

Nelson Semenya

Facilitator: This is an interview with comrade Nelson Semenya, we are in Polokwane, the date is 20 August 2012, interview is done by Brown Maaba. Comrade thanks very much for your time. Just kindly give me a background of where you come from, your parents, the family and issues around schooling and how you ended up in the unions?

Respondent: Well I come from an area here in Polokwane called Moletji, my background is that due to migration I happened to find myself in Gauteng in 1982 working for Tongaat Mushrooms, at that company I was a laboratory assistant and I remember very well in 1984 when I was approached by a certain white man, apparently he was an organiser for Food and Canning Workers Union. I was drinking tea outside and he approached me, recruited me into the trade union. His name is Dennis Reuben. He was together with my other colleague, Amelia Mahlangu, now an administrator in our Bloemfontein Office, I'm sure when you were there you saw her, Amelia

Facilitator: I know her, she is from Wattville, I know her

Respondent: Yes she was my organiser that lady, she was my organiser that was in 1984. So we started grouping ourselves together in the factory and we then joined Food and Canning Workers Union initially, thereafter the company closed its operations, it was based in Wynberg next to Alexander in the industrial area. Thereafter they closed our operation and went to an area called Waterford Farm, which is about 10 kilometres outside Fourways, via Randburg, that's where we were operating from as a company but we continued with our trade union.

Facilitator: So it's the same company?

Respondent: The same company Tongaat. The interesting thing is that when we arrived there, we were told that we were classified as farm workers, meaning

that labour laws did not cover farm workers at that point in time, farm workers were not protected anywhere in the labour legislation. So meaning that our union will then have to be weak because we didn't have any chance for a legal representation. But we continued to fight. We got the workers together, we were now about 250 workers, I was leading them and I was a shop steward at the farm, I will call it Waterford Farm but it was Tongaat Mushroom, but myself I was working in the laboratory where we checked the mushrooms whether they are suitable for human consumption or not.

I became a shop steward there, we fought for the Recognition Agreement, the employer refused, we went to the then IMSA, not CCMA, remember in the past we had IMSA which we referred to as Relationship Arrangement .., in other words the company agreed to recognise us only as shop steward but not the union, they wanted to separate us from the union, meaning that the union official will have no access to the company and that was after five days industrial action which included sleeping on duty strike. Remember in the past when we were on strike we would stay on the machine and sleep over on top of the machine, we will not get out until the employer accede to our demand.

Well COSATU was formed in 1985 I was part of the formation, it was 25 November 1985

Facilitator: You went there as a representative of .., of Food and Allied ..?

Respondent: Of Food and Canning. Subsequent to that COSATU passed a resolution on five key principles, one of them is: one industry one union; I see here in your book you had Sweet Food and Allied Workers Union. That meant to form one union in the food industry which means Sweet Food and Food and Canning now must come together and merge and form one union shortly after the launch of COSATU in 1985. It happened like that, we were the first union in COSATU to merge and form what we now call Food and Allied Workers Union (FAWU).

And subsequent to that, here where I am here in Limpopo there was no FAWU at all, when I came here as a migrant worker I would always ask where is the union offices here, you will find other unions operating here but not FAWU, FAWU was not just there. However I met a certain guy called Mr David Nkoana, who was working for another union called Chemical Industry Workers Union, ..(unclear) called CEPAWU, Chemical Paper Printing and Allied but the comrade was very much willing to form FAWU here in the province. As I said I only came here as a migrant worker, I have to go back to Johannesburg, but we always kept in touch by phone. He did some ground work, organised workers in the surrounding industrial areas and they formed FAWU with a membership of, I remember it was about 1500 which increased to 2500. That was in 1988 when FAWU here in the province was formed. But already in some other provinces, well in the past we used to call them regions. In other regions it was there, it was operating like in Gauteng and so on, it's a start they could not penetrate the area because of the repressive system that was prevailing at that time.

As I was working for Tongaat Food Farm, dealing with mushroom, the company then wanted to move to Krugersdorp in 1989, as they move was planned it meant some workers might lose their jobs, myself because I was working in the laboratory, it was a key operation they said "are you going to Krugersdorp" I said I will opt for a retrenchment package. I opted for a retrenchment package in 1989 and then other workers opted to go to Krugersdorp which I could not go. I then decided to come home and that was during the rise of the Inkatha attacking people, then there was a lot of violence in Alexander, people were killed and I couldn't .., because I was also in the hit list by the Inkatha Freedom Party, I decided to come home here.

I worked here as a volunteer with Mr Nkoana, I volunteered for 1.5 years. In 1990 on 1 December I officially joined FAWU as a branch organiser. So it was myself and comrade David Nkoana, then we pulled strings together up until he goes to parliament in 1994 when things were happening then he opted to leave and join

the government as an RDP Commissioner. At that time there was a transfer of one comrade that worked in Kempton Park, Springs and East Rand area, his name is George Machacha. George Machacha then, because he is coming from the province, down there in Sekhukhune area, then he also joined me, we worked together because remember David Nkoana was now going to government shortly after the 1994 Elections.

We worked together, built the organisation until 2008 when he went on pension, he went on pension in 2008 recently but he was also a branch secretary elected in 1995 up until 1999 for four years. I then took over as a regional secretary because we've now changed our way of reporting, we called ourselves a region in 2000 as a regional secretary until now we call ourselves provincial secretaries. I've been in this position from 2000, I'm the longest secretary something that many people would say it's undemocratic. It's a pity if workers calls for you you have to.

That is where we are currently. We boost a membership of 12 777 now after being a secretary but at that time when I became secretary in 2000 the membership was approximately 6500, now we are proudly saying we are 12 777, so I actually raised the bar of the organisation here in the province

Facilitator: From 6000 to 12 000

Respondent: Remember 2000 up until today as I'm talking to you now we boost 12 777

Facilitator: How did you manage to recruit all these people?

Respondent: Well there was a high need to ..., you know workers out there want to be recruited because they literally know nothing about their rights and it is one of my key objectives that for us to succeed we need to go and expand our scope of operation to go even into the files because remember in terms of our

scope we also recruit farm workers, company industry workers and so on, as long as it is food related or beverage related company. So we recruited almost all of them in the province but we still have a lot to do except on the farm workers sector, we've done very little. We have recruited closed to 4000 as opposed to 1 million farm workers that are still outstanding to be recruited, but as you will understand that the farm workers, their high level of illiteracy and so on is difficult and accessibility, job security, intimidation, the beating, harassment, it's a problem for them to join a trade union. It will take you hard time to convince him/her to join a trade union. But nevertheless we do have a few that we have recruited and others are coming in slowly even though others would come and resign because of intimidation, the beating and so on. It is my plan and my vision that before 2015 we should have done much better, at least if we could recruit half a million of these workers we will appreciate it

Facilitator: Half a million in the province?

Respondent: In the province, you know what we're doing now, we've got a project in Tzaneen, the chap that I said you must talk to Mr Seholla who is based in Tzaneen, there are a lot of farms there, Montana canners, those two alone employ 15 000 workers alone, Montana canners alone employs close to 3500 workers. So if you can get all those workers, of course on the 26th of August we're going there with an awareness campaign, with the assistance of the Department of Labour and CCMA, so that's where we're just pinning our hopes that we will get the majority of them. So hence it's not a joke when I'm saying by 2015, we should be at least on the margin of getting half a million of those workers, that is our ploy that's what we told ourselves that we need to do.

In terms of education myself I only passed Standard 10, now called grade 12. I finished it in Alexander Adult Basic Education, because of financial crisis I didn't have money after I passed my then called standard 8. I decided to go to Gauteng and attended my school after work, in the past we used to study part time, when you come back from work you carry your books you go to Alexander

Adult Centre, take three subjects per year, deal with this one, finish the other one, and so on and so on. That's how I obtained my grade 12 certificate. But it was not easy, it was difficult because I was also working, I had to go to work the following day. There was no time to play because one had to constantly study, I also had to attend BEC meetings in Gauteng. You had to be in meetings of the Alexander Civic Organisation, work with people, comrades and so on.

Facilitator: Just to go back a bit, as you were growing up were you under pressure to find a job because you dropped out at standard eight and went to Gauteng. Was this out of choice or was it family problems?

Respondent: Firstly it was because my family didn't have money to take me to school to do Form 4 and 5, so I was forced by the circumstances to go and look for a job. So my first job was in Pretoria where I worked as a contractor, working for a certain Afrikaner who was working for the Railways, but I used to work for him doing blastering with other chaps, that's where I was working until I moved to Alexander with my uncle, I stayed there and got a job at Wynberg next to Alexander, Tongaat Mushrooms. That's where I started my political involvement, remembering how the Afrikaner used to treat me in Pretoria when I was fresh from school. You would work the whole week and when he comes he would just beat you and Friday you don't get paid, Saturday you don't get paid. You know you worked Monday to Saturday knocking off at 3 – sometimes you make a mistake because of the mistake you are not getting paid, you will be beaten up and have to run away, catch a train and go back to the township. That's how we ..., you know but he helped me because he taught me how the Afrikaner behaved because it made me think "why me, is it the colour of my skin or what" he then started getting engaged in discussions when I arrived in Alexander. In Alexander I then found a lot of guys who were highly political, and took us through, participated, attended meetings and so on. That's where I was working for this Tongaat Food but I couldn't actually leave it there I had to attend school after hours when I had a chance, taking three subjects per year.

Facilitator: So you were still keen on schooling?

Respondent: Very much so yes.

Facilitator: And your political awareness when did it start exactly, here or in Gauteng?

Respondent: It started in Gauteng I must be honest. When I left here I was as blind as everybody else, I just didn't know what is happening outside the world, I thought that when a person is working .., I thought working was a prestige, I never thought it's so hard.

Facilitator: So you realised when you got there that it's hard to work..

Respondent: I realised when I got there and I started asking more questions, I didn't have an answer and we started revolting. That is the name of the game.

Facilitator: You joined Tongaat Mushrooms as an assistant..?

Respondent: As a laboratory assistant

Facilitator: Was there no union when you joined?

Respondent: No there was absolutely no union at that company, absolutely there was nothing until I met Amelia Mahlangu while I was drinking tea outside wearing overalls, approached me and asked me if I wanted to join a trade union. I asked her what it is. She explained to me what a trade union is, how it works and how it can benefit me. Then I was interested, I then became her contact person. Their office was in Thembisa, next to Sethokga Hostel, we had FAWU offices there. We used to report there and attend our structural meetings there.

Facilitator: And what was wrong with the workers at Tongaat Mushrooms, why was there no union there?

Respondent: The reason why there was no union is because they were not even aware of what a trade union is as far as I could see because when I started taking the application forms from Amelia, some of them said but you've just joined the company now, you want us to join a trade union etc., all those things I said no no you can join it will help you. Then they elected me as a shop steward. Because remember it's not like now when workers would fight over who would become a shop steward. In the past when we had a meeting to elect a shop steward, it was either you were bold enough to become a shop steward or you are a coward. If you are a coward you won't even attend our meetings. So it taught me a lot of things to be a shop steward because I was one person who was very much militant. I did not want to take things for granted, I was militant and made it a point that we organised workers, then FAWU took us through some education on how to lead and manage meetings and make sure that membership is sustained. They took us through different courses.

Facilitator: And the employers, how did they see this whole thing because you're a new person suddenly, you're bringing a union here at work?

Respondent: Well victimisation was always there, it's just that the job that I was doing I couldn't be victimised easily because it was one of the key jobs that was not easy to replace, it wasn't easy to find someone to do the job. Although I did not go to school for this job ..., when I joined the company ..., - remember in the past if you've passed standard 8 you were regarded as a top guy, you were highly educated

Facilitator: Achieved

Respondent: Yes you were highly achieved at standard 8. So as a result because of the job that I was doing – then they were able to put me in the lab,

you would find somebody who knows the job better. I remember I worked with a certain chap from Soweto, Steve, I called him bra-Steve, so he taught me how to do these things, because he was a bit older, so he left the company. So I was the only person, so victimisation was there but they couldn't afford to victimise me because nobody could do the job if they victimised me. So they had to beg me for them to succeed, I had to be militant. But you know the employers if you are clever they will want to promote you, do this and that but because I had already matured politically I said I was not interested in the promotion and remained there until they moved to Krugersdorp.

Facilitator: Did all the workers join the union?

Respondent: In fact we went as far as recruiting some other companies which necessarily did not belong to our union, when you see a worker next to your factory you go and ask if they will join and so on. I remember I went to a company when we left Alexander going to Randburg, I went to join our competitor, Highveld Mushroom, I recruited, to date they are still in the trade union FAWU. Even those that I have recruited in Krugersdorp who left Waterford Farm to go to Krugersdorp they are still members of FAWU as I'm talking to you now. Some of them still recognise me others obviously have passed on, but as I interacted with the guys there and officials there they said some of the guys still remember me. So we used to recruit from one factory to another irrespective of whether you're a food union or what. If you belong to MAWU you would go to MAWU, metal workers according to affiliation. In other words I used to carry a bag full of application forms for different unions, and the other organiser also did the same with the other union and that's how we grew our membership.

Facilitator: And at Tongaat Mushrooms were you entirely black, was the labour force entirely black or did you have coloured, Indian and black?

Respondent: At Tongaat Mushrooms we were entirely black and the white people were mainly in the office or supervisors of departments, we didn't have Indians or coloureds, Tongaat was very racist

Facilitator: So in terms of recruitment they had to recruit black people?

Respondent: Ja we had to concentrate on the bargaining in it that will ..(unclear)

Facilitator: And when you became a shop steward for the first time what were the pressing issues on the floor?

Respondent: Well the pressing issues was firstly to gain recognition as I've said that the company should recognise to negotiate wages on behalf of the workers which the company was reluctant to do so because they said we didn't have an agreement with them. They had no obligation to talk to us about wages and so on because .., and then making sure that the issue of transport which transports workers to and from work is well co-ordinated. Those are some of the issues that you will come across and we had to make sure that we win those basic demands for the workers to be happy.

Facilitator: Any other pressing issues, exploitation, wages.., benefits?

Respondent: Yes, salary was one of the key, exploitation yes it was because you know when workers were not organised, you will find that there's a high level of exploitation in that particular company. So there you would see workers working even on Sunday but not getting paid overtime. You will find workers, if they are ill producing a sick note and coming back to work, you still not going to get paid even if you produced a sick note from the doctor. So those are some of the challenges that one had to grapple with. The issue of recognition also was very much key amongst ourselves as shop stewards, we fought it until they agreed to meet and talk to us as shop stewards. Interestingly it's like a joke, you would find

us as shop stewards talking about the table with management, organisers sitting outside because they were not allowed to sit in the wage negotiations for the mere fact that the union is not recognised. When we go for a break we will consult with them, that actually helped me a lot because it's more like I was an organiser and yet I was a shop steward. The union official there I remember at the time was Zolile Mtshelwana, he was a very patient person, very intelligent and would guide us as to how to communicate with the employer whilst sitting outside the door, but not on the wage table to negotiate with us. He would enter, sit outside, and wait for us to finish the meeting.

Facilitator: But did you receive some training, back then on union issues and so on?

Respondent: Yes a lot, we attended a series of training on the history of trade unionism in FAWU, but also COSATU also had a programme on developing their organisers. So we used to have what we call winter schools and summer schools organised by COSATU. So I was part of that cream of people who attended winter and summer schools I think for six months. So we were highly trained that I can confirm.

Facilitator: And the issue of benefits did you have benefits at Tongaat as workers?

Respondent: The benefits were not an absolute .., we had to fight for them those benefits.

Facilitator: What kind of benefits did you demand?

Respondent: Like for instance the benefits were like, the annual bonus, management would not give you a bonus, they would give you what they referred to as merit bonus – it was up to management to decide whether you qualified or not. The leave, if a woman went on maternity leave when you come

back is either they re-employ you or your service is terminated. So they were not allowed to fall pregnant. But we managed to achieve that. As indicated sick leave we were not paid, annual leave was just one week. The leave stipulated 3 weeks but you were only allowed one week. There was a high level of exploitation and absolutely no benefits in most of the companies, including the one that I worked for.

Facilitator: Ja but did you put up a fight then as a shop steward?

Respondent: Yes we had a fight our first wage strike ..., I can't remember the date but I know it was somewhere in 1988, we went on what I can call sleep in strike, and remember as indicated as farm workers we were not covered by law which means the employer had the right to dismiss us on the spot because the law did not protect us, but we protected ourselves by being together, nobody would go home, women who had children at home would bring their children to work and sleep with them in the factory next to the machine. If she's working in the farmyard they will sleep there. You know in the mushroom situation you would have courtyard where the mushroom is kept in a cool place, they will sleep there, myself I would sleep in the laboratory and so on and so on. The strike lasted for five days. We went to IMSA and IMSA resolved the strike by agreeing to our percentage system that we wanted. But the wages were very very low, I can't remember how much I was earning at the time but I know when I was at Tongaat I was earning R26.50 per month

Facilitator: Was it enough?

Respondent: They would give you one single R20, a paper R5 and a big one rand, it was given to you in an envelope, and that is your salary. So myself I would take R20 and put it under the bed and the R6 I would use to travel to work, things were not as expensive, it was very small but what can you do.

Facilitator: You had to survive

Respondent: Ja, like I'm saying I will take my R20 and put it separate then R5 and R1 I will use to travel to work

Facilitator: And the five day strike was it effective?

Respondent: It was very much effective because everybody stopped and production stood still, nobody worked, they had to call in the police, the police could not interfere because we were not violent, we were just sitting like this, during lunch we got together, sang and went back to our work, fold our arms at night and so on and so on. Our families would come and bring us food and the struggle continued, we couldn't go anywhere because if we had a chance to go anywhere they would employ others. So there was nothing we could do. We didn't have things like people being beaten etc., the things that I see today did not happen today, there were no interdictions. If you go on strike you are on strike the employers knew that they had to meet our demands or else we are not leaving. That's how it was. What we see now is a different phenomenon altogether.

Facilitator: What is different?

Respondent: What is different is that the labour laws actually made it difficult for trade unions to operate I must be honest with you

Facilitator: What's wrong with the labour laws?

Respondent: In this way, you know when the employer makes a mistake he is not allowed to follow the procedure but we as the workers if we are to go on strike you have to follow a whole range of procedure, declare a dispute, CCMA, give them notice, after notice then you go on strike. Now what is the strike of management, management's strike is just a lock out, they are not obliged to follow any procedures, they just wake up the following day and lock you out –

this is what we refer to in the Act as management strike, a lock out. For them it's easy because even if you don't want ..., even if you've reached a wage dispute they can lock you out. But for the workers before they go on strike they must follow all the processes. Now my problem is, in the process of going on strike, the employer here is a dispute, here is a CCMA, during this process the employer has a chance, opportunity to plan and organise his business very well and when you go on strike your strike becomes ineffective because already they've made contingency plan. It's a pity that it's the law that we've accepted but myself personally I don't see that as viable.

Facilitator: But have you actually challenged these new laws and so on that affects striking by the workers as unions?

Respondent: As you know COSATU is sitting in the NEDLAC, both government, business and labour organisations. These are some of the points raised but they are not able to achieve that because we are in a state of democracy with the majority of the work, of the committee there decides otherwise then COSATU has got very little to say. I mean the same thing with this new concept of labour brokers. When I worked in companies there was no such thing as labour brokers where I will have to go to you and get a job from you. If I come to a company I will work for three months probation period after three months it's either they take me permanently or I fail my probation. But now you see a new phenomenon where a middle man will come and say I will talk for you and you are going to be paid by this middle man. In fact I will say the labour laws of today is far from what we envisaged, they are not at all better. Things were not as strict as they are now. Remember if you go on strike illegally the company may sue for damages, but in the past even if you went on strike illegally the employer had to take the blame, he could just blame us because we cannot just go on strike unless there's a reason. So that's what worries me in terms of the new amendment and in terms of the new laws that are coming in now but my friend there's nothing you can do you have abide by what the country laws are saying.

Facilitator: And the issue of labour brokers, has it affected FAWU?

Respondent: FAWU tremendously I'm from COSATU, they've been pushing this, we are the worst affected trade union as a private sector union. As you can see now even in COSATU now there's .., the membership of COSATU constitutes mainly of public sector, because the job is stable in the public sector, there's job security, workers are able to join the trade union. But in the private sector you find that out of 50 workers, 40 belong to a labour broker and the other 10 work permanently, they are part of company management. Now the main reason why labour brokers were introduced is because they wanted to weaken the trade unions and I think whoever thought of this is being very successful. Remember these workers if you include them into a trade union, the employer will say they are not working for me they're working for so and so. Then Mr so and so, when he recruited these workers to come and work for my company, you know what they did, they just bring a contract of employment form saying you are employed with effect from today, the 20th, and your contract may be terminated on ..., (they leave three dots), now if you're looking for a job obviously you can't question why do you leave this space here, they know the moment you decide to join a trade union, they just go to your file, take a pencil and say your contract started on the 20th, Monday is the 30th then they write the 30th. On Friday they call you, please don't come to work on Monday your contract is terminated. You can go to the highest court, you can go to Bloemfontein you will never win such a case because the employer will go there with your contract and say "did you sign here" you were not aware that he inserted a date in which he wants you to be dismissed. That's what is happening, now how then do you recruit those workers, it's more like you're recruiting them to be dismissed. It's painful to recruit a worker only to realise that next week he will be dismissed and there is no way you can protect that worker. You go to CCMA after all this that I explained has been done, the CCMA will say I don't have jurisdiction because the person has signed here and your contract is being terminated by agreement with the employer so what can I do as a

commissioner, then you don't have a case, then the worker is dismissed. Then the employer then goes to the other workers remaining "you see, you join a trade union you will follow him" – do you think those workers will join a trade union anymore, surely not. That is the challenge that we face as the private sector currently.

Facilitator: So in other words you've lost members over a period of time mainly because of, amongst other things labour brokering?

Respondent: We are losing members but at the same time, we don't rest there, we continue to recruit them anyway, what we have done we have partnered with the Department of Labour. Before we go to a company we request the Department of Labour to check the status of employment of those workers and all contract of employment which we have made a request to the government, each and every single employer will then submit their contract of employment to the Department of Labour so that the Department of Labour could first check and once we realise that okay they are in good standing then we can then chip in, so you can see it's a long process. You must just check the company ..., they give us a table with the number of companies here in the province, including the farms. So we just tick from the tables – now as I told you that we want to target ZZ2, I'm not joking because we've seen that they've got a high rate of turnover and a number of ..(unclear) levels. So we have checked them, the problem there you know what it is, the majority of the workers employed there are from Mozambique and Zimbabwe, others in the surrounding areas but they are in the minority. Now that is a challenge we know even if we are going to approach ZZ2, the first challenge will be this one. They were trained, they were made to be hostile towards trade unions. But with the assistance of CCMA, Department of Labour, Department of Health – Department of Health will address health matters in terms of HIV and Aids and so on, Department of Labour will address Basic Conditions of Employment Act, CCMA will address the whole question of awareness about their rights, then we will come in as a trade union, what is the function of the trade union. So we have done those investigations, first with the

Department of Labour, and Department of Labour partnered with us by visiting those companies and farms. We can achieve that but it's gonna take us a long time hence I'm saying half a million we must see to it that we are done with it but it's not gonna be easy because you have to make sure that you follow the right processes of getting the detail of the farm of the company.

Facilitator: Just to go back to your stay at Tongaat, when you look back, I mean you later resigned, or took a package because you didn't want to go to Krugersdorp. What were your major achievements as a shop steward at Tongaat.

Respondent: The major achievement that I am proud of is that I managed to recruit those workers into one formidable unit, belonging to the family of Food and Allied Workers Union. I personally made them aware of their rights, of what is not their rights. The disputes that we carried out, on the Recognition Agreement was an eye opener with the farm workers that they are not being regarded as workers but as a production unit, the mere fact that the South African law did not actually allow them to join trade union, we made it a point that they become aware that there's separation between farm workers and industry workers and these are the rules, and these are the laws that covers them and that didn't cover them. And that was the issue that they questioned each and everyone until the government in 1994 .., when the new ANC government took over the first question that they addressed was that everybody will have to be covered by the Labour Relations Act. So those are the three major achievements, notwithstanding the fact that lots of benefits that I've mentioned earlier on we managed to achieve which I can't say we were satisfied but a lot has been done moving from zero to something else.

Facilitator: Any failures, anything that dampened your spirit when you were at Tongaat?

Respondent: What dampened my spirit at Tongaat was when the company realised that the union is now getting too much strong and they closed our operations. That actually dampened my spirit I was very much down I must be honest, as I said it was at the time of the high rise of the volatile and the violence in Gauteng. Firstly you don't know where you are going to sleep, because we were in hiding anyway, in hiding in Helderfontein next to Fourways, I couldn't go back home to where I was staying in Alexandra, and then here the company is closing down, although my position was not affected but I was worried about these workers that I've recruited that some of them are going to lose their jobs, took their package but I managed to pull the package to be two weeks pay for every year worked instead of what is currently in the labour law, it stipulates 1 week pay for every year worked. That is one thing, but what dampened my spirit more was the fact that the company was closing, the employers can always ..., if they realise that you are too strong they close it down, then they said you see it's because of trade union. If the trade union is not there then we could have done better and continued with our business operation. That's the propaganda that they will tell those affected workers.

Facilitator: You mentioned that you were in hiding, were you in hiding because of the IFP/Inkatha issues?

Respondent: Yes we were in hiding because of the Inkatha issues, as I said I was on the top list of Inkatha. I had a friend of mine from KZN, he knew my position, he knew my activities, he knew what I was doing in the community, a best friend of mine. So I realised on the Inkatha campaigns when they came to Alexander, that a friend of mine has actually told those guys of Inkatha that the man here who is ANC aligned type of a person and then they came to my place, looked for me and they couldn't find me (interruption – knock on the door) – so because they were looking for me, then I was called at work and told that Inkatha was looking for me, I was told not to come home. They told me I will be killed, then myself and other two shop stewards we found a venue in the compound, it's a plot Helderfontein, that's where we were hiding.

Facilitator: And when you came back to the province to work full time now, for FAWU, you came in as an organiser?

Respondent: I came in first as a volunteer organiser because we already had Mr Nkoana working and who has helped a lot to improve the membership .., a volunteer means you are just volunteering, you will go places .., - I had a ..(unclear) I didn't have a problem of travelling, I could always use my money to go to Phalaborwa, to Makado all over the places assisting and servicing the workers, and growing membership so that I can be employed.

Facilitator: And initially you said there was no FAWU here and ..?

Respondent: There was no FAWU yes

Facilitator: And what are the challenges of setting it up then. This is also a vast province. The challenges were there because firstly the worker were not willing, secondly there was just nobody who was dedicated to recruit workers as I said the first thing I did when I came here as a migrant worker, I met Mr David Nkoana who used to work for other affiliates then he actually ended resigning from that affiliate and built FAWU here. So most of the challenges that they came across I know it could be reluctance on the part of the workers to join the union, not understanding the union and .., but he was very patient to get them together, some few workers understood, not everybody – but if you tell them about their salary that they are being paid peanuts etc., they will open their eyes and listen to you carefully.

Facilitator: And you then became an organiser .., when did you become a full time organiser, you were first a volunteer?

Respondent: Ja I became a full time organiser on 1 December 1990. That was when FAWU NEC took a decision to confirm my employment here because

remember if you are a volunteer organiser you don't count, you are not taken as if you are working, you are a volunteer. But the official date of employment was 1 December 1990.

Facilitator: And the fact that Mandela had just been released from prison in 1990, you came in as a volunteer first and then officially employed organiser at the end of December, did that have an impact on how people now wanted to perceive the struggle, people now wanting to join the unions more and more?

Respondent: Ja there was an euphoria, remember when Mandela was released, there was euphoria all over the world and in the country. Everybody ..., there was a propaganda that Mandela will never be released from prison that he was going to die there. Now when he came out of prison everybody was more like ..., wanting to know how did he come, you know the boers used to tell us that he will die there. So everybody was ..., if you talk of freedom you talk of freedom not only in the country but also at the workplace. So we gained membership during that period agree because of that situation that prevailed at that particular time.

Facilitator: And your achievements as an organiser?

Respondent: Currently?

Facilitator: Before you became the secretary, you were an organiser from 1990, until 1994, what were your major achievements?

Respondent: Even though there's quite a lot, but the major achievement was to grow membership, we grew membership from 2500 to 6500 close to 7000 that is the period between 1994 to 1999. In 2000 we grew membership to 8000, I was leading a province with 8000 members, 2003 to 2007 we grew our membership to 10 000, 2008 to 2010 we grew to 11 000, we are now at 12 000

Facilitator: And what are some of the challenges that are faced by FAWU today in the province?

Respondent: Like I said earlier, high rate of dismissals, the labour broking issues, the non compliance of the Sectoral Determination Act by employers and the attitude of the farmers out there making it difficult for us to recruit farm workers and of course the attitude of the employers organisation who will normally represent the companies. Remember the employer organisation intends to make money and although we are making money but our priority is not to make money is to get those workers to join but the employer organisation will make it a point that if you recruit a certain section of workers he will make life difficult for you, firstly to meet with him it can take you up to six months, to get a Recognition Agreement can take another three months. They will employ what I can refer to as delaying tactics to try and discourage workers not to join a union and that is done deliberately because there's no law that forces them to talk to us anyway, it's an open space in which the employer can utilise or exploit it to discourage to join trade unions and that's what they are doing. So far but workers whenever we had general meetings and so on, we normally tell them about the delaying tactics so that they must be aware that the employers have not changed their attitude they still did not want you guys to join a trade union, they are still fighting and using all the means they have that's all.

Facilitator: And the cases of dismissals, what exactly cases are you talking about, are workers on the wrong side of the law or they are being victimised?

Respondent: Well mainly they are being victimised for joining a trade union and 10% of such dismissals relate to the workers being on the other side of the law, the wrong side of the law. You have challenges of workers stealing, it's a major problems, stealing company property, and various misconduct. In fact the main thing as I see my records because I was busy with a report when you came in here. The report indicate to me that most of the dismissals are as a result of workers stealing company property, that is a fact that I cannot deny. But the

majority in the farming community, you know I can categorise in terms of the sectors, in the farming community the majority of the dismissals are as a result of the farmer or the employer victimising the workers. You know we still have farms here wherein if a worker can recruit other workers to join a trade union the same worker will be harassed/victimised, they will make life difficult for you not to work there. For instance I've got a one guy here in Fort Farm he told me over the weekend that he recruited only 5 people to gain majority, the employer/farmer became aware then they changed him from one place to another. They said from tomorrow you are no longer going to be working there, I want to take you to other sites where it's difficult for him to can perform his duties. If he refuses, refusal to carry out an instruction it's a charge, dismissal is the answer. That's the problem we are facing in the farming community, there's not much theft there but in the industrial side of it, like Coca Cola, SAB and other companies that you see there you will find a high rate of theft, company property and so on.

Facilitator: So clearly these are cases that demand dismissal?

Respondent: Yes theft is a very difficult case we have to challenge, it's not a winnable one

Facilitator: But are the employers complying with the Basic Conditions of Employment?

Respondent: Not all of them, some of them do, some don't, you know they tried to exploit the situation by pretending as if they don't know, so unless if a shop steward is aware then he will let us know then we can simply write a letter to the employer and say in terms of Section 16 of the Act you must pay workers overtime then he will say come let's talk. Then he will tell you about finance I don't have money etc. but most of them know the law they just ignore it because they know that the workers might not know.

Facilitator: Has 1994 benefited the Labour Movement, that is post apartheid era?

Respondent: Generally yes the Labour Movement has benefited, the right to have access into the companies benefited us a lot, the right to bargain with employers benefited us a lot, the right to gain recognition benefited us a lot, the right to represent workers benefited us. In fact the whole introduction of the Labour Relations Act, although myself as I've said earlier on I still have certain issues that I do not like in the Act itself, but overall presentation of the Act, the way in which it was formulated it does make sense, it does send a message that the workers have been ..., they have a government that will listen to them in any way. Take for instance the issue of labour broking, it's not that the government does not see, the issue of the labour brokers is a thorny issue in the working environment. If you recall Mr Membathis Mdladlana who was the Minister of Labour, because when we raised this thing they thought we were joking we were not joking. He came down all the way from Gauteng and we took him to the farms in Tzaneen and so on so he saw this himself, what we were talking about, he confirmed that he made recommendations to parliament. He saw this and knew what he was talking about, the only problem that we had was that after his visit he raised the issue and was reshuffled and became an ordinary MP, that is regrettable unfortunately but he was raising a point that I will make sure that the labour broker thing is banned. He visited farm to farm, company to company in the area, I was there, labour broking itself has got the good and bad side anyway, to regulate it to me is not acceptable, but to say to the employer if you dismiss a person and the person has won the case against the company then the company must then pay this employee what we call a security fee. Then there was a clause that talks to if the workers are on strike they damage property and the employer has got an absolute right to sue the union that is the bad side of it, if workers are on strike they are on strike, anybody who damages workers can be accused we are going to be responsible, the employer can sue us. Hence I'm saying it has got it's own good and bad things.

Facilitator: What is the future of FAWU in this province?

Respondent: The future of FAWU is that we want to see it being a formidable, Food Workers Union. FAWU has got the potential. If you go out of this office now the first strike that you meet you will see a food package truck containing food to make delivery somewhere else – not every second, car or truck on the road will be FAWU led, it's either a beverage or Coca Cola truck or a milling truck or ..., so FAWU has got the potential we are being hampered by the point that I've raised in terms of the manner in which we find ourselves in by recruiting these workers sometimes but yes we do have the potential to grow and that's what I want to see even if I'm going to retire in 10 years time, I want to see FAWU being a formidable food workers trade union in the province.

Facilitator: Any regrets for being part of the unions?

Respondent: I don't have regrets, I enjoy the job too much and ..., I can say the only thing I did not do is I was not able to go to university I sacrificed for the people and nothing else ..(unclear) it's a pity that the guys I grew up with today are driving Mercedes Benz and so on, but because I grew from a tradition of the people who are suffering if you give me Coca Cola that I have not drank for more than 10 years I will be happy and that's where I am and if anybody does not get anything that's where I want this person to get me a can of a Coke. That is it my man

Facilitator: Is there anything else that is important maybe that we did not discuss?

Respondent: I think we covered most of the things that we find ourselves in FAWU. We have touched a bit of the history, you will go to other provinces who will also add their side, different challenges.

Facilitator: Thanks very much for your time

Respondent: Thank you very much.

END

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