that due to the nature of the municipality - i.e. that they are run by politicians - workers need to be politically aware to be able to deal with them appropriately making political awareness of paramount and quintessential importance. Furthermore, the municipal worker went on to attest that due to the fact that the union engages in political dialogue after every strike, this increases workers' understanding of politics.

The majority belief of the municipal workers that were interviewed - that strikes are not an indication of a growing level of political and economic awareness - contradicts with the argument of Marx. He argued that in the beginning, collective organization, manifesting itself in strike action among other things was mainly premised on defending wages. Gradually, these worker organizations became responsible for the creation of a workers' consciousness of class unity and pioneered the change from a class in itself to a class of itself (Marx, 1847; Hyman, 1971; Hyman, 1975). It seems as though the workers under SAMWU are still bent on using strike action solely for defending wage interests and have not attempted to create a collective worker consciousness of class unity entrenched in politics and economics (Marx, 1847; Hyman, 1971).

Even when looking at the contradictory argument stated by the one of municipal workers, their main premise for political awareness is to try and understand their adversary - i.e. the employer - when it comes to defending their wage interest and does not speak to the creation of a collective worker consciousness (Marx, 1847; Hyman, 1971). This is quite ironic because in the public sector strike of 2007 for example, the growing discontent of the workers that led to the eruption of that strike had serious political undertones as the workers, organized by various

unions, were politico-economic aware especially around issues affecting their class position. This is something the SAMWU union members are seemingly lacking in and can be a factor that hampers the extent of the (Ceruti, 2011; Banjo, 2009).

4.3 Issues behind the 2018 strike?

Strike action is motivated by the need for workers to express a grievance or to put in force, a demand (Hyman, 1989: 17). When looking at the municipal strike of 2018 in Port Elizabeth, it is clear that there were existent injustices that the workers felt needed correction centered on the wage issue. However, to pin the eruption of this strike on solely that will be rather folly as there is need to look at other salient factors that may have prompted the workers to decide to strike. Therefore, the focus of this discussion will be premised on not only the economic factors leading up to the start of the industrial action, but also, other reasons that may have aggravated the workers influencing their decision to strike against their employer.

To try and investigate the causes of the municipal workers' strike in 2018, an investigation as to whether the union represents its members well was launched. The majority of the municipal workers that were interviewed attested that the union performs a good job when it comes to representing its members on various national and local bargaining platforms. An artisan in the electrical department of the municipality stated,

“Yes, SAMWU has great experience in engaging in collective bargaining because we have collective agreements, nationally, locally and divisionally”.

However, other municipal workers did not share the same sentiments as a number of issues were raised. First off, it was noted that SAMWU is failing at representing its workers due to (1) a lack of funds to engage in legal action on behalf of its members and (2) due to internal squabbles present within the union itself and the broader COSATU federation. This was also echoed by the municipal administration worker who stated,

“I think that the workers are well represented by SAMWU as a union but in the recent past, there has been internal challenges in SAMWU that hamper the effectiveness of how they represent workers”.

Furthermore, another opinion was raised by a municipal worker in the transport department. It was stated that the union representatives are ill-equipped to represent their members at places

such as the bargaining council and as such contributing to the ineffectiveness of the union in general.

The majority consensus of the municipal workers arguing that the union was indeed doing a good job when it came to the representation of its members on various bargaining platforms finds a correlation with the argument put forward by Vladimir Lenin. It was argued that the collective struggle of workers, put forward by trade unions, is economic in nature and is pitted against their employers for better terms in the sale of their labour power translating into better living and working conditions as well (Hyman, 1971; Lenin, 1902). This is evident by how SAMWU still maintains its position as the largest municipal union in the country (SAMWU Website, 2019; Mail and Guardian, 24 May 2019; Centre for Civil Society, 2010). Furthermore, the union engages the SALBC frequently in an effort to negotiate collectively for all the municipal workers on issues of wages and policies (South African Local Bargaining Council, 2019).

However, there were present, contradictory opinions raised by some of the municipal workers such as the lack of funds to represent its members legally, in-house fighting within the union and against COSATU as well as ill-trained union leaders. These opinions are quite valid as SAMWU, for close to 5 years now, has been riddled by in-house fighting, factionalism and accusations of misappropriation of funds (Smit, 14 June 2019; Smit, 30 July 2018). The conflict between the trade union and COSATU was also a result of the union failing to pay its dues (Smit, 30 July 2018). The lack of well-trained union leaders can be attributed to the institutionalization of trade unions by the government (Hyman, 1989: 83). One of the consequences of this institutionalization is the movement of many expert union leaders into governmental positions resulting in a serious brain-drain within the unions (Barchiesi, 1999: 27-29). Due to the subordination that COSATU has to the ANC, the federation has lost many of its seasoned shop stewards from its numerous member unions to the ranks of the ruling party (Barchiesi, 1999: 27-29). Resultantly, unions such as SAMWU are left to be led by ineffectual and inexperienced leaders causing a poor representation of its members overall. Therefore, the grievances of the workers are not dealt with in an efficient way because of this, leaving them to build up and later explode in the form of strike action.

When looking to see whether hours and conditions of work and disciplinary issues were a cause of the strike in 2018, the municipal workers were of the opinion that these issues did form part

of the causes that led to the eruption of the strike. They stated that these matters formed part of the outstanding issues that had already been raised by the trade union, with the employer falling short in action. The municipal administration department employee stated,

“If you remember, this strike was as a result of the amalgamation of 3 different municipalities and you can see that the conditions of service were not the same. The strike then came around because of those issues that were left hanging such as the disparities within the conditions of service.

As such, the municipal workers wanted the conditions of service to apply uniformly. The municipal employees also spoke on the issue of the employer bringing in legal practitioners into hearings which went against a collective agreement made between the union and the municipality prior to the eruption of the strike in 2018. The issue of hours and conditions of work also arose as part of the outstanding issues that led to the start of the strike. An electrical department artisan that was interviewed raised the issue of the new overtime policy, which as later discovered during the course of the research, cut the hourly rate paid out to workers who had supplementary working hours.

It can be seen that the aforementioned issues played a significant role in the eruption of Port Elizabeth municipal strike of 2018. These can be defined as basic, solidarity and frictional issues (Burchill, 2008: 141). These matters arise due to the consequence that is born from the separation that workers experience from the ownership of the means of production. Strike action, therefore, occurs because workers feel that they do not possess any control over these issues (West, 1969: 2). It is important to note that these matters are not unique to the 2018 municipal strike in Port Elizabeth, as they have been a predominant feature within strike action in South Africa from the start of the country’s democracy. Basic issues such as wages and hours of work as well as frictional issues inclusive of the need for improved conditions of work contributed to high strike frequency in the first few years of independence in South Africa (Amaoko, 2012; Burchill, 2008).

The extent of how various policies and decisions implemented by the Nelson Mandela Bay municipality led to the eruption of the strike in 2018 was also investigated. It was noted that the municipal workers who took part in this study showed a satisfactory understanding of these policies. Only one employee maintained the position that the strike was purely a result of

economic reasons. Two municipal workers, one from the municipal’s legal department and the other being a shop steward for the union, had a correlating opinion. They attested that the municipality’s decision to implement a policy that led to the lowering of the overtime rate created a lot of frustration among the workers and as such played a role in the start of the strike in 2018. A similar sentiment was echoed by a municipal employee from the waste department who stated,

“Look, as workers, what we do not want from the municipality is to reverse our gains, and by doing this, this is what triggers us”.

This, in relation to the waste department municipal employee, is evidenced by how the leadership of the municipality changed the mechanism that measured one’s job evaluation from what was called the Performance Evaluation Meeting (PEM) to the Tuned Assessment of Skills and Knowledge (TASK). As discovered, the replacement of PEM with TASK downgraded workers to lower pay grades, making them earn less and by so doing regressing the wage gains they had acquired before.

The SAMWU shop steward also stated that the leadership of the municipality were anti-working class and anti- trade unionist in nature. This was seen by how the municipality prioritized the needs of the leadership while the concerns of the workers were not given much, if any attention. An employee in the roads department, in support of the above mentioned issue, stated that,

“Ever since I have been working for this institution, it doesn’t matter who is running, they are not working class friendly”.

Furthermore, it was also discovered that the municipality made the decision to put every worker on an insurance called GROUPLIFE without their consent. This was supported by an artisan in the municipality’s electrical department, who stated that the municipality passes policies without consulting workers and, as such, blindsiding them. A municipal employee from the waste department went on to state that for a government institution, the municipality was run in a business-oriented fashion and the decisions that were made did not benefit the worker in any way.

When looking at how the municipality implemented policies and decisions that cut the overtime rate and how they downgraded employees to lower pay grades by changing from the PEM to

the TASK job evaluation system, a link to certain Marxist arguments can be made. Lenin (1964: 310-319), in agreement with other Marxist minds such as Richard Hyman (1971: 5), argued that under the capitalist economy workers work solely for wages and as such employers will always attempt to cut those wages so as to increase their profits. Workers, on the other hand, will try and attain the highest wages possible otherwise they will be paid only enough to sustain their bare existence. The result of this is the incessant struggle between these two parties over the issue of wages resulting in strike action (Lenin, 1964; Hyman, 1971). This is evident in the 2007 public sector strike where one of the major grievances of the workers was that there had been no real wage change as the increases were not matching the rising inflation. Therefore, in reality, the workers were not getting any wage increases but rather wage cuts because of the reluctance of the employer to match the inflation (Banjo, 2009: 124).

The municipal employees attested to how the municipality was anti-trade unionism and/or working class in their policies and decisions. This can be explained as the capitalist feature of domination and control that culminates in worker resistance because of the capitalists' desire to push workers to powerless alienation (West, 1969; Lenin, 1964). Local and national government - to which the leadership of the municipality belongs to - historically and contemporarily seeks to resist working class movements (Hyman, 1989: 81). This is because these working class movements/trade unions strive to group the interests of the mass workers together into class interests and as such unifies every worker under the working class pitting them against the employers/capitalists (Marx, 1847; Hyman, 1971; Hyman, 1975). The municipal workers were also of the opinion that the municipality blindsided its workers as they would not consult them before putting policies and decisions into action, as such leading to the eruption of the strike in 2018. Hyman (1989: 61) argued that strike action can also arise due to a lack of channels of communication between employers and employees. This is because a lack of these channels does not breed a cohesive social relationship between these two parties creating a conducive environment for worker dissatisfaction and resistance (Hyman, 1989: 61).

All of this is not a new phenomenon as the government, during the first few years of democracy in South Africa, totally negated a policy (RDP) agreed upon by the ANC government and labour. The government completely ignored the consensus of the two parties catching the working class unaware (Amoako, 2012; Cottle, 2017). To replace it was GEAR, a neo-liberal, anti-working class and anti-trade unionist policy that redressed the wins of the

working class. This attributed one of the major reasons behind the high strike waves in the 1990's (Amoako, 2012; Cottle, 2017).

An investigation as to how the need for higher wages contributed to the start of the strike in 2018 was also launched. All of the municipal employees attested to the fact that the salary they receive from the municipality is insufficient to meet their needs and that this was a huge motivating factor to engage in strike action. The municipal worker, who is also a union leader, stated,

“In terms of the salaries we do get, it's a hand to mouth sort of salary. You have to survive poorly and we are struggling as workers because of these insufficient wages”.

This lack of adequate remuneration, therefore, inspired workers to go after their long service bonuses. This was supported by an artisan in the municipal electric department, who speaking in relation to the long service bonuses owed stated,

“So when your salary doesn't accommodate your everyday living and when you see that there is any opportunity to get more money, such as those imbalances within the workplace, you need to pursue them.”

It can be seen that the wages being given to the municipal workers are insufficient to meet their needs in life making it a huge factor that influenced them to engage in strike action in 2018. This falls under basic issues that cause strikes as they are centered on wages and hours of work (Burchill, 2008: 141). Furthermore, employers, if left unchecked will pay their employees' wages that cater only for their bare existence. Workers, on the other hand, will also try the best they can to secure themselves the highest wages possible creating a never-ending conflict between the two parties (Lenin, 1964; Hyman, 1971). To validate this argument, it is evident that the issue of wages occupied a central position in every municipal sector strike in South Africa that has occurred in the 21st century. For example, the SAMWU led strike of 2011 erupted as a result of workers demanding an 18% increment with the employer willing to offer a meagre 6.08 %, an increment that didn't even match half of what the employees were asking for. This showed the reluctance of the employers to give adequate wages causing the start of the nationwide strike as workers would not accept such a scant increment (Ncana, 14 August 2011; Fin24 Archives, 15 August 2011).

When looking at the various factors resulting in the eruption of the strike in 2018, the relationship of the union leaders and the employer was interrogated. This was to try and understand whether they support the decisions made by the employers more than the demands of the workers that they represent and if there are not always willing to strike because of this. The majority of the municipal employees that were interviewed were of the opinion that the union leaders make decisions that are in line with the desires and demands of the workers. It was also expressed that due to the principle of democratic centralism, the members of the union are the ones responsible for the action that they choose to take regardless of whether the shop stewards are in support of this or not. The waste department municipal employee, in support of the commonly held assertion went on to state,

“The running of the union is a bottom up approach and workers are controlling SAMWU. If they see that there is a certain shop steward leaning onto the side of the employer a vote of no confidence will kick in and that person will be removed”.

However, there were existent, opposing arguments. The SAMWU shop steward stated that the relationship that exists between SAMWU and the ruling party has brought some problems since some shop stewards are active members of the ANC. Some of them possess political ambitions and because of this they act in a double barrel manner. On one side they are union leaders and on the other end they are also trying to protect the image of the ANC. As such, being part of a militant worker organization does not work in the latter’s favor leading to them compromising the union and what it aims to achieve for their own personal gain. This, as was stated by the SAMWU shop steward, is a common disease found among unions that are part of COSATU. The transport department municipal worker also spoke about those shop stewards who have a relationship with the municipality leadership expressing that,

“Politically sometimes as a shop steward, you know the mayor and you have a close relationship. So, everything you do must not upset the relationship that you have with the employer and what the union fights for should not be against your agreements with the mayor. Others are clear that they are not going to get involved in the strike when the call is made”.

As aforementioned, the majority assertion was that shop stewards do make decisions that are in line with the demands of the workers and as such do not act in a manner that protects the employer’s interests. This is in line with the guiding trade unionist principle of democratic

centralism where the highest level of participation by the general membership is assured when making decisions and executing duties within the union (Le Blanc, 1988: 10). This can be seen in the public sector strike of 2010. In this particular strike, the workers gave the shop stewards the directive to strike when the negotiations started hardening up although the union leaders had a strong belief in the cooperation of the government and did not predict a strike occurring (Ceruti, 2011: 11).

However, when looking at the contradictory arguments brought forward by some of the municipal workers, it was noted that SAMWU's militancy as a union has been compromised by union leaders that have political aspirations or have forged a relationship with the municipal leadership who also form part of the local government. This is because they do not want to be seen as anti-government, this being a common trait found within COSATU member unions. Hyman (1989: 83) argues that due to the co-opting of unions and their leaders into numerous committees of consultations which are inherently inefficient, unions become associated with - in relation to the public sector - local and national government. The effect of this is seen by how union leaders become susceptible to exercising restraint in not only their demands but in the use of strike action as a tool to push the grievances of the workers that they represent forward (Hyman, 1989: 83). Evidence of this can be seen by how there has been an increasing subordination of COSATU member unions to the ANC. This is because their union leaders seek a political career and as such allow for the political institutionalization of their trade unions (Barchiesi, 1999: 27-29). Inevitably, this has made union organization to not only become institutionalized but professionalized and antiseptic causing it to fail at representing the demands of the workers. Inevitably, workers have no other option but to strike as a means of pushing their agenda forward (Hyman, 1989: 83).

When looking into the role of agitators in the occurrence of the 2018 municipal worker strike, the bulk of the workers still maintained that SAMWU is a worker controlled union and that it is the workers themselves that decide to go to strike, leaving no need for agents of persuasion. In support of this, the roads department employee stated,

“You see, the workers are not being convinced, it is the demands of the workers that convince the workers to go to strike, and it is not the leadership that convinces the workers”.

However, the SAMWU shop steward stated that, there are members within the union that have experience and know how to agitate members to go to strike. The legal department worker went onto support this by stating,

“Luckily, you have met one of the seasoned cadres, who has that abilities to agitate members”.

This was also supported by two municipal workers, from the waste and transport departments respectively, who attested to the presence of agitators within the union that can articulate themselves and convince workers to go to strike.

In relation to those municipal employees of the opinion that it is the workers that decide to strike as a collective and that there are no individuals that act as agitators, a correlating argument was posed. Gall (2013: 37) holds the assertion that strike action is a collective expression of conflict differing from individual conflict. Due to this, there is need for careful construction and mobilization of social agency when engaging in strike action. However, Hyman (2003: 60) argues that there is a common assumption that agitators are instrumental to the start of strikes, with shop stewards being the first to be labelled as such. There are instances when shop floor grievances reach their peak and shop stewards do not rise to the occasion. In cases such as these, there will always be union members that possess an impatient and aggressive temperament coupled with strong and influential views that take up the role of agitators motivating the start of a strike (Hyman, 2003: 60). This is evidenced by the public sector strike of 2010 where people such as the then ANC Youth League leader openly criticized the actions of his own party, agitating workers and giving them even more reason to engage in strike action (Ceruti, 2011: 11).

4.4 Strike action and worker demands?

It is important to remember that strike action is a feature that is no stranger to the capitalist world. This is because it is a tool that communicates, almost clearly, the demands of the workers (Lenin, 1964: 310-319). Within South Africa, strike action has been used both historically and contemporarily to push the demands of workers further. This is especially the case when the employers and the workers fail to find a common ground. It is for this reason that an investigation into how far the 2018 municipal strike in Port Elizabeth pushed the

demands of the workers further was conducted. This was in an effort to see whether strikes, in this particular case, had fulfilled its intended purpose.

When attempting to see how the municipal strike of 2018 aided in pushing the demands of the workers, a look into how long the negotiations process was and if a deadlock occurred was done. All the municipal workers attested to the fact that the negotiations were on the table for 3-4 years and the strike came about after the negotiations broke down leaving no other option but to strike. The roads department municipal employee stated,

“That is exactly what happens every time you go for a strike, you exhaust all possible options before engaging in the strike”.

This speaks to the argument raised by Gall (2013: 37) that due to the costs that workers experience as a result of strike action, this tool should be reserved for when all else fails. This can be seen when SAMWU engaged in a strike action in 2011 after there was a deadlock in negotiations, prompting the start of the strike as there was no other alternative left on the table (Ncana, 14 August 2011; Fin24 Archives, 15 August 2011).

When looking into whether the strike put pressure on the employers during the negotiations, a very high number of the municipal workers that were interviewed stated that the negotiations did put much needed pressure on the negotiations. This was because the negotiations had been on-going for a lengthy period of time with no hopes of success. An artisan in the electric department expressed that, a strike was necessary due to the attitude displayed by the municipal leadership. It was stated,

“Yes, it did put pressure because Trolip was the mayor, he was very adamant on not taking us seriously. The first day we had a march and he did not want to come take the petition and later on he did not even want to open his office for the negotiations”.

After the strike was initiated, the negotiations that spanned over a number a period of years finally gave birth to a settlement between the Port Elizabeth municipality and its workers. This indicates that the strike did persuade the employer to come to the negotiation table with a willing heart and open ears.

On the contrary, the SAMWU shop steward stated that the union was not united during the strike because the workers that did not qualify for the long service bonus benefit were not

willing to participate, limiting the pressure of the strike on the negotiations. At the same instance, SAMWU as a union was experiencing in-house conflicts to which it was stated,

“So, we were not as united because of the internal issues as SAMWU. There was a lot of in-house conflict that was existent within the union itself during that period”.

Strike action, through a Marxist lens, can also be defined as war between nations as workers can become militant in an attempt to acquire freedom from the domination of government and capital, thus, making strike action industrial relations through other means (Hyman, 1989; Lenin, 1964). This tool has been very effective in the past by putting pressure on previously deadlocked negotiations in favor of the workers. The 2010 public sector strike is evidence of this. It erupted after a negotiation stalemate, with bargaining channels being reopened after a 12 day strike period resulting in a settlement agreement (Ceruti, 2011: 11). However, the strike of 2018, could have applied more pressure on the negotiations had SAMWU been united as a union and was not experiencing internal problems. SAMWU, has over the past 5 years been riddled with internal conflicts, factionalism and misappropriation of funds (Smit, 2019; Smit, 2018). It is, therefore, no surprise that even the local unions are also suffering from the trickle-down effect of these issues occurring at the national and regional level.

In an effort to ascertain if the strike disturbed any of the on-going negotiations during the strike, it was discovered that most of the municipal workers that were interviewed were of the position that the strike did nothing of that sort. The SAMWU shop steward stated,

“I don’t think it damaged the negotiations. I actually think that the strike actually speeded them up a bit”.

As such, the strike played an important role in communicating the gravity of disgruntlement that existed among the workers with regards to their various demands. Furthermore, the strike allowed for other actors such as the CCMA to get involved, helping the two parties to find a common ground. However, an artisan in the municipality’s electrical department went on to state that, although the strike sped up the bargaining process, it also killed negotiations on other outstanding issues such as the Group Life insurance imposed on the municipal workers without their consent. Furthermore, there was little to no implementation on some of the issues where agreements were reached. Therefore, while the strike did lead to the end of the bargaining

process, it even concluded negotiations on those issues to which no agreement was reached, compromising these grievances entirely.

Lenin (1964: 310-319) argued that strike action act as a reminder to the employer of all the abuses they have done and allows the workers to claim their rights. It helps the workers to realize that their position is not one devoid of solutions and is hopeless as they are the real masters not the employers (Lenin, 1964: 310-319). This can be seen by how the employers were willing to engage employees after strike action has been initiated. This evidently was the case of the 2018 municipal worker strike, were negotiations spanning a period of 3-4 years were eventually addressed in an expedient manner with many of the issues on the list of demands being met by the employer (Chirume, 22 June 2018(a); Chirume, 22 June 2018(b)).

However, it can be seen that negotiations on outstanding issues such as of the Group Life insurance were not continued after the strike ended. Therefore, due to the strike action only being focused on certain issues, this led to some matters being blindsided and as such killing any negotiations around them when the strike ended. This resulted in a partial win for the union. In relation to Lenin's argument, it seems as though the workers did not use the full extent of the strike as the employers were only reminded of a portion of their abuses and resulted in workers unable to claim the full extent of the rights due to them (Lenin, 1964: 310-319). A similar incident happened during the 2015 municipal worker strike in Cape Town led by SAMWU, as some of the issues being raised by the workers were already being addressed in the local labor committees and labour forums (Petersen, 5 June 2015). The strike's eruption, therefore, disturbed and fumbled the on-going negotiation process on certain issues creating an atmosphere of mistrust with the union being accused of negotiating in bad faith (Petersen, 5 June 2015).

An exploration into the opinions surrounding the strike results was launched in an effort to see if the strike action did affect the negotiation process in a positive/negative manner. It was noted that almost all of the municipal workers were either (1) outright unhappy about the results or (2) unimpressed by the results but would take whatever they were given as they argued that they did not have anything in the beginning. The SAMWU union leader stated,

"But most people were not happy for what the union settled for as the money that they got was taxed as well. From 30 000 to about 12 000 that was less than the unions bargained for. "

Another area of dissatisfaction were other issues were left unresolved and also certain agreements were not implemented by the municipality.

It is in the nature of individuals who own the means of production to try and desist, by any means possible, from paying high wages to their workers as this will lead to a reduction of their profits. It is, therefore, not surprising that the union members were not happy/impressed about what the employer had to offer, although they accepted this proposal (Lenin, 1964; Hyman, 1971). In many of the strikes that have occurred in the 21st century within the public sector in South Africa, workers have achieved minimal successes and were generally unhappy of the results of the strike action. For example, in 2007, after public sector workers staged a strike of great intensity, they only succeeded in getting a little above half of the increments they demanded (Ceruti, 2011: 12). Therefore, in as much as strikes do put a positive effect on on-going negotiations, it can be seen that in the case of the 2018 municipal strike in Port Elizabeth alongside with other strikes of a similar nature, this tool has not been able to really impact the negotiations in a manner that results in workers getting the full scale of their demands.

4.5 SAMWU members during the strike action

Trade unions, as aforementioned, strive to unite workers and organize them against a common enemy – i.e. the employer. By so doing, this creates a collective worker struggle in which battles are launched against the employer in an effort to acquire better conditions for the sale of their labour power as well as their living and working circumstances (Hyman, 1971; Lenin, 1902). However, trade unionism possesses some inconsistencies making its efficiency in achieving these goals questionable at times (Hyman, 1989: 81). Therefore, in order to see whether strike action is indeed impactful, the role of SAMWU during the strike of 2018 also needs interrogation.

In an effort to understand the relationship that the trade union had with its members during the strike, the role of SAMWU during the strike was explored. Most of the municipal workers gave positive responses on this subject. They attested that the union was responsible for the representation of workers on the bargaining table, as such, creating a link between the workers and the employers. Furthermore, they dealt with the logistical planning of the strike such as the transportation of members from various areas such as Uitenhage and Despatch. A worker from the electrical department stated,

“Logistics were their main help as there are people that in the outskirts that needed to come to the strike. Therefore, the union organized busses, toilets, and water as well as t shirts”.

They also helped in marshaling the striking workers and devising strike tactics to intensify the strike.

However, there were present, insightful but yet contradictory arguments brought forward by some of the municipal employees. It was stated that the role of the union as an institution was quite minimal because of the internal challenges they were facing. Henceforth, little to no support was given to the local branch of SAMWU resulting in them having to fundraise when it came to financing the logistics and other requirements of the strike. The SAMWU shop steward stated,

“The support that was given to us as local union was very minimal and we had to see for ourselves, how we bus members and other logistics of a strike”.

Trade unions, via a Marxist lens, work to put forward the collective struggle of the workers against their employers so as to attain for them, as aforementioned, better terms in their sale of labour power and better living and working conditions (Hyman, 1971; Lenin, 1902). This is evident in how the union leaders represented the workers on the bargaining table, creating a link between these two parties, as well as how the union planned the strike in an effort to push the collective agenda and struggle of the worker further (Hyman, 1971; Lenin, 1902). This can be seen by how in both 2007 and 2010, various unions came together to push the unified struggle of the workers resulting in two of the biggest public sector strikes being planned and executed (Ceruti, 2011; Van Rensburg & Van Rensburg, 2013). However, in the case of SAMWU, it failed to give support to the local union during the strike. Henceforth, it hampered the collective struggle of its own members as the regional and national body failed to offer much needed assistance to the local Port Elizabeth union leaving it to fend for itself financially. This is not ironic as there has been allegations of fund mismanagement and internal conflict at the national level of the union with R88 million being unaccounted for in the union’s coffers between 2012 and 2015 (Smit, 14 June 2019).

An exploration into whether there was continuous assembly discussion between the municipal workers and union leaders, as well as if the workers were satisfied with the role that was played

by the shop stewards was also conducted. All of the municipal workers stated that the union officials would regularly meet with the members to discuss the progress of the negotiations. An artisan in the municipality's electrical department stated that,

“The mandate is taken and then they go and negotiate. They then come back and report because it is our decision as the workers to agree whether or not we want the results that have been given to us”.

When looking into whether the municipal employees were satisfied with the role that was played by the shop stewards they stated that the union leaders performed a good execution of their duties, showing great expertise on the negotiable table. A municipal employee in the transport department stated,

“Yes, I am quite satisfied because of the participation and the visibility of the shop stewards during this process”.

This speaks to the goals of SAMWU as a union as it aspires to build a powerful teams of shop stewards in an effort to advance the interests of the workers (Hyman, 1971; Lenin, 1902; SAMWU Website, 2018).

When diving into whether shop stewards have enough knowledge to lead the negotiation process and whether the union provides training to the members in terms of rights, the law and other relevant subjects, the majority of the municipal employees attested to the fact that the shop stewards do receive this training. The union, thus, uses various institutions from the CCMA to the local Nelson Mandela University for this purpose. A worker in the municipality's waste department stated that,

“Yes, we do get training from time to time and we also use NMMU as the institution that is around the corner. When it comes to knowledge, it is never enough, but we are trying our best”.

However, when it came to the workers, it was noted that the union's sole focus is the shop stewards. Therefore, general members do not receive any training related programs. Furthermore, a worker in the municipality's administration stated that shop stewards are still stuck in the pre-1994 way of bargaining that lacks technique, preparation and finesse. Moreover, the assertion that was held is that shop stewards of the union are ill-prepared because

although these training programs are available to the union leaders, only a minute number of them attend.

Trade unions are part of what Marx termed as a school of war where workers learn the means through which they can wage battles against their employers to acquire freedom from their control (Hyman, 1989; Lenin, 1964). It seems as though the union only tries to impart this knowledge to its shop stewards without a focus on the general membership at all. Even with the emphasis being placed on these shop stewards, it can also be noted that a large number of them do not attend these training programs and sessions. This is exacerbated by shop stewards being stuck in a pre-1994 bargaining mentality which shows that the shop stewards of SAMWU are, to an extent, incapable and inefficient. This is contrary to SAMWU's goal to create a powerful team of shop stewards and to empower its members with education and training skills to better advance their worker interest in the workplace (SAMWU Website, 2019).

4.6 The 2018 strike and its aftermath

South Africa protects the right to strike in both the LRA and the Constitution. However, this is not to say that workers have no borders on how they can exercise this right. A failure to adhere to certain prerequisites and limitations can lead to a strike being denied the protection of the law. Furthermore, illicit activities during strike action have the capability of attracting not only civil but also criminal liability. It is, therefore, important to look at the ramifications that may have resulted because of the strike during the exploration on the efficiency of strike action.

When looking into the consequences that may have been faced by the union members in the strike of 2018 in Port Elizabeth, the first departure was to see if the strike was made legal by conducting a vote, and if all the relevant procedures were taken to make the strike legally protected. All the municipal workers attested to the fact that a vote was not conducted, however, the general consensus was to engage in the strike. Furthermore, a notice was served to the employer to bring them to the attention that a strike was going to occur. An electrical department artisan went onto state that,

“There was nothing about the vote but we did give notice to the employers. We even went to the CCMA to discuss the routes for picketing and so forth to make sure the strike was protected”.

It can be noted that the SAMWU led municipal strike of 2005 in the Tshwane municipality lacked legal protection after it failed to adhere to the procedural requirements of the LRA (News24 Archives, 11 August 2005). The 2018 municipal strike of Port Elizabeth, on the other hand, satisfied all the requirements set out in section 65 of the LRA despite not conducting a vote via secret ballot. This is because the requirement of conducting a secret ballot is a recent amendment to the LRA and as such the general consensus to strike sufficed making it a protected strike (Welsh, 2000; Rycroft, 2015; Crompton, 2005, Tenza, 2015; Labour Relations Act, 1995; Collier & Fergus, 2018; Cohen, 2019).

When investigating the consequences that may have arisen because of damage of property, violence and any other illicit actions, the majority of the municipal employees attested to the fact that such actions did not occur. Furthermore, it was stated that, of those incidents of that nature that did occur, these were not of SAMWU members' doing but rather of the public who joined in on the strike. However, the municipality administration department worker had something different to say on the matter. It was stated that in actuality the members engaged in aggressive acts against non-striking workers and vandalism of public/municipal property as there was a shortage of shop stewards overseeing the strike. The SAMWU shop steward also went onto support this assertion by describing a particular incident of a grossly violent nature. It was stated,

“There was one incident where a car was stoned, but the union picked up the tab for that and not the employers. That was allegedly the car of a non-striking worker”.

In instances such as those mentioned above, employers have the capability to institute disciplinary action against strikers that are engaging in such activities and can also approach the union for compensation over damaged property (Du toit, 2012; Davis, 2009; Gathongo, 2015; Myeza, 2009; Welsh, 2000; Achmat, 2015). Furthermore, employers are able to restrain unlawful conduct via interdicts and also engage in a lock-out against striking employees (Crompton, 2005; Manamela & Budeli, 2013). While the union and its members did not face any of the consequences mentioned, SAMWU was still liable to compensate the owner of the car that was destroyed by the striking municipal workers.

An exploration as to whether any of the workers that participated in the 2018 municipal strike experienced any job losses or stigmatization in the workplace after the strike was engaged in.

It was noted that most of the municipal employees attested to the fact that no one lost their jobs after participating in the strike. However, they lost a portion of their monthly income as the principle of no work no pay applied. Furthermore, the majority of the municipal employees were of the stance that no stigmatization was experienced by the strike participants from the employers in the workplace. However, an employee in the roads department argued that stigmatization did occur in some municipality directorates. A waste department worker, in support of this assertion stated,

“Yes, stigmatization after a strike does happen. But it happened in a small scale”.

Hyman (1989: 20) argued that strike action should be a weapon of last resort because of the huge costs it brings for not only the employer but the employees as well. As such, the workers suffered from the no work no pay principle when they engaged in the strike action leading to a reduction in their monthly wages. Furthermore, workers strike with a collective consciousness of all workers and as such fear no future hardships to come (Lenin, 1964: 310-319). Therefore, in relation to Lenin’s (1964: 310-319) argument, stigmatization in the workplace after engaging in strike action should not come as a surprise as workers expect problems in the future to occur as a result of striking . This is evident in the 1988 SAMWU led municipal strike in the Soweto where workers engaged in a strike action with the employers responding by dismissing all these employees (Labour Bulletin, 1 November 1988). Although the decision was reversed, the union only took back 70% of the dismissed workers, with the remaining 30% being offered to private contractors. This seemingly was a move meant to clap back at the striking workers after the industrial action (Labour Bulletin, 1 November 1988).

4.7 Violence during strike action

Violence during South African strike action can be referred to as a “common occurrence”. This comes about due to a couple of reasons with the consequences that come from engaging in such behavior being quite dire. Therefore, when looking at the strike in question, it is important that attention be paid to this phenomenon in a bid to understand why it occurred. Furthermore, this should be done so as to see what effect it had on those who committed these belligerent acts particularly and the strike’s efficacy generally.

When looking into the element of violence, so common in South African strikes, a question was posed as to whether there was any violence during the 2018 strike action and if so, why it was deemed a necessity. A large number of the municipal workers stated that there was no violence during that strike. However, a smaller portion of the workers interviewed attested to a different assertion. A transport department worker stated that though violence was present, this was as a result of members of the general public as the SAMWU members did not engage in such. An artisan in the electrical department of the municipality was in support of the aforementioned stance stating that,

“Yes, there were instances when that did happen but the marshals stopped that from happening. For instance, there were people that were burning tires but the workers don’t have tires”.

The municipality administration employee had a different story to tell. According to him, the violence did not erupt as a result of the public but was administered by the members of SAMWU by throwing of stones and lighting fires. It was further explained why violence in strike action occurs, as the SAMWU shop steward stated,

“When a strike drags on for 3 days or so, the frustration builds up. And as such, workers start to vent and damage the doors of buildings and municipality infrastructure especially on the way to the city hall and back. They would damage property of even private citizens and it’s unfortunate that this happens”.

The right to strike is protected by both the Constitution and the LRA, however, violence is viewed as an outright abuse to this right. Marx argued that, strike action is similar to war between nations, alluding to the fact that aggression constitutes a part of this phenomenon (Hyman, 1989; Lenin, 1964). However, it seems as though under the current legal and industrial relations climate, violence during strike action removes an atmosphere for good faith bargaining (Manamela & Budeli, 2013: 324). South Africa has in the past, the present and highly likely in the future, has and will be dogged by frequent and increasingly violent strikes (Calitz, 2016; Tenza, 2015). Violent conduct during strike action has the capability of attracting both civil and criminal liability, with this misconduct constituting one of the three grounds for dismissal of an employee under the LRA (Manamela & Budeli, 2018; Labour Relations Act, 1995).

In an effort to deepen this investigation into the violence element, an exploration into whom the violence was directed to was launched. The majority of the municipal workers were of the position that there was no violence being targeted to anyone and that there was a high police presence via the public order police. On the contrary, the SAMWU shop steward stated that, violence was not directed to anyone but rather at the municipality infrastructure. This caused a violent exchange to occur between the striking employees and the police. Teargas was discharged onto the workers leading to a retaliation as they started throwing objects back at the police. A roads department municipal worker, in support of this stated,

“There is always a high police presence and as such you will find that there is always aggression between the police and the members of the union”.

Those workers that did not involve themselves in the strike were also a potential target of violence. These workers would arrive early before the picketing started and leave after the strikers had dispersed. However, some striking workers would try and stay late to catch them but the marshals would stop any aggression from happening. Police would also escort these workers out of municipality buildings which were locked from the inside for security purposes.

Tenza (2015: 225) argued that violence can have the consequence of harming people and damaging property and as such, can lead to legal action. When it comes to the destruction of property, this has to be intentional and serious and can attract the intervention of the police as was the case in the strike of 2010 where the police made several arrests (Manamela & Budeli, 2013; Bekker & Van Der Walt, 2010). This carries with it, the consequence of dismissal as well as compensation to the employer by the trade union. Violence, has also been known to erupt due to striking and non-striking workers meeting. This is because, employees that are on strike are actually in breach of their employment contract and those workers that decide to carry on working reduce the ferocity of the strike as the employer will not feel its full effect. This ultimately creates sentiments of betrayal between the two groups (Tenza, 2013: 225). This premise is evidenced by the 2005 SAMWU led municipal strike in Tshwane, where the tension between these two parties resulted in a non-striking worker being allegedly murdered by striking municipal employees (News24 Archives, 11 August 2005).

An attempt to gauge the levels of violence during the strike of 2018 was also conducted by asking if workers decided to throw rubbish on the streets or commit similar acts of aggression, to which the municipal workers were split in their responses. On one side, some workers

attested to nothing of this sort ever occurring. On the other hand, it was stated that, workers tend to do this as a means of worsening the situation so as to make their absence be felt even greater by the public, as such, putting more pressure on the employer. Furthermore, it was also stated that, this serves as an indication of the workers' frustration towards their employers not acceding to their demands. The public's reaction to this was that of vexation over the capitulating situation both in terms of the strike and service delivery.

In relation to the response given by some of the union members pertaining to how the union members threw rubbish around and other similar acts of aggression, Tenza (2015: 225) argued that through the introduction of the strike ballot, this can prove to be helpful in solving incidents of this kind. This ballot will give union leaders the chance to advise their members on how to conduct themselves during the strike. This is vital because incidents such as the ones committed by workers during the 2018 strike can change the focus of the public and result in the loss of civic support (Tenza, 2015: 225).

When trying to see the consequences faced by workers who engaged in illicit actions during the strike of 2018, a look into whether anyone was arrested during this period was conducted. It seems as though this did not happen as all of the union members attested to the fact that no one was arrested. Given the various accounts that were shared by the workers, ranging from the damaging of infrastructure to scuffles with the police, it is shocking that no arrests or legal action was made. This is because, as aforementioned, under the LRA such improper behavior attracts both civil and criminal liability (Manamela & Budeli, 2018; Labour Relations Act, 1995).

4.8 Conclusion

Decisively, it can be seen that the municipal workers have a good understanding of strike action – i.e. what it means and what it entails. While some still perceive this worker tool as efficient in pushing the demands of the workers, it can be seen that there are present, certain inconsistencies within the union itself that the workers think hamper strike action's efficiency. When dealing with the causes behind strike action, a plethora of reasons were found, ranging from poor union representation due to internal union conflicts, basic, solidarity and frictional issues down to the policies put in place by the municipality.

It is also evident that in as much as the strike was effective in ensuring workers' attainment of their long service bonuses (though not to the scale they hoped) through applying pressure on the on-going negotiations, there are certain factors that impeded on its efficacy. These are inclusive of a lack of unity between SAMWU members, a lack of financial support from the regional and national trade union body, an ignorance towards grievances that did not constitute the centerpiece of the strike and an ill-equipped and inexperienced team of union leaders, to mention but a few.

Furthermore, it can be noted that the strike of 2018 was legally protected as the union adhered to all the requirements set out in the LRA. Interestingly, while there were incidents of vandalism, no municipal workers were arrested or faced criminal and/or civil liability. When dealing with the presence of violence during the strike in focus, it can be seen that the municipal workers did engage in aggressive acts. This was targeted towards non-striking workers, municipality infrastructure and the police. However, while no arrests were made as aforementioned, the union was still liable to compensate the property destroyed during the course of the strike.

Chapter 5: Concluding Reflections

5.1 Introduction

The premise of this chapter is bringing together, a summary of the key findings in relation to the overarching research question and objectives outlined in Section 1.3, Chapter 1. Furthermore, the reflections and recommendations arrived at during the course of this research were included within this discussion. Moreover, a dialogue as to how this study contributes to the existing literature, as well as the opportunities it now poses for further research, was also included in this chapter.

5.2 Reflections on the objectives of the research

The first objective of this research was to explore workers' understanding of strikes and why they consider strikes as an effective tool during the bargaining process. It can be seen that workers possess a good understanding of what strike action means and how it comes about. Furthermore, the effectiveness of this tool was also interrogated and it was found that, strike action has been effective in pushing the interests of the workers forward over the last decades of post-apartheid South Africa. Furthermore, it helps by reinforcing the negotiation process in favour of the workers, giving them more power than they previously possessed.

However, while strikes have had a positive impact on the worker struggle, it is far from perfect. There are in existence, various factors that hamper strike efficiency and reduces its power. This study noted that employers have developed a tendency of ignoring strike agreements and not implementing them, making striking, in some cases a pure waste of time and money. Due to the political aspirations of some union leaders, the militancy of strikes has drastically reduced resulting in its failure to drive the demands of the workers more powerfully. Furthermore, while strike action is regarded as a tool of last resort due to the economic consequences employees will face (i.e. no work, no pay) - this is seemingly not the only major reason. Workers now hold the idea that strike action has a high possibility of failure and therefore are of the opinion that it should be avoided at all costs. This is also exacerbated by the fact that workers nowadays lack political/economical awareness and possess no in-depth knowledge of the basis of their

strikes. Henceforth, because of the factors stated above, this ultimately puts the effectiveness of this worker tool into question.

The second objective of this research was to explore the various social, economic and political factors that motivated the Port Elizabeth municipal workers to go to strike in 2018. It can be seen that there exists a myriad of factors as to why workers engaged in strike action that are existent within a social, economic and political spectrum. To start off, wage issues constitute one of the biggest causes behind strike action. However, there also seems to be a serious lack of representation for the workers due to ill-equipped union leaders and the appalling nature in which trade unions are being operated. While the ideology of democratic centralism still applies in most trade unions, the political institutionalization of these institutions by government coerces union leadership to protect their image, as such, influencing them to not make decisions that are the best for the workers. Therefore, collective bargaining negotiations seldom yield any fruits due to this and this leaves workers with no other option but to engage in strike action.

The motivations to strike among municipal workers can also be attributed to basic, solidarity and frictional issues that include matters surrounding working hours, conditions of service and disciplinary issues, to mention a few. Furthermore, it can be noted that the policies that are implemented by the employers constitute another cause behind strike eruption. These policies are considered anti-working class and anti-trade unionist. This, coupled with a lack of proper communication channels to engage workers on such policies, has historically been a driving force behind workers desire to strike. While it can be agreed that the demands of the workers fuel the fire behind any strike, it can also be seen that agitators also have a part to play. Agitators have the capability of inciting the desire to down tools in protest among workers, even in instances when this is against the common consensus.

In relation to the third objective centered on investigating what extent the Port Elizabeth municipal strike influenced the results of the collective bargaining process, numerous conclusions were reached. The strike was successful in luring back the employers after a breakdown in negotiations and helped in reaching a settlement after years of negotiations by speeding up bargaining the process. However, while the strike can be applauded in this regard, it also possessed certain inconsistencies that mitigated its impact during the negotiation process of the said strike of focus. It was noted that the municipal workers lacked unity and solidarity,

thus, this reduced the ferocity of the strike and limited the scope of its achievements. Furthermore, it was also noted that while the strike impacted the negotiation process in a positive way to a certain extent, it also led to the death of other outstanding issues that did not form the centerpieces of the strike. Issues such as the Group Life insurance imposed on workers without their consent and the use of external legal services during disciplinary hearings, for example, failed to be given adequate attention during these negotiations and died with the strike. More so, even with regards to the issues where agreements were reached, implementation by the employers was found lacking, as previously mentioned. Moreover, a large number, if not all of the municipal workers were dissatisfied with the results of the strike. Therefore, the impact the strike had on the results of the collective negotiation process is rather contestable.

The fourth objective saw an investigation into the relationship that SAMWU and the municipal workers had during the strike being launched. This was done in an attempt to see if this relationship added to the efficacy of the strike or weakened it entirely. It was found that the union not only represented the workers on the negotiation table but was also responsible for all the logistical planning of the strike. Furthermore, they included the members within the negotiations by always conducting regular assembly discussions with regards to how the bargaining process was unfolding.

However, SAMWU's regional and national bodies failed to give support to the local Port Elizabeth union and its members. Thus, the Port Elizabeth local SAMWU branch resorted to fundraising in order to finance the strike. It was also found that SAMWU trains its shop stewards to empower them with enough knowledge to engage efficiently during negotiations. However, this opportunity to learn about unionism and its various ideologies is only afforded to the union leaders and not the whole union, making this very exclusionary. Furthermore, it was found that the shop stewards displayed a lack of skill on the negotiation table as they are still bargaining in an outdated manner that is indicative of the apartheid times. This may be as a result of the reality that they lack knowledge and preparation as most of them do not even bother attending the training programs made available to them by the union.

When dealing the fifth objective, the motive was to explore the main consequences experienced by the municipal workers who participated in the 2018 municipal strike in Port Elizabeth. This was done to see if the aftermath of the strike outweighed its victories, by so doing putting its necessity into perspective. It was found that the strike was legally protected under the

provisions of the LRA as all the necessary procedures were satisfied. Furthermore, during the strike action, violence and vandalism of public and municipal property was present. The responsibility of such acts was placed on the public who joined in on the strike. However, it was discovered that this was also the doing of the municipal workers. The repercussions faced entailed the compensation of the property that was damaged during the strike by the union as stipulated in the LRA. Furthermore, municipal workers who engaged in the strike action did not face any dismissals nor disciplinary actions. However, there were isolated accounts of stigmatization by superiors in different directorates of the municipality after the strike ended.

The sixth and last objective dealt with whether the Port Elizabeth strike experienced some forms of violence, and if so, who it was directed to exactly and the consequences that followed. This was investigated because violence reduces the impact of any strike as it removes an atmosphere for bona fide bargaining. While the general consensus was that there was no violence during the strike, it was found that in actuality, it was present. In as much as the responsibility for this violence was once more placed on the members of the public, it was found that municipal workers also had a part to play in administering these aggressive acts. The violence was directed to non-striking workers and the police with a scuffle unfolding during the strike between the latter and the municipal workers. It was also discovered that municipal workers partook in trashing the city streets as well as other similar acts of aggression. Consequently, neither arrests, dismissals nor legal action was faced.

5.3 Recommendations and suggestions

The findings of this study suggest that the municipal workers' opinions and perceptions resonate with the definition and understanding of strike action via a Marxist view. These municipal employees also possess a belief that various factors aside from the wage agenda contribute towards the eruption of strikes. These factors are inclusive of the continued political institutionalization of trade unions and the ill-representation of municipal workers by the union on the bargaining table, frustrations over municipal decisions, policies and leadership style, a lack of channels of communications between the employers and municipal employees, the presence of agitators, to mention but a portion.

The study also offers the recommendation that strike action, in the eyes of the municipal employees, has been effective in certain regards. It was found that this worker tool is impactful

when luring back employers to the negotiation table after there has been a breakdown during the collective bargaining process. Strike action was noted to be very efficacious in speeding up negotiations that, in some cases such as the Port Elizabeth municipal strike of 2018, have been on-going for a number of years. Furthermore, the contribution of trade unions reinforces strike action's effectiveness. These institutions not only ensure the legal protection of strikes, but they are also responsible for planning them and frequent engagement of striking workers, creating a strong link between them and the negotiation table.

However, the study suggests that there are a plethora of factors that contribute to the inefficiency of strike action during the collective bargaining process. As such, this research gives reason to believe that, these factors jeopardize strike action to such an extent that it places its effectiveness in heavy question. The characteristics backing this premise are as follows: due to the presence of union leaders with political aspirations, this has led to the reduction within the militancy of strike action as these individuals fear to be labelled as anti-government, as such, influencing decisions that dissuade the aggressive pursuit of worker demands. The trade unions, at times, lack unity and solidarity when some members do not stand to benefit from the strike. This divisiveness reduces strike intensity and the pressure it puts on the negotiation table, hampering its effectiveness. Issues that are not the major grievances are usually overlooked during the bargaining process and later forgotten when an agreement has been reached on the prime matters. This reduces the impact of the strike as it does not achieve the full extent of its objectives.

Employers, although acceding to certain demands due to the pressure applied by the strike deliberately lack the follow through of implementation, making strike action in certain instances almost useless. The successfulness of strike action is also curtailed due to the isolation local trade unions experience from their regional and national bodies as no support is given. The shop stewards that lead the negotiation process on behalf of the workers are not shy of blame as they negotiate in a manner that is somewhat archaic, turning away opportunities of learning to better their skills. As such, they simultaneously jeopardize the negotiation process and the strike entirely. It is, therefore, no surprise that all the municipal workers were dissatisfied with the results of the 2018 municipal strike action in Port Elizabeth. Furthermore, the use of violence and vandalism not only removes the atmosphere of good-faith bargaining but results in the loss of civic support, reducing the pressure placed on the employer by other

relevant stakeholders, truncating the strike's impact on the collective bargaining process even further.

5.4 Notable areas for further study

This study addressed the need for a deeper understanding of strike action in general and within the municipal sector in particular. Of particular attention, was the opinions of municipal workers on strike action and whether they perceive this worker tool as effective when attempting to further their demands. The study was successful in pinpointing areas where strike action has shown its efficacy, as well as where the inconsistencies prompting its inadequacy lies.

Wherefore, there is a need to further this study in an effort to find solutions to the weaknesses that cause the ineffective element of strike action to manifest. By so doing, this can aid in growing the knowledge on how best workers can engage in strikes that yield the best results with limited consequence. As such, furthering this study in this direction will not only enrich the existing literature but also provide contemporary solutions to the contemporary problems hampering the potency of strike action during the collective negotiation process.

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Appendices

Appendix 1: Interview Schedule

Interview Schedule

Objective 1: Explore workers' understanding of strikes and why they consider strikes a necessary tool during the bargaining process.

Question 1: Can you explain what do you understand by strike and strike action? Have you participated in the past in strikes?

Question 2. To what extent do you think that strike action has been effective in furthering the demands of the workers in the last decades of South Africa?

Question 3: Do you think that strike action is necessary when the union is already involved in collective bargain with the employers? Can you explain in what occasions it is necessary?

Question 4: According to your experience, are strikes an important tool during the negotiation process? Does it help in the reinforcement of the collective bargain process? If yes/no, please explain why.

Question 5: What are the roles that the workers perform during strike action? Have you performed any particular roles in the strike process yourself? If yes/no, please explain.

Question 6: Have you engaged in strike action when there were better options to achieve your demands as workers. Do workers achieve their demands through strike actions easily than with only collective bargain? Please explain.

Question 7: Do you think that in general strike actions express a growing level of consciousness in the workers? Is this consciousness/awareness politic or economical? Please explain.

Objective 2: To explore the various social, economic and political factors that affect the municipal workers to go to strike.

Question 1: How long have you been working as a municipal worker within the P.E. municipality? Do you think that workers are well represented by the union? If yes/no, please explain.

Question 2: Are the hours and conditions of work, disciplinary issues and working arrangements another cause of strike action in the case of the 2018 strike?

Question 3: There has been a lot of analysis surrounding the policies and decisions of the municipal leadership that were put in place with the Port Elizabeth municipality. Do you think that these policies resulted in the eruption of the 2018 strike? Why? Explain

Question 4: Have been in the last three years important wage's increase or not? Were the union involved with the municipal officials in fighting wages improvements for the municipal workers? Did the workers engage in the strike of 2018 to reinforce the collective negotiations around it? Beside the wages, did the workers demand for other economic improvements in the workplace?

Question 5: Do your salary cover the most necessary expenses of your household? If not, do you think that the pressure of not being able to support your family needs was another cause behind municipal workers strike in 2018?

Question 6: Do you think that the trade union leaders support the decisions made by the employers more than those that workers demand? Do you, as a member, think that the union representatives are not always ready to strike because of the relationship that the shop stewards have with the employers?

Question 7: Are there any members of the union/workers that are able to convince people to go on strike even when the majority of the union/workers are not in support of it? If yes, what are the attributes they possess that allow this to occur?

Question 8: Are they any other reasons that have caused you frustration as a worker and has partly influenced your decision to strike?

Objective 3: To explore how the municipal strike affected the results of the collective bargaining negotiations.

Question 1: How long did the wage negotiation process go for before workers decided to go to strike in 2018? Furthermore, what is the role of the union during these negotiations?

Question 2: Can you argue that the municipal strike of 2018 occurred only after a deadlock in negotiations between the employers and their employees? Please explain.

Question 3: Did the strikers put pressure in the negotiations between the union, shop stewards and the employers?

Question 4: Did the strike of 2018 debilitate in any way, the on-going negotiation process between the workers and their employees? If so, please explain.

Question 5: Did you use banners, pamphlets and any other tool to publicize the aim of the strike? To what extent were they effective in putting much needed pressure on the employees so as to realize your demands?

Question 6: How long were you on strike before the employers accepted to listen to your demands and give you what you were striking for?

Question 7: How do you feel with the results obtained by SAMWU in relation to the strike? Please explain.

Objective 4: To explore the relationship of SAMWU and the municipal workers during the strike action.

Question 1: What role did SAMWU play in the municipal strike of 2018?

Question 2: Was there a continuous assembly discussion between the union members and the union officials in an effort to achieve the workers demand and end the strike?

Question 3: To what end did the trade union help in the planning of the strike?

Question 4: Are you satisfied with the role that was played by the shop stewards during the strike action? Please explain

Question 5: How helpful was the union during the strike in making sure that everything went smoothly?

Question 6: Do you think that the shop stewards have enough knowledge to lead the negotiation with the employers? Do the shop stewards of SAMWU provide training related to the workers' rights, the law and any other necessary knowledge for the municipal workers?

Objective 5: To explore the main consequences experienced by the municipal workers who participated in the 2018 municipal strike.

Question 1: Did SAMWU make sure that the strike was legal through following the necessary procedures laid out in the LRA? If so, was there a majority vote to strike? Furthermore, was a notice to strike given to the employers? Please, explain

Question 2: Was there any actions such as damage to property or violence during the strike that can be deemed to have been illegal?

Question 3: Were any strikers subjected to any loss of their jobs due to their participation in the municipal strike of 2018? If not, were workers subjected to no work and no pay because of their participation in the strike?

Question 4: Did participation in the strike create any form of stigmatization within the workplace for any of the employees, for example, the most vocal ones?

Question 5: Were any legal proceedings taken up by the municipality against individuals that engaged in strike action?

Question 6: Did strikers face any other form of consequences aside from the ones listed above? If so, please explain.

Question 7: What were the consequences suffered by non-unionized municipal workers who participated in the strike? Please, explain.

Objective 6: To search if the municipal workers' strike experienced some form of violence and to who was it directed to?

Question 1: Was there any eruption of violence during the 2018 municipal strike? If yes, what kind of arms or tools did the workers use to disseminate this violence?

Question 2: Why did the municipal workers consider necessary to use violence? Or the violence started because of other agents?

Question 3: Was the target of this violence other than non-striking workers? Furthermore, was there a high police presence during the strike?

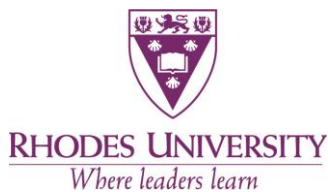
Question 4: Was there any contact between the non-striking workers and the striking workers? If so, did this cause any hostility or aggression between the two parties?

Question 5: Did the workers decide to throw rubbish on the streets or commit similar actions of aggression? If so, what was the reaction of the public and the employers?

Question 6. Were there any municipal worker jailed because of violence? If yes, how many workers were sent to jail and how long they stay in jail?

Question 7: Did that violence contribute to a favorable decision from the employers or was it the opposite. Please explain.

Appendix 2: Participant consent form



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Participant Consent form (Interviews)

Name of researcher: Eugene Gumbo.

Brief description of the research topic: This research aims to explore the various perceptions and opinions of workers on the subject of strike eruption. Another point of investigation is the impact of these strikes on the collective bargaining negotiation process. The research is focused on the strike of 2018 in Port Elizabeth orchestrated by the members of SAMWU. Various objectives are going to be endeavored to be met. These are inclusive of an exploration on the workers' understanding of strikes and why they consider strikes as a necessary tool during the negotiation process. The research will also attempt to explore the numerous political, social and economic factors that inspired the eruption of the municipal strike of 2018 in Port Elizabeth. The effects of this strike will also be engaged in an effort to see to what extent this strike was effective in pushing the ideals and demands of the worker. Furthermore, the research will try and see to what extent the strike was by looking at the consequences faced by the municipal

workers after engaging in the strike action. Moreover, an exploration as to whether there was a prevalence of violence during the strike to try and understand how strikes manifest will be engaged with.

Declaration

1. I confirm that the purpose of the research and the nature of my participation have been explained to me verbally or in writing.
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason - however I commit myself to full participation unless some unusual circumstances occur, or I have concerns about my participation which I did not originally anticipate or questions that can prove to jeopardize me after the interview.
3. I understand that data collected during the study, will be used by the researcher and that my personal details gathered during this research, especially my name or identity, will be kept private.
4. I agree to be interviewed and to allow audio or video recordings and transcriptions to be made of the interview and for them to be available for use in another academic study that may deem the information useful for research purposes.
5. I have been informed by the researcher that the tape recordings will be erased once the report is written. OR
6. I give permission for the tape recordings to be retained after the study and for them to be utilised for academic purposes only.
7. I have read and gained a full understanding of what this research entails (as noted above) and agree to participate as a respondent to this study.

Name of Participant

Date

Signature

Name of Researcher

Date

Signature

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