

BEYOND THE FRONTIER OF CONTROL? TRADE UNIONISM AND THE LABOUR MARKET IN THE DURBAN DOCKS

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The literature on the history of trade unionism is filled with accounts of the battles for trade union rights, of worker mobilisation and strikes, of early defeats followed by an eventual accumulation of achievements, first on the industrial plane and later on the political. In the literature of the European trade unions, a period of travail commonly concludes in the eventual recognition by employers and government, the beginnings of collective bargaining, and the definite achievements in terms of wage and working conditions. The chaos of battle is followed by the order of collective bargaining, regular negotiations, and recognition from the state.

The general tendency identified is for trade unions to move from social mobilisation to become institutions of social control and to let slip their radical challenge to social inequality and exploitation. This is a theme which covers some common ground in both radical and more conservative sociological analysis. In a review of the Marxist approaches to trade unionism Hyman (1971) makes a simple dichotomy between optimistic and pessimistic views of trade unionism, which roughly parallels the earlier and later views of Marxist theorists. The underlying themes have been the transition from social movement to social institution, of spontaneity to bureaucracy, from youth to maturity, and from radicalism to conservatism. Rosa Luxemburg (1906) points to the concern for self-preservation becoming the dominant preoccupation of German trade unionism in the period preceding the First World War.

In the colonial and former colonial world, it has been argued that trade unions are even more vulnerable to incorporation into state structures and an alienation of the leadership and the entire institution from the task of representing and defending the interests of their members. Referring to the example of Mexican trade unions Trotsky concluded that the common feature of modern trade unionism, 'is their drawing closely to and growing together with the state power' (Trotsky, 1972:5). Unless they consciously become the instrument of a workers' revolutionary movement, he argued, their function becomes essentially to discipline and to obstruct revolutionary movements.

In South Africa the objective possibilities for trade unionism, ie the growth in numbers of the working class, the encroachment of African workers into 'skilled' jobs, and the transition by hundreds of thousands of workers from migrant to urban settlement, remained solely as possibilities until the strike movement broke open the prospects for permanent organisation and widened the crevices of possible social action under an authoritarian political system. In the long view there have been few phases of trade union incorporation for the majority of South Africa's workers, instead internal labour regimes have varied between hostility to outright annihilation of attempts at organisations. The corporatism of the Congress Alliance is a recent phenomenon and, while important in establishing a new framework for industrial relations, has yet to touch the lives of the working majority.

The history of trade unionism in the Durban docks provides the material on which to assess theories of trade union incorporation and perspectives for corporatism. Central to the question of unionisation has been the attempt to provide some regulation and control of the arbitrary power over workers' lives. In this sense a battle emerged of collective action against despotic controls with the workers interfering with the employers' business, 'finding the fighting frontier of control' (Goodrich, 1975:56) and meeting the force of the employers' counter-strategy.

In 1889 there was a short strike of dock workers in Durban. In the 1920s the dockers were the bastion of the ICU in Natal. In the 1930s they took up the underground organising methods of the Communist Party. Durban became the 'storm centre' of South Africa, and the Point dockers were in the eye of the storm. In the war years there were many strikes. In 1959 the dockers turned their participation in a national stayaway into a struggle against the employers. After the defeats of the early-1960s, in 1969 some 2,000 stevedoring workers were dismissed and 'endorsed out' (deported) from Durban. On October 23, 1972 1,000 stevedores went on strike and signalled the beginnings of mass opposition to apartheid. In the 1980s these workers achieved a high level of unionisation and today there is a battle for substantial change in the docks.

Taken as a whole, the Durban stevedores have had a formidable history spanning over a century of labour action, at times leading the spontaneous strivings of the workers' movement nationally. In 1972 their strike and agitation was an advance shock wave of the earthquake of the 1973 strikes which followed and the opening of a new era of resistance. Through thousands of individual acts of resistance and fewer (but larger) acts of collective resistance, the stevedoring workers built the bases for future organisational advance.

All this has historically been based on a relatively slowly changing labour process until recently, and an obdurate political order. In past writing, from the evidence of industrial action in which workers' demands have thrown up long past grievances, I have argued a collective memory has become entrenched in a common and militant tradition among these workers regarded as transients in the city. In 1959, for example, strikers in the name of the worker leader of the 1940s, and in 1972 dockers demanded workers dismissed in 1969 should be reinstated (Hemson, 1980), despite attempts by the employers and police to completely eliminate internal opposition. Demands for complete equality and radical economic improvements have been accompanied by the cry of national tradition. Zulu Phungula, leader of the 1940s greeted strikers: 'Bayete Zulu'! The two sides of tradition, ancient and modern, of the nation and the class, weigh on the mind of the living.

The history of the dockers from the 1980s to the present not only raises these questions of consciousness and agency, but also those of current debate over the possibilities for corporatism, a strategic truce between employers and unions, and a reform of the actual conditions of life and work for some of the most strategically placed workers in the country. It is these questions which will be explored in this article. It is argued here that the agency of the working class is hemmed in by the material conditions of life which are increasingly articulated with the conditions of globalisation, but not negated. The much discussed question of corporatism, of a degree of unity of outlook of the labour movement and employers, is examined in the concrete conditions of competition and collective bargaining.

The position of the dock workers gives some indication of the depth to which political advances are having socio-economic effects, and the practical impulse of the discourse of corporatism currently in vogue. The drama of the organisation of dock workers throws a beam of light on to the general processes at work in the emergence of a 'New South Africa' in both industry and politics.

The Material Environment

To gain a sense of the significance and dimension of the question of labour organisation in the Durban docks, it is necessary to understand the material environment, the setting for structure and agency. Despite competition from new harbours such as Richards Bay, Durban remains the major harbour of South Africa, and of the entire Southern African region. Indeed it is described as the premier port of Africa. The harbour handles some 25 million tons of cargo a year (14 million tons exported and 10 million tons imported) and leads Lagos, Dar-Es-Salaam and Mombasa as Africa's principal import and export channel.

Enormous wealth in the form of imports and exports passes through the hands of the dock workers (52 percent of South Africa's total foreign exchange payments are realised from shipping activities in Durban¹), but the workers feel their conditions of work are poor.

The setting, while local and specific, is the product of the working out of the international division of labour and the highly competitive maritime industry. A decisive shift has taken place in the nature of cargo. There has been the change from breakbulk cargoes (in the form of packages and loose items), through palletisation (the bulking of packages on wooden pallets), towards containerisation. Some 50-60 percent of world maritime cargo is now containerised, with 80 percent predicted by the end of the 1990s, and it is estimated that between 1971 and 1985 containerised cargo has increased by 700 percent (Waterman, 1990:15). This is the context in which the port of Durban is evolving and the objective determinants of the level and pace of technological change taking place to more efficiently link the South African to the world economy.

This also is the context for the possibilities or limits on employment and on worker organisation. How the unions came to the docks is a dramatic story, full of sound and fury, and with some significance for the future of the labour movement in Natal and beyond. But, by and large, it is not a history of recent mass strikes and industrial action in stevedoring, and somewhat unexpectedly, the powerful confrontations characteristic of the era of labour reforms from 1973 up to the present have largely flowed around the stevedores without drawing them into the rapids of change. Remarkably for this industry there has been no classical showdown marking a test of strength between organised workers and capital which lays down certain relationships of power for considerable periods of time.

As in Britain, trade unionism in South Africa came somewhat late to the docks. Attempts to organise the workers tended to collapse not so much because of the inherent problems of organising workers in the most uncompromisingly 'casual' industry, but because of the opposition of the state and the complete lack of civil rights of the African working class. Over the last century and more, an enormous gulf has opened up between what was in the 1870s somewhat comparable earnings between Durban and London dockers to the huge differences of the present.

The organisation of the workers on a permanent basis has required the catalyst of a union with a strategy taking into account their realities. While taking off late (the growth surge in the metal, textile, chemical and other sectors took place somewhat earlier), when unionisation started in the docks it moved very rapidly.

The labour reforms inaugurated by the 1980 Labour Relations Act allowed a sudden advance towards an extraordinary result with some 90 percent membership of the labour force in the mid-1980s. Wage negotiations brought important reforms in earnings and conditions. The question is whether the labour reforms of the past decade brought about through collective bargaining have fundamentally changed the conditions of labour in the harbour and enabled a 'peaceful, bee-like, uninterrupted process' (Luxemburg, 1906:61) of organisation to emerge with an associated steady growth in membership and for the evident problems of permanent and safe employment to be resolved in a spirit of corporatism.

Unlike the experience in the major ports abroad, the stevedoring companies in Durban have largely been able to save themselves the cost of high wage concessions and expensive redundancy settlements. In the period preceding the labour reforms enacted post-Wiehahn, they were able to dump the cost of change directly on the workers. Indeed the migrant labour system appears to have enabled the employers to have been able to maintain a smaller labour pool for the amount of cargo handled than would otherwise have been imagined necessary before containerisation: the numbers employed in Durban harbour appear to be constant during the post-war years until the 1980s, despite the colossal increase in tonnage handled. This is in contrast to the sharp decline in post-war employment in British docks. Weak unionism and the perpetuation of the migrant labour system has meant that the cost of technological change measured in Europe in fairly costly severance packages has been relatively cheap in South Africa.

Labour conditions in the harbour and the consciousness of the dock workers are rich in contradiction. Here we find migrant workers with traditional views on the role of women, and variously described as a backward sector of the working class, accepting (and preferring) a women union organiser, possibly a unique circumstance internationally. Here also we find individual traditionalists linked to the Zulu royal family prepared to put up some of the most stubborn defence of trade unionism. These are the concrete and contradictory ways in which the issues of ethnicity and gender are posed in the harbour.

How *dekke* came to the Docks

The resistance of dockers summed up from the 1920s to the present has revealed change that has arisen through thousands of individual deeds of defiance. Referred to as the 'most potent single force'² in shaping the course of industrial relations, organisation among workers is the base upon which the whole edifice of industrial councils, etc, rests. Without this resistance and the

patient building, firstly, of protected 'underground' networks and then the open trade unions, the whole wedding cake structure of industrial relations institutions would not exist. The organised workers are the primary factor, the active agency, in industrial relations.

By 1980 the workers were relatively poorly organised in Durban harbour despite the pioneering work of the organisers in the General Factory Workers Benefit Fund (GFWBF) in 1972, and those of the Transport and General Workers' Union (TGWU) which followed. In the 1980s a state of competition existed between the three unions which organised the dockers: the TGWU, the South African Allied Workers' Union (SAAWU), and the General Workers' Union (GWU). Each had their own approach to organising and a contest of strategies took place for the loyalty of the dockers.

Representatives of the stevedores employed at Grindrod (one of the smaller companies) had been at the inception of the GFWBF which was associated with the demand for a workers' committee in the company, but organisational progress was slow.

An organising drive by Sam Kikine in SAAWU, who had been so successful in arousing Eastern Cape workers to militant trade unionism through a strategy of community organisation linking back to the factories, fared little better: this union also came up against its limits in spreading its gospel too widely. By rejecting industrial unionism with its object of settling wages and conditions with specific employers through a wage instrument, the Union appears to have taken up many struggles without being able to resolve them satisfactorily.

This fragmented and partial unionisation, promised change but did not begin to fulfil the promise. The situation was ripe indeed for a union with an idea of how to organise stevedores by taking advantage of the new labour 'dispensation' of the early-1980s. Through a number of accidents of history (the defeat of the meat workers strike in Cape Town in 1980), and a pruning away of the more fanciful ideas of general unionism which cleared the way for organisation of workers by industry, the General Workers Union became the union for the job (Morris, 1986a).

The early organisers of the GWU in Durban came with a sense of mission broad enough, but also a practice sufficiently narrowed and concentrated, to make a difference. An office was found adjoining the docks, 'Rev' Marawu (an early organiser) wore the overalls of SASSCO (the main employer, the South African Stevedoring Services Company), and slept in the offices. The workers found this union approachable and able to follow up their concrete concerns. They gave it a name *dekke* (literally 'to sit flat on the floor') because the union did not have any chairs; the word also has an association with a sit-down strike.

The shift of the workers towards an industrial union with a clear conception of its task had begun.³ Many workers responded to GWU with a sense of elation as they felt a decisive personal change was taking place:

Since the union came here it opened my eyes. I can't forget about this. Even if I'm sleeping, I think about this.⁴

In the early-1980s the stevedoring companies - SASSCO, Rennies, and Grindrods - all had liaison committees of some kind. Unlike the typical situation existing in the 1960s and much of the 1970s, the recognised worker representatives were not all compromised and regarded by the ordinary workers as out-and-out stooges. They tended to identify with the links to the land and the tribe, were appointed as indunas, but still carried some authority among the workers. But each leader had his own constituency and not necessarily the complete support of the workers. In the nature of the old regime in each company, in which workers were represented by indunas, an occupation combining some traditional authority and the status of proto-foremen, a section of the workers would regard them with suspicion.

Initially the GWU organisers attempted to by-pass these leaders. However, in the one contest with a worker leader in SASSCO, the union leadership came off second best. As Mike Morris, organiser of the GWU in the early-1980s explains:

One day I had a meeting and he called a meeting. Nobody came to my meeting and everyone went to his. Now was the time to eat humble pie. It was crazy to fight with Mtshali. One has to co-opt him into the union. That is what I did.⁵

This 'wonderful old man' built the SASSCO workers into a fortress for the GWU, the SASSCO workers always were the most organised and democratic force in the union and dominated the branch. This old guard of the liaison committees did not fight the union although for a period they maintained their separate existence: in SASSCO there was Mtshali, in Rennies Philemon Zulu, in Grindrod Ntshangase ... all eventually signed on with the union and became union leaders. The same method was used in the other companies with varying success: in Grindrod, for example, both SAAWU and the TGWU had some continued strength.

In the forward rush of the union the potential problems which could arise from the incorporation of an older leadership seemed a secondary question, to be resolved in the rise of a new union leadership.

The GWU was well prepared for the stevedoring employers. It had pushed through union recognition and a wage agreement in Cape Town, Port Elizabeth, and East London. Durban was the last port to be organised, but was by far the most important. The prize was attainable - the road to Durban was marked by

successful negotiations in other ports with the employers whose head office was in Durban.

Breaking up the Convoy

The chess board, with pieces so carefully placed by the union officials and employers, was upset by a series of unexpected changes, some of which initially appeared to favour the GWU. To understand these developments, it is necessary to examine the economics of stevedoring and shipping.

Firstly, the stevedoring companies serve shipping lines which are in cut-throat competition with each other internationally, there being a surplus of shipping to trade requirements during the 1980s. Durban also had to compete against other harbours. The pressures of world competition set the general conditions for labour conditions — the unrelenting logic of capital acted against a more relaxed labour regime on the docks.

But, secondly, and most spectacularly, there were rising pressures on the stevedoring companies from the changes in cargo handling with the rise of containerisation. A container is nothing more than a big box which is packed at despatch, transported by rail or road, loaded on ships, transported, unloaded, and finally unpacked only at the destination. Compared to the constant handling involved in breakbulk cargo, all this entails enormous labour savings. This process was initiated and accelerated in the advanced industrial countries where labour costs were higher, but also affected countries where labour costs were lower as the whole technology of maritime transport changed. Lesser nations could no longer be out of step. In the advanced countries the concessions the workers had won in the struggle for decasualisation were to a large measure negated by the catastrophic loss in jobs in the 1970s and 1980s.

In South Africa, Port Elizabeth and East London were the first to adjust to the new techniques in the 1980s, in Durban the process was more gradual. In Durban even as container cargo increased, breakbulk cargo (basically loose cargo, such as bags, tins, boxes; and bulk cargo, maize, manganese ores, etc) still continued in large amounts well into the 1980s because of the port being the main link to the industrial Rand. Containerisation has little demand for stevedoring labour which is intensively used in loading and unloading breakbulk cargo. Until recently breakbulk has been the dominant form of cargo in the harbour but it was declining:

There was still a lot of breakbulk, but in other ports it just disappeared. It hit them much harder than it hit us. We could see the writing on the wall, so lets put the companies together. One of the companies would have cracked up. There were not real profits.⁶

The stevedoring companies, facing declining profits were under pressure. SASSCO under Captain Stokeley, described as a far-seeing manager, in phrases which have become part of the folklore of the stevedoring management made a speech at the Durban Club which signalled the changes immanent in the trade: 'I refuse to travel at the speed of the slowest ship in the convoy'.⁷

In the period which followed it became clear what he meant: the old regime of the Durban Stevedoring Labour Supply Company (DSLSC), which provided a collective labour pool for stevedoring companies, was broken up. Workers were to be directly employed by the stevedoring companies and in his company, SASSCO, reforms were to be instituted:

We brought in company identity. I did an audit of the compound, how many windows broken, the troughs for toilets. All this was changed; there were cupboards in every room, proper toilets. We cleaned the place up. When we came to the kitchen we painted it white so that it would show the dirt so it would be kept clean.⁸

These improvements were made for SASSCO workers only, and a wall was built in the compound to separate them from the other companies.

The company succeeded in creating a company identity, but the changes also brought about a tradition of bitterness and resentment among the workers who were segregated from their comrades. Management considered employing urban workers and making a break with the migratory contract labour system of the Durban Stevedoring Labour Supply Company of the 1960s and 1970s. But a survey was conducted which concluded that the workers would be satisfied with improvements in the Southampton Road compound. It also absolved the company of responsibility for the housing of the workers' families: 'Thank God we did that survey, that ... helped us a lot'.⁹

These sectional improvements complicated the task of the trade union. While unions were to be recognised the workers were increasingly segmented. In the other ports, labour supply companies with directors from the stevedoring companies existed. Negotiations were with one composite employer and the workers did not have a strict company loyalty.

Durban was different in this sense: initially separate companies were formed from the fragments of the DSLSC, but ultimately SASSCO absorbed all. These take-overs complicated collective bargaining in the short-term; just as negotiations opened up with SASSCO, they became entangled with wholesale amalgamations of the stevedoring companies. In 1981 Rennie's and Grindrod Cotts merged, this merger failed, and finally there was only one stevedoring company, South African Stevedores, which is still the largest stevedoring company today.

The former SASSCO management was forced to turn smartly from enforced demarcation among the workers, to establishing a new company identity around SAS. This was not easily achieved, 'They wanted to speak to their boss and I said I was the boss ... we have just bought you'.¹⁰ The wall in the compound came down, but the traditions of the vanquished companies lingered on.

Towards an Industrial Relations System: a stable truce?

When trade unionism came to Durban docks in the early-1980s the employers were well prepared, and not unfavourably disposed to GWU. After a three-way tussle between the GWU, TGWU, and SAAWU, the decisive SASSCO workers moved en bloc towards the GWU in 1981 when the union intervened in a strike over the minimum working week and won the concession of a day added to the guaranteed minimum days paid per week. There were established precedents for recognition. When the GWU applied to negotiate a wage agreement the SASSCO management had few qualms about entering positively into negotiations as agreements had been signed in East London, Port Elizabeth, and Cape Town.

But the union and management, while in a certain agreement about the strategy of negotiations, had actually radically opposed interests. The employers appear to have planned to concede union recognition and fairly generous wage concessions as a basis for preparing a drastic programme of retrenchments in anticipation of the technological change looming ahead. To the union negotiators, seeing the average age of the workforce rising, this may not have seemed entirely unreasonable and the negotiations for agreement on wages and conditions were followed rapidly on an agreement over retrenchments.

All these changes took place during the first ever wage negotiations in the Durban docks, and vastly complicated the long-term unionisation of the docks. The GWU's demands concentrated on securing more guaranteed days work which rose to 4.2 per week for stevedoring labourers ('hands'), and higher wages. Even these concessions were not unanimously approved by the workers as SAAWU and TGWU objected to the guaranteed days work replacing the existing 'fall-back' weekly minimum wage which existed in Grindrods and Rennies.¹¹

By and large the negotiations brought an overall better final wage for the workers. What was not anticipated was the way employers combined the wage concessions with the demand for mass retrenchments:

It was in our interests to have a strong union. Our priorities were two: to get the structure of pay changed and we had to buy our way out of this and also we had big retrenchments. We had to have a union the members can believe in and give the guys an agreement

which showed the union had improved them somewhat. Then we could bring the bad news. The strategy was not to bring the bad news first.¹²

The negotiations, wage increases, were part of a policy to change from casual labour at low wages to a permanent smaller staff:

First prize is to have urban guys, skilled and educated who can drive all the fancy equipment. The way I see it you have a permanent bunch to develop, and for the peaks and valleys you get the guys off the street.¹³

The retrenchments came almost immediately after the wage negotiations, indeed they were part of the package. As Mike Morris, the union official who negotiated the first agreement reflected:

The first thing we had done was to negotiate a wage agreement and then we negotiated retrenchments. It was a disaster. It would have been better if we had just refused point-blank and then fought against it, though I don't know how we would have dealt with it.¹⁴

The stable truce hoped for by union leaders and some employers never matured. The results of the retrenchments were inescapable: instead of the union presiding over a series of reforms substantially improving the conditions of stevedores, the achievement of negotiating rights by the union led by contradiction to a catastrophic decline in the workers' morale.

The World Turned Upside Down

In a succession of a few months the world of the stevedoring worker was turned upside down: in August 1982 SASSCO and Rennie's Grindrod Cotts were merged, an attempt was made to forge a new company identity, negotiations completed, and then in January 1983 over 500 stevedores retrenched. More retrenchments followed.

At the time of the merger there were 2,241 stevedores in Durban, and by 1985 some 1,248 remained. Altogether there was a retrenchment of 45 percent of the stevedoring labour force in a matter of three years.¹⁵ The destruction in jobs appears to have been undertaken by two methods: the direct severing of permanent contracts for shorter service workers on the basis of LIFO (last in, first out), and by not replacing retiring workers or re-employing workers who had been in the rural areas for a period. The splits and divisions among the workers followed in a direct line from this catastrophe:

The retrenchments killed us all the time, it was very hard to ever heal these divisions. I spent my time negotiating retrenchments. I presided over the demise of the industry, when I arrived there were

4,000 stevedores, when I left there were 1,200. All that in just three years ... it was not pleasant. The union was always problematic after that.¹⁶

When the retrenchments came in early-1983 they devastated the workers. There were bitter denunciations of the GWU leadership from the SAAWU leadership, morale collapsed, and at one point the organisation was reduced to 12 active members who would come in to the office.¹⁷ The work of organising had to start again.

As individuals, the managers and directors did not relish the laying off of workers even if the retrenchments were part of a planned operation. The power of management, its capacity to initiate, to temper or compromise was severely reduced to the immediate imperative of profit. As one reminisced:

When we amalgamated with Rennies Grindrods Cotts I went through a personal tough time truthfully because I had to retrench 1,000 Africans, maybe 2-300 Indians, and maybe something like 92 Europeans. That is a difficult job. You are a big tough guy and you call in Jo and you say: 'Listen, I'm very sorry this has happened'. Some want to beat you up. Some burst into tears and that sort of thing. It is very difficult indeed.¹⁸

But whatever the personal strains the logic of capital was relentless. There were 500 retrenched in January 1983, another 557 in March 1985, and threats of more to come.

Retrenchments engendered bitter divisions among the workers. One of the trade union leaders on the liaison committee was identified by a worker as the man who had retrenched him. The leader responded by asking the employers to fire anyone attacking him!¹⁹ Then the union officials discovered that the names of two members of the Zulu Royal family had been removed from the list of workers to be retrenched, and more to the point, that two of the workers' leaders had schemed with the employers to do this.

Disunity between workers in the same union provided opportunities for the minor unions to regain the momentum they had lost and to recruit. During one of the retrenchments Sam Kikine of SAAWU, the minority union in the company, organised a march of workers to the offices of SAS, then on the 28th floor at 320 West Street, Durban. There was pandemonium as more than 50 workers crowded into the offices and panic among the secretaries and managers.²⁰

The GWU policy was to demand a weeks' pay for every year worked with the company, SAAWU opposed this with four weeks pay for every year worked.²¹ GWU officials did not oppose the retrenchments in principle and encouraged workers to accept early retirement and negotiated additional contributions to the

workers pension scheme to soften the blow.²² The whole issue of pensions was at that time in a state of great controversy in Natal. SAAWU encouraged the workers to demand back their pension contributions, and FOSATU (the Federation of South African Trade Unions, the fast growing non-racial trade union grouping) campaigned for the right of workers to control the pension funds, and workers demanded their contributions be returned to them. The SAS management and GWU officials desperately appealed to workers to leave their pension contributions in the pension scheme started in 1982.

While overall there had been a decline in employment in stevedoring of roughly 50 percent, the decline in jobs appears to have bottomed out in 1985. Compared to the figures in Australia, US, and Britain, where in some cases declines of over 300 percent were registered over 15 years the overall decline was not as catastrophic although it started from a much smaller base and took place over a shorter period. In fact, overall employment in the docks previously, from the 1950s to 1982, was remarkably steady, indicating that South African dock employers were carrying fewer 'surplus' workers overall, and able to make up on occasional shortages by extraordinary long hours. In 1956 a Committee of Investigation found there were an estimated 2,000 dockers, in January 1970, 2,130 and in 1982, 2,241 despite an enormous increase in tonnage handled.²³ Compare these figures to those of Australia which had 30,000 dockers in 1957 and just over 3,000 in 1985.

What has been different is the scale of compensation for retrenchment and severance pay. The employers of migrant labour could use the existence of the bantustans as a cushion, and there was nothing like the millions of pounds sterling paid to cut the labour pool in British docks. The retrenchments logically reinforced the links of the workers to the land, the uncertainty they introduced were a warning to workers to cling on to the land they had access to, and to tribal society which sustained their claim. What else could they fall back on?

UWUSA Enters the Docks

The breach opened up between the union officials and the workers over the retrenchments was not repaired in the period after the peak of GWU in the first negotiations of 1982. As far as most workers were concerned the union was 'useless' for not being able to save them from the catastrophe of redundancy. The controversies over the favours shown to the members of the Zulu Royal family and divisions over the role of the union had not yet faded, and neither had new possibilities for unity emerged.

In Natal these tensions were growing between a rising youth movement basing itself on the programme and symbols of the African National Congress in exile,

and the increasingly conservative Inkatha movement launched by Chief Gatsha Buthelezi in 1975. Although there had been tensions between the non-racial trade unions growing in Natal and Inkatha, the hostility of Inkatha was primarily aimed at the youth movement gaining ground in the schools until the launch of the Congress of South African Trade Unions (COSATU) in Durban in November 1985. At its launch the President of COSATU, Elijah Barayi, proposed a campaign to end the oppressive pass law system and made a forthright attack on Bantustan leaders such as Buthelezi (Maré and Hamilton, 1987:116-7). By adopting the word Congress in its title and the broad outlines of ANC policy, the non-racial trade unions which united under the COSATU banner took on a broad political identity. Inkatha sensed this marked a decisive shift against its politics in the industrial field.

Almost immediately after COSATU's launch, Inkatha indicated it would set up its own trade union. The launch of its United Workers' Union of South Africa on May Day 1986 was less an occasion for mobilisation against employers than against the workers and youth fighting apartheid. At its launch a coffin bearing the names of COSATU and its leaders Elijah Barayi and Jay Naidoo were paraded and led to a dramatic 'grave'. Subsequent revelations have demonstrated that there was official support for these initiatives, and death became associated with its name. The stevedores, many migrants from the heart of KwaZulu whose families lived under the rule of the chiefs who were beholden to the bantustan authorities, were most likely to be vulnerable to its counter-insurgency tactics.

These workers had been demoralised and confused and divided by the dramatic changes within the docks. The amalgamations, containerisation and retrenchments had come in a big bang, and were followed by a growing period of attrition of employment. There were also changes on the organisational front. With the coming together of the unions in COSATU in 1985 a policy was adopted of 'one union, one industry' and the amalgamation of existing unions in the same industry was proposed. In line with this policy the GWU amalgamated with the TGWU in 1986. The TGWU organisers which until then had seen GWU as a rival union, had no love for *dekke*, and equally the workers were unsure of this new union.

In this climate of disillusionment and change UWUSA launched a drive to bring the workers into the embrace of Inkatha. In the agonising developments which followed what is astonishing is not the turn in loyalty of some workers' leaders under threat, but the stubborn resistance of those leaders who stood to lose their land, their homes, their families, and their lives.

It appears that UWUSA had no specific demands to make to the stevedoring management, no method of work as a trade union. As a black management official summed up their attitude:

It does not have fangs to bite. When they approach management they have that attitude of begging them instead of fighting management like the other unions. If you are a Zulu from areas like Nongoma and Mhlabatini, you have to obey what the indunas and chiefs say. You automatically fall into UWUSA.²⁴

Their organisers do not seem to have pursued the industrial demands of the workers. In the stevedoring industry UWUSA did not issue membership cards nor was it sophisticated enough to apply for stop orders to have deductions made from the workers' wage. Its officials collected money from workers for chiefs to visit the compound. It also claimed to be able to help workers facing retrenchment and took money for this.²⁵ Receipts were only given when workers were told they could apply for stands in Inanda through Inkatha. Their methods relied heavily on the ethnic mobilisation and threats of violence against opposition and are summed up in the following words by a shop steward at the height of tension between UWUSA and TGWU:

UWUSA's leaders are people like indunas and some of the people who live beyond the Tugela River, but not all of them. They say that if the people join TGWU they will not cross the Tugela River and their houses will be burnt.²⁶

Many of the workers' leaders in the companies who had brought the GWU to the workers, now made their peace with UWUSA. The fault line between the established leadership and the union was exposed. Where workers' leaders stood up against UWUSA they were summonsed to Ulundi (the seat of KwaZulu regime). The chairman of the branch, Father Zulu, a member of the Zulu royal family had the experience of making this trip. Apparently on the insistence of one of the worker leaders in South African Stevedores, a car with KwaZulu 'councillors' arrived at the compound to call him to Ulundi to explain why he had refused to join UWUSA and had sworn at the chief minister Buthelezi. In fear of his life he was forced into the unwanted trip. On his return he resigned as chairperson, although he refused to give up his membership of the union.²⁷

His position as chairperson was taken by a worker described as 'an extraordinary man', C Mtshali, previously a member of the liaison committee and also linked to the royal family. Mtshali had been retrenched, but the union had won him a job in the compound as a security guard, a key position for the union as he was always on the spot. According to union officials he commanded

authority, had a great sense of humour, and stubbornly defended the union during its worst moments.

Mtshali became identified as the bulwark of the union in the compound. He received a letter posted in Kestell, in the Free State, calling on him to resign or face death, and twice received telephoned death threats. Threats were also phoned through to the TGWU office demanding the union should leave the company. 'It was whispered among the workers that one of the union leaders was going to die'.²⁸

On a Friday night in March 1987, Mtshali was hacked to death with what was described as a bushknife. The police arrested a worker sleeping in the compound, but this worker was never considered by the unionists in the company to be involved. The murder of Mtshali led to a further slump in TGWU membership.²⁹ As Gceba describes the mood:

An old man came to me and said: 'Just cancel my stop order because of my children and my houses, because we are told we must jump off before the Tugela River if we want to live.' There were too many people in the room and people were worried.³⁰

By May 1988 UWUSA claimed to have a majority membership among the workers of SAS. A meeting was held by management with a UWUSA committee to discuss the wage agreement, despite union objections. Resignation forms started to pour into the union office marked with the thumb print of illiterate workers. TGWU officials complained to the company that there appeared to be active collusion between UWUSA and management as the union had no resignation form, yet forms had been typed, written in the handwriting of a company employee, and certified only with the thumbprint of the worker concerned.³¹

The union claimed that many of the resignation forms were in the name of workers who had long before been retrenched. Some workers were said to have resigned two or three times. Other forms were contested by workers who claimed they had never resigned from the union. By June 1988 the company claimed that there were less than 500 TGWU members out of an 'interest group' of 1,138. Significantly no figures were given for UWUSA membership.³²

On August 1, 1988 the company cancelled the recognition agreement with the union and more meetings were held with UWUSA. The company proposed that 20 workers be elected to a committee to represent the workers and in a sense to revive the old liaison committee. The union demanded a referendum to test the support of the different unions in the company. The company refused and met UWUSA on several occasions, and simultaneously access to the compound was denied to the TGWU.

The stalemate continued until early in 1991 when the TGWU maintained sufficient pressure on the company to hold a referendum in April which led to a convincing victory for TGWU. The contest was effectively between the company and the union, as UWUSA did not campaign in its own name but in that of the works or liaison committee.³³

This result came as the culmination of the long haul back to effective trade unionism in stevedoring, the product of painstaking organisational work by Ntokozo Mbhele, the woman organiser of the stevedores, buttressed by the union stalwarts in the companies.

Deregulation and the 'Explosion' of Casual Labour

Stevedoring in South Africa, employers argue, is a relatively marginal economic activity; indeed, a leading employer has described it as a 'dying industry'. The room for manoeuvre, the margin of compromise, has been limited by the intense pressures to keep the harbour dues and stevedoring charges down in competition with each other and with other ports. The international direction of capitalism towards 'commercialisation' (the reorganisation of state enterprises on a strictly profit basis), often a precursor to privatisation, in the state-owned transport sector has encouraged the entry of smaller stevedoring companies desperate to earn profits from work in the docks which has put a further squeeze on those companies negotiating with the union. Control over the issuing of licences to operate in the docks had been relaxed in the 1980s and established contractual relations broken up. The decline of the stevedoring trade has been associated with mass redundancies, bitter union divisions, and the growth of ever more casual labour. This has limited the contribution of the stevedores to militant action against apartheid and for democracy and socialism in the 1980s and beyond and reinforced a certain inward reflection. For a considerable period labour action has been blunted by the accelerated progress of technological and economic change under the conditions of late apartheid.

In countries where national dock schemes had developed to provide security of employment, political action by reforming governments had been decisive. If under apartheid labour action could only secure tentative union recognition and limited reforms, surely with the political engagement of the workers for the first ever election involving the African majority there would be demands for decisive change from the workers? Would the in-coming national government dominated by the African National Congress consider a dock labour scheme to provide greater permanence to dock employment?

In the two-years after the April 27, 1994 election the state has apparently shown little interest in initiating reforms specifically relating to the docks. The priority

of the state enterprise, Portnet, has been with the resolution of disputes with the SA Railways and Harbours Workers' Union (SARHWU) and the smooth operation of the port to accommodate the sharp increase in post-election imports. But a new feature of the period has been the rise of industrial militancy among the casual dock workers around their demand for permanency and, at times, violent conflict with labour brokers who they see as driving a wedge between the employers and workers and pushing wages lower. For the first time there has been strong defensive trade union action against retrenchments, which has brought a conciliatory response from the main employer.

Following the victory of the African National Congress, a tendency has developed for changed political conditions to have an influence on labour relations, and what appeared to be a post-electoral strike wave. A change in the political regime has helped redefine the social, particularly in the aspirations gathered together in the Reconstruction and Development Programme (RDP). The rising militancy of the workers and a coming to terms with new power realities by employers has led to the possibility of solutions to old problems which have long lain unresolved. In the Durban docks in particular the problem has been that of casual labour. There were various characteristics of the new period: the casual workers have become the most militant sector and formed the Dock Casual Workers' organisation on September 22, 1994 to press demands for permanent employment, there were union demands for the abolition of labour broking in the docks, and the established employers tended to show more flexibility in response to union demands. This new militancy did, however, increase the possibility of violence between the organised workers on strike and casual workers from outside the docks hoping to take their jobs. There have also been violent clashes between the police and workers.

Trade union recognition in the early-1980s generated a mood of euphoria among the workers which largely evaporated by the waves of retrenchments which were concluded with the growth of casual workers sleeping on the streets desperate to be in the scramble for a job in the early hours of the morning. The changes in the labour regime during the mid-1980s, where in many industries national forms of collective bargaining evolved, did not take root in stevedoring; instead, local and somewhat precarious forms of industrial relations at the enterprise took shape. Yet the partial unionisation of the docks did bring certain definite improvement in the conditions of the workers in the two larger companies, South African Stevedores (SAS) and Keeley, there were recognition agreements, annual rounds of negotiations and a disputes procedure. But in the early-1990s both were exceedingly fragile and there have been no dramatic improvements since the inception of the Government of National Unity.

Unresolved disputes and inter-union conflicts meant collective bargaining has been brittle indeed in the 1990s. In one of the longest lasting disputes of the time a shift of Keeley's workers was dismissed on January 9, 1992 for refusing to work overtime in support of a wage demand. The Wage Board determinations on stevedoring which involved a periodic review of wages and conditions was by this time obsolescent (the last Wage Order for the Stevedoring Trade being issued on May 11, 1984) and at present there are no basic minimum conditions of work in the docks, apart from union agreements with a limited number of companies. The benefits of unionisation have been tempered by the counter-pressure of deregulation. The union aspirations for comprehensive organisation of all dockers in one union and a national agreement, the vision which had inspired the founders of the General Workers' Union, is still as distant as ever.

The victory of the African National Congress changed the political environment of industrial relations and created some new possibilities but did not offer any specific solutions. An indication of these new possibilities, however, was shown in the response both of the union to the proposed retrenchment of some 170 stevedores in July 1994.

For the first time the TGWU mounted a vigorous opposition to retrenchments. The work stoppage on Friday, July 22, 1994, appears to be the only concerted and united response to retrenchments since the early-1980s. This action was all the more exceptional because of the legacy of political division among workers, many of whom came from the heartland of KwaZulu, the northern districts of Mahlabatini, Nongoma, and Melmoth, and were locked into traditional society which is the basis of support of Inkatha structures. For the first time ever there was united action between the Inkatha-aligned UWUSA and the Congress-affiliated TGWU. In a congress in the compound Zulu princes shouted support for the march to the SAS Maydon Wharf offices. It was also unusual as there have been very few instances where opposition to retrenchments has succeeded; and in which the workers' action had the support of the local branch of the ANC which stated that retrenchments were short-sighted while workers were working long hours of overtime. The final outcome was an indication of a new period of conciliation. In a reversal of established trends, the largest stevedoring company in South African harbours, SAS in Durban, agreed to a moratorium on retrenchments for 12 months, although the concession came at a price of more unpaid leave for registered workers. Nevertheless, it raised hopes for better conditions in the docks and appeared to indicate a reasoned response to the new mood of unity among the workers.

The TGWU took advantage of the change in direction to press for a general review of labour conditions in the docks; to demand a Commission of Enquiry to examine the prospect for more permanent jobs and better conditions; and a long-term solution to the problems of the harbour. Such a Commission, it was hoped, would review the comparative experience of other countries whose laws require the registration of all dock workers and a set of minimum health and other regulations. The union argued that there was a poor management record in the docks which failed to take advantage of mechanisation to improve conditions for the workers; conditions had worsened it argued. It proposed reviewing the present operations of the stevedoring companies within the framework of the RDP to propose a solution to the problem of casual labour.

The Dock Casual Workers' Organisation

Retrenchments are based on the presumption that there will be a decline in demand for stevedoring labour over time. But the calculation of the demand for labour is a very inexact science. Often retrenchments were followed by a sudden upsurge in harbour activity, and retrenched workers have been rehired as casuals and even more casuals employed to deal with the peaks of activity. By employing casual workers the employers save pension, housing, health and other overheads. The temptation is to employ more casual labour, and even skilled workers such as winchmen, crane drivers and hyster drivers, are sometimes employed on a casual basis. The casual workers, at times numbering 1,000 or more (in addition to about 1,000 permanents), often have worked in the harbour for many years. Some have been working continuously in the harbour for over 43 years, but face the prospect of declining work opportunities. The process of casualisation is very destructive of morale and any workers' control over labour conditions. At present, because there is no single authority allocating labour, nobody knows how many workers are employed on the docks or what base of skills exists among the workers. No central record appears to be kept of accidents. Casual workers, even if they are regularly employed for decades by an employer, are beyond the ambit of the Basic Conditions of Employment Act which would force employers to keep records of employment, to accumulate annual and sick leave, etc, and, critically, of the Workmen's Compensation Act which provides compensation for temporary and permanent disablement and death at work (Rycroft and Jordaan, 1992:302, 330).

The stevedoring labour market

Permanent workers	Weekly paid; full labour rights; pensions, retrenchment pay
Dock casual workers	Daily paid when work is available; skilled and experienced dockers; generally employed by the same company.
Casual workers	Inexperienced dock workers often introduced by labour brokers particularly during disputes; these workers compete with dock casuals for available work.

The problem is exacerbated by the many stevedoring companies which have sprung up in and around the harbour as a result of policies of deregulation initiated in the 1980s. In 1982 there was only one stevedoring company, SAS, which had grown out of a process of amalgamation. Today there are 23 stevedoring companies licensed by the harbour authority, mostly tiny operations desperately competing against each other and undermining the conditions of the larger. In addition these are supplemented by the labour brokers who are in a perpetual state of flux and number about ten at any point in time. The labour brokers are not registered with Portnet but supply labour to stevedoring companies and to Portnet itself and their number is extremely fluid. After the elections the workers identified labour broking as their prime problem. As the TGWU dock organiser then stated: 'The worst problem is the labour brokers, the workers say they are being sold to the stevedoring companies as slaves. They hire out workers for the day and take a cut of the daily wage as payment, pushing the already low wage even lower'.³⁴

All these operations generate a continuous labour surplus in the docks, each wanting to maintain an additional pool of labour for peak demand. The growth of casual labour undermines the conditions of the permanent workers, and constantly threatens the dock casuals' prospects for work. The competition readily spills out into violence during times of industrial disputes, as the more organised workers struggle to retain a precarious hold on the work available.

The great expectations for work and social improvements aroused by the election of a 'liberation' government undoubtedly have led to increased labour action by the dock casual workers who have a sense of their skills and abilities

sufficient enough to challenge their employers, and have campaigned to demand their jobs be made permanent.

The mood of the casual workers in Durban was affected to some extent by more favourable conditions operating in Cape Town as a result of labour organisation and a particularly important arbitration award in favour of the workers. In a historic award on December 20, 1993, an arbitration panel found that South African Stevedores was unfairly preventing 'registered casuals' from working more than three shifts in a week which would establish them as permanent workers and directed the company to enter into a permanent contract of employment with these workers with a minimum guarantee of one shift per week with pro-rata leave and sick pay.³⁵ This breakthrough was followed by an agreement with Keeley Stevedores in Cape Town to employ 72 casual workers on permanent contracts with a guarantee of nine shifts per month with a minimum earnings of R591 a month.³⁶ These workers had employment records varying between five to 20 years as casual dock workers in Cape Town.

Since the casual workers were not members of the union (although they wanted membership), and because the union was preoccupied with the permanent workers, the casuals did not have an agency to fight for their rights as in the case of the TGWU in Cape Town. They are also fighting to join the permanent workers as members of the TGWU to build unity in action. A docks and shipping shop stewards council was, however, established to liaise between the various groupings, although SARHWU representatives did not attend. The Casual Dock Workers' organisation strategy was to register all the authentic dock casual workers, to fight against labour brokering, and to demand permanent employment. Regular mass meetings were held at the TGWU offices or at the stadium in Albert Park. It sought to take advantage of the growing legal clarity around the grey area between permanent and completely casual employment, and workers regularly employed by stevedoring companies drew up lists of long-service workers to demand their permanent employment. Without the recourse to legal representation they looked towards direct action.

When no undertaking responded positively, the first strike by the dock casuals from the many small stevedoring operations took place on February 7, 1995 to demand an end to labour brokers and permanent employment. A statement by the Dock Casual Workers' organisation preceding labour action read: 'We are worried that we are getting old with no rights, no pension, but slavery. We want no rats here on the wharf'.³⁷ At Keeley (an employer, mainly exporting granite, regarded by the union as hostile to union objectives) some 300 casual workers demanded permanent employment be offered to those long-service workers on a list compiled by the workers. At some companies negotiations opened up and

the workers returned. When this list was rejected (there are no records over the years to provide objective evidence of who was employed and when) and employers opened an alternative list, a strike of Keeley casuals began on Sunday, February 26. White strike-breakers from The Ark (a Christian welfare hostel based in the old railway compound) took their jobs, but soon took off when pickets marched down the wharves. On other ships permanent workers refused to work with the strike-breakers. Sympathy action from other dock casual workers took place but petered out after a few days, and the union alleged armed strike-breakers from Glebelands hostels, near the Durban Airport, without dock experience were introduced. Members of the Dock Casual Workers' organisation had no alternative but to apply for work as before.³⁸

The militancy of the dock casual workers won them a certain apprehensive respect from the permanent workers and the hostility of the security forces. After opening access to the docks to the public after decades of the tightest security, the authorities became alarmed at the formation of pickets and the movement of casual dockers around the wharves. A picket marching down Maydon Wharf, calling on permanent workers on the ships to join in the COSATU half-day strike on Monday June 19, 1995 to demand the right to strike and national collective bargaining were confronted by the Police. According to the workers, the Flying Squad gave strikers five minutes to disperse, but before a minute was up let dogs loose and chased workers up the wharf roads, shooting at workers who dispersed and hid under the railway trucks. Further strike action on August 3, 1995 against the operations of labour brokers in the docks led to violent clashes with the police who attempted to secure the movement of strike-breakers in the port; police and workers being injured. A number of workers were arrested and charged with public violence.³⁹

These incidents showed the pent-up fury of the workers against their precarious working position. The operation of labour broking was not stopped, but a number of the stevedoring employers responded by opening negotiations with the TGWU over more permanent jobs. In some companies workers were taken on as permanents and 'graduated' to union membership.

The rise of the Dock Casual Workers' organisation, their demands for permanent work, and their militant action accelerated discussions between the TGWU nationally and employers in Durban. The initiative for national negotiations towards a National Dock Labour Scheme came from Harald Harvey in the Western Cape Region. In two important documents (1995a, 1995b) he argued that there was 'political blindness' towards the problems of the maritime industry. De-regulation and privatisation had 'undermined hard-won gains' and caused an 'explosion of labour broking'. Strike action by casual workers had

exposed the crisis in the industry. The casual dock workers had been 'driven to the margins of economic and social life' and were merging with the unemployed without health care, education, formal housing, etc:

The nature of labour supply and employment in the maritime industry has reduced it to the status of national disgrace. No other industry has been as casualised, nor as driven towards even further casualisation ... the majority of workers are casuals earning peanuts with no guaranteed earnings, without benefits, and have been doing so for decades in many cases (Harvey, 1995a:3).

He argued that the dock workers wanted legislation to guarantee permanent full-time conditions, and to outlaw labour brokering, and the definition of 'casual' in labour legislation had to be tightened up. A target was set for a national industrial council to be in place before the end of 1995 and Durban identified as the focus for union action.

Beyond the Frontier of Control?

Any industrial relations system is vulnerable to the inexorable pressures of international competition in conditions of virtually unlimited supplies of labour. What is clear from the example of the stevedoring industry is that where labour costs are a high proportion of the total costs, employers may be tempted to use all devices in their power to limit the advance of worker organisation, including the perpetuation of migrant labour (even if passively, as the least expensive alternative), special relationships with tribal authorities as happened under the DSLSC, and with anti-COSATU bodies such as UWUSA. These practices certainly took place in the past as part of the socio-political system of apartheid.

The history of trade unionism in the docks provides the material on which to assess the theories of trade union incorporation against the political economy of deregulation. Central to the question of unionisation has been the attempt to provide some regulation and control over the arbitrary power over workers' lives. In this sense a battle emerged of collective action against despotic controls with the workers interfering with the employers' business, 'finding the fighting frontier of control' (Goodrich, 1975:56) and meeting the force of the employers' counter-strategy. The TGWU's vocation has been to bring an element of workers' control into the network of relationships around the docks: to curb the historic arbitrary power of employers, to unite workers with divergent political loyalties, and to provide some brake on the trend towards retrenchment and casualism. In moving towards these goals the union made uneven achievements.

The effect of retrenchments, whether as the result of negotiations with the union or not, was to result in deep cleavages, grave controversies and industrial disorganisation among the workers. Union policy towards retrenchment is inherently fraught with contradictions. It is difficult to maintain a policy of intransigent resistance in the face of technological innovation, which is an aspect of South Africa's integration within the world economy; or as a result of a contraction of the market.

The classical union response is to demand the 'opening of the books': to examine the profitability of the firm, and this is now an established procedure in policy towards retrenchment among South African trade unions. Whether the union has the capability of developing a cogent counter-argument to that for retrenchment is a matter of debate. The non-statutory guidelines laid down by the industrial court have assisted trade union intervention. These include consideration of employers minimising retrenchment, giving prior warning, consulting trade unions, etc. The industrial court has established reasonable severance pay as one or two weeks wages for every completed year of service (Rycroft and Jordaan, 1992:230-46). The new Labour Relations Act will establish these provisions, and additional rights, in law.⁴⁰

In the absence of substantial control over management prerogatives, however, the union practice in general has to be limited to those of consultation, ensuring good faith, and negotiations over reasonable severance pay. These formalities granted, there can be no area of greater trade union vulnerability than in facing job losses. The most bitter industrial battles of the 1980s and beyond have been precisely in this arena, as workers resist their expulsion from work, and employers are equally determined to increase productivity (measured in terms of output per worker) by the simple expedient of reducing the number of workers to maintain the same output. Without an intimate knowledge of the market, a highly intelligent examination of company records, and an ability to project future trends, the union official is at a loss more than to express scepticism and opposition to the statements of management. Expert advice is needed; this is expensive and also possibly problematic. Invariably the negotiation of retrenchments soon shifts to the amount of severance pay; an issue closer to that of collective bargaining over wages and conditions.

The changes in industrial relations introduced in the early-1980s unfortunately did not bring an era of consistent improvements for the workers. Rather the introduction of collective bargaining initially sharpened the division between periphery and core, between permanent and casual, between the dispossessed and the employed. The improved relationship between union officials and

employers, the signed agreements, and union recognition rest uneasily on a system still based on casualism and migrant labour.

But the narrow focus of collective bargaining in the docks has excluded basic conditions of labour such as housing, the provision of family housing and the end of migrant labour, and not provided workers with greater power over their work and lives. The inauguration of collective bargaining has been a significant reform, but has yet to involve the transformation of the fundamental welfare of the workers. The link of collective bargaining to the real emancipation of African workers from the tyranny of the past and the shackles of the present is still unclear. This, in part, is taken up by the Reconstruction and Development Programme and its scope has yet to be explored.

This is not a uniquely South African question. Collective bargaining in itself does not aim to resolve the deeper, structural problems of industry. A narrow focus on the employed, indeed, can sharpen the division between workers, as has happened for periods between the permanent and casual stevedoring workers. These forms of trade unionism indicate weak responses to the inherent tendency of capital towards inequality within the workforce as a means of 'rewarding incentive', generating greater output, and providing concessions to the most capable.

At the turn of the century in Britain, the leaders of the labour movement argued, as in today's South Africa, that collective bargaining would be the vehicle for reform: 'It was an instrument for raising workers' material conditions and would play its part in a broader reconstruction of industry and society'. The focus in Britain and in other advanced capitalist countries has now turned inward. The emphasis has shifted decisively from the reform of society through collective bargaining to the reform of collective bargaining (Hyman, 1989:15-17). The anti-trade union legislation of Tory Britain, privatisation, and a whole range of anti-union measures to increase the burden of industrial change on the shoulder of the working people restrict the prospect for the trade unions carrying out consistent reforms leading to the emancipation of ordinary working people or even successful defence organisations.

The situation in South Africa is somewhat out of phase with these international developments because of the historic accomplishments of the movement for social and political change whose leadership is now attempting to translate its demands into social reforms as a means of stabilising society. But South African society cannot remain unaffected by these international developments. Counter-reforms can also be enacted. The slow growth, low productivity and a narrow market in South Africa and abroad for local products undermines the industrial rights won through struggle and passed into law, and frustrates the

advance of labour. Nowhere is this more clearly seen than in the avalanche of retrenchments in the early-1990s in mining, textiles, metal, and stevedoring itself.

Gains there have certainly been, but progress has not been linear. Mike Morris argues that a ratchet effect had secured conditions and consciousness in the early-1980s, opening the prospect for a shift in power towards the workers:

The process of negotiating their rights, conditions of service and working conditions stabilised the unity of the workgangs and their power. For the first time in their experience, the stevedores saw the exercise of this power as a process of continuously altering the balance of force in their workplace, rather than an intermittent demonstration of anger ... In short, they learned that power is a relationship, and, in doing so, they fundamentally altered the balance of forces in the stevedoring industry. The despised 'nyathi' were no more (stevedores in Durban were called 'Nyathi' which meant 'shit bucket removers') (Morris, 1986a:109).

A survey conducted by this researcher, in particular into the morale and self-esteem of the stevedores, shows that the *onyathi* are still with us, and in the eyes of the urban African working class dock work still retains its stigma. The post-Wiehahn reforms have come to rest somewhat uneasily on the oppressive conditions of African workers who still carry the burden of migrant labour, compound life, and a stunted urbanisation. As in the mining industry, the formal 'rights of labour' rest uneasily on similar conditions of work which have not yet changed decisively from that of perpetual migrancy which was the fundamental basis of the old form of rule and of its associated labour regime. There is an inherently incongruous discourse of the formal equality of collective bargaining being based on the pattern of migrancy, on the struggle for work, and for life. Although many migrants have some access to land and own cattle, virtually all want to be able to live in town close to their work. Unlike harbours throughout the world, South African ports have no family accommodation for workers in and around the docks. Even the existing hostel accommodation in Durban is threatened by waterfront development, and the workers cling tenaciously to the one point of security, a place in the hostel.

The upsurge in labour organisation in South Africa follows the phases of political resistance and state repression which characterise periods of our history rather than an internal logic of the technological development and battle to decasualise of the docks. In this sense the experience of unionism in the docks has been similar, but with certain important differences, from conditions in other countries: workers have experienced the same difficulties in fighting casual

labour, but under a very different political regime. The political setting has up to now held back the possibilities of reform of the basic conditions of labour in the docks, and the present political changes raise the question of new approaches in labour relations.

The stable integration of trade unions into a lasting socio-political labour regime requires structural changes and social overheads, all the components of corporatism, which the capitalist class is either incapable of making or not particularly keen to make, not only in the former colonial world but increasingly in the advanced countries. It requires an activist state, responsive to workers' needs. Indeed the general tendency, encouraged by the research and theorising of the World Bank, is entirely in the other direction. Attempts are being made increasingly by employers to step outside the entire framework of collective bargaining and industrial rights by employing a wider spectrum of workers on an individual and limited contract.

These problems face the unions with the challenge of new forms of organisation, upset a comfortable accommodation, and reinvent the need for social movements within the labour field. The question is whether the trade unions can be brought to accept the profitability of industry as its own locus or whether the question of regulation and control as an aspect of the human imperative still is its encompassing goal. Two contradictory tendencies are evident in South African socio-economic policies: the first, to extend the labour code of formal industrial rights to all workers and to advance workplace forums; and, the second, to speed the integration of the South African economy within world markets by sharply reducing tariffs and by moving towards privatising public services.

The illustration from the Durban docks is that the accommodation of long-standing trade union demands is by no means prescribed by the general principles of the political dispensation of the time. In an era of globalisation and international competition, the evolution of trade unionism is uneven and contested. The unions in the docks are demanding a comprehensive overhaul of labour conditions and a job guarantee for each worker - the conditions which were conceded to workers in Europe and elsewhere and then lost again. A National Dock Labour Scheme in South Africa, well justified both by employment equity and efficiency, would be an extraordinary exception to the general rule internationally which is for many dock schemes to be wound up.⁴¹ Such a scheme in South Africa would presuppose the political will for the state to respond to trade union demands, to intervene and establish a fundamental labour reform in practice. The experience of unionisation in the Durban docks is

that a plateau of union security and structures of collective bargaining is uncertain in an increasingly contradictory climate.

By association the trajectory of trade unionism is not finally determined. Periods of growth fluctuate with decline, struggle with compromise, and concessions with obdurate attitudes. Within trade unionism there are certainly the tendencies towards conservatism and inertia, but these are ultimately dependent on the ability of employers to provide regular concessions and the state to maintain a relatively benign labour regime. In the current epoch there are no guarantees of such inexorable progression and the trade unions, accordingly, are forced to renew their institutional power through responding to demands from their membership.

NOTES

1. Interview with Ronnie Holtshausen, Marketing Manager of Portnet.
2. 'Industrial Relations', *Encyclopedia of the Social Sciences*, Macmillan and Free Press, p711.
3. The process is described in greater detail by Baskin (1982), Morris (1985:95ff).
4. *Church and Work*, Bulletin of the Commission of Church and Work of the SACBC, November 1982:1.
5. Interview with Mike Morris, former trade union organiser.
6. Interview with Les Owen, former director of SASSCO.
7. Interview with former SASSCO director.
8. Interview with Les Owen.
9. Interview with a former SASSCO director.
10. Interview with a former SASSCO director.
11. Interview with Mike Morris.
12. Interview with a former SASSCO director.
13. Interview with a former SASSCO director.
14. Interview with Mike Morris.
15. Morris (1985:95). The loss in numbers of employed is greater than the numbers formally retrenched, probably as the employers relied on natural attrition and other implicit methods of cutting the workforce.
16. Interview with Mike Morris.
17. Interview with Mike Morris.
18. Interview with Captain Dudley, director of SA Stevedores.
19. Interview with Mike Morris.
20. Interview with Sam Kikine, general secretary of SAAWU.
21. Interview with Sam Kikine.
22. Interview with Sam Kikine.

23. Report on Conditions of Employment of Stevedoring Workers, Transvaal Archives ARB 810 1196/5/41; Hemson, 1980:416; and Morris, 1986a:94.
24. Interview with Temba Dube, management official of SAS.
25. The register of cases of the Industrial Court in Durban reveals that UWUSA used this facility to initiate legal action against some transport companies but not the stevedoring companies.
26. Interview with Christopher Goebe, former shop steward of SASSCO.
27. Interview with Father Zulu, former shop steward.
28. These events have been reconstructed from interviews conducted with Ntokozo Mbhele, Mike Morris, and Christopher Goebe.
29. Interview with Christopher Goebe. The full transcript of an interview with him reads: 'Who killed Mtshali? It is difficult to say but there was a group against the union who had a hand in his death. Firstly he received letters threatening him with death, then there were threats by phone and then his shifts were changed ... A lady phoned him and said "Leave that job or you will die". We told the management about this. The second time a man rang and that week Mtshali was killed. On Fridays the people used to play soccer and the workers were not there (in the compound). We say that the killing was part of us'.
30. Interview with Christopher Goebe.
31. Interview with Christopher Goebe.
32. These points have been derived from union correspondence which was available in 1993, unfortunately early union records appear subsequently to have been discarded or destroyed.
33. Interview with Ntokozo Mbhele, then organiser of the dock workers and presently an organiser of the Self-Employed Women's Union.
34. *Natal Mercury*, August 5, 1994.
35. *Weekly Mail*, March 25-30, 1994.
36. Letter from Harald Harvey, December 20 1994.
37. Flyer issued by the Dock Casual Workers' organisation.
38. The aftermath of the strike gives some indication of the attitude of African unemployed and casual workers towards trade unions. Willie Cirah, then organiser of the Dock Casual Workers' organisation reported that workers who had participated in breaking the strike later applied for membership of the organisation.
39. This account has been constructed from interviews with union officials at the time. Despite the significance of these events no press reports were published about these events.
40. Interview with Clive Thompson, labour lawyer, 'SAfin', February 29, 1996.
41. The International Transport Workers' Federation in its *Dockers' Bulletin* (1995) and *Reform and structural adjustment in the world's ports* (1995) describes the sharply worsening conditions in the docks internationally in the 1990s in the comparative data on dock workers.

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