



Peaceful or violent strike action

Introduction

In his compelling theory on the law of motion, Sir Isaac Newton observed that “In every action, there is an equal or opposite reaction.” Whereas Sir Newton’s observation was inspired by the workings of physics, his theory is equally profound for labour relations – where the actions of the employer do elicit an equal reaction by labour, usually expressed through strike action.

The underlying principle is that there is no strike without a grievance. The employer’s actions – wittingly or unwittingly– necessitate reaction from workers. In other words, when workers engage in strike action, they do so to protest against the actions or sometimes inactions of their employer.

However, the manner of protest, especially violent strike action, diminishes the legitimacy of the grievance in the eyes of the public. It dissuades public sympathy and tarnishes the image of the trade unions. This can be worse for the trade unions operating in the public sector, where the withdrawal of labour means the suspension of services to the public. Thus the question arises: can public sector trade unions do without public support?

What history teaches us?

From history we learn that strikes have been a perennial feature of labour relations. Legend has it that the first strike action happened in the period Before Christ (BC). The book of *Exodus* in the *Bible* reports a strike action by Hebrew brick makers, protesting against the actions of King Pharaoh in ancient Egypt, who had refused to give them straws as reward for their labour.¹ Thus the Hebrew brick makers went on strike, singing and chanting “No bricks without straws.”² This is estimated to have happened in around 1490 BC. The second strike was around 1152 BC, when King Pharaoh decided not to pay the artisans of the Royal Necropolis. Here again, the workers went on a strike until the Monarch acceded to their demands and raised their pay. From this we learn the important lesson that protest actions are not sterile – they do compel an employer to meet workers’ demands.

The modern age has not been fundamentally different. What could perhaps be ascribed to it as a mark of departure from the world of ancients is the depth of workers’ consciousness. A key feature of the industrial revolution (that began in the late 18th century) was mass the mobilisation of workers into the trade union movement. At the time, high levels of exploitation of workers in the form of meagre wages and abnormal working hours were omnipresent.

Australian workers downed tools for a day in 1856 due the employers’ insistence that they should work around the clock. This is where the idea of workers day, currently observed around the world as May Day, originated.³⁴



The result of this strike, replicated in countries such as the United States of America, Canada and in Europe, led to the acceptance of 8 hours as a universal standard labour time for a day's work. The signing of the International Labour Organisation (ILO) convention in 1919, declaring 8 hours, 6 days a week, as the norm,⁵ represented an important victory for workers in their struggle for better employment conditions.

While modernity has brought profound changes in the work place – such as machines and computers – it has not changed the fundamentals of labour relations. Strike action remains an effective bargaining tool for workers. It is recognised internationally by the ILO as an inalienable right for all workers. Many countries, including South Africa, have adopted the ILO guidelines in framing their own labour laws.

The South African context

There are two significant epochs in the history of strikes in South Africa. The first is the era of colonialism and apartheid, and the second is the democratic era. The history of labour relations has fundamentally been different under these two epochs. The first was marked by the subjugation of blacks and the general denial of the right of labour to strike. The democratic era has upheld the right to strike, and guarantees the right of all workers to fair labour practices, without regard to race.

Colonialism and apartheid

The discovery of diamond and gold in South Africa in the late 19th century increased the demand for labour. All sorts of taxes – for example, the hut tax etc. – were imposed to force blacks to seek work in the mining sector as cheap labour. The workplace became a place for the perfection of a race based labour relations system. For example, black miners were subjected to demeaning body searches, curfews, and were denied the right to union representation.⁶ All this did not apply to their white counterparts.

Instead of the working class uniting around their common experience under an exploitative capitalist system, South African workers have been divided along racial lines. The 1922 white miners' strike (Rand Revolt) and the 1946 black miners strike accentuated these divisions. The Rand Revolt was a protest against job losses by white miners and the weakening of the colour bar, which would have allowed black labourers to be employed in supervisory positions.⁷ The 1946 strike, per contra, was against poor wages and the demand by African workers for a pay increase to 10 shillings a day.⁸ Because the strikes were illegal in both cases, they turned to be violent and resulted in the loss of life. More than 200 people died during the Rand Revolt, and about 1248 people were injured and 9 died in the 1946 strike.

The many strikes that happened in South Africa thereafter, including the 1973 Durban strikes, took the same posture. They were as much political protests against the then repressive state as they were about working conditions.

Democratic South Africa

Whereas strikes were prohibited under apartheid, democratic South Africa recognises the right of workers to engage in strike action. The right to strike is enshrined in the *Constitution*. In particular, section 23(c) proclaims that every worker has a right to strike.⁹ However, violent strikes are not protected.

Only pickets that are for purposes of peaceful demonstration in support of a strike are protected by the Labour Relations Act (LRA). Demonstrations that constitute an offence are not protected, including violent protest action. Participation in a strike that does not comply with the provisions of the LRA, 1995, as amended, may constitute a fair reason for dismissal.

A PSA perspective

Condemn violence

Violent strikes in the public sector corrode public sympathy. The higher the risk the strike action poses to members of the public, the less support by the public for labour action. In their 2011 survey on public attitudes towards strike action by healthcare workers, Doctors from the School of Clinical Medicine at the University of Witwatersrand found that "South Africans would be more inclined to support healthcare workers in their endeavours for improved wages and working conditions if strikes occurred in a manner that posed less risk to patients."¹⁰ It is the acts of deliberate neglect that undermine public support.

The problem with violent strike action is not only the loss of life and damage to property; it is the lack of accountability for the losses. No one is prepared to take responsibility. Such has been the case in the aftermath of the Marikana massacre; the employer, union leaders and the police blamed each another instead of taking responsibility for the loss of life.

Winning public support

The PSA is determined to reclaim its place as the amplified voice of the public. Public demand for better services is congruent with our demand for better working conditions. As a strong union in the public service, the PSA must be seen side by side with progressive civil society movements in their quest for better services. We must demonstrate to the public that our demand for better working conditions in public schools, hospitals and municipalities, etc., will result in better services.

In addition, we must be visibly active in the fight against corruption in the public service. We must be seen actively involved in exposing corruption in all the spheres of government and act without fear or favour against corruption. For, corruption diverts scarce resources from addressing public needs to the private pockets of swindlers.

Respecting the right of workers

The PSA remains a democratic union and we are committed to the ideals of our country's *Constitution*. We recognise and respect the right of workers to freedom of association, the right of trade unions to organise and bargain collectively and the right to strike. We must distinguish ourselves always by adhering to the rules and guidelines provided for in our own constitution, the PSA's code of conduct and the LRA.

Addressing the legislative gap

It is the PSA's view that the LRA needs to be amended to strengthen its ability to maintain workplace peace. While the LRA clearly protects peaceful protest, it does not impose a duty on the part of employers to negotiate in good faith. This is a gap that should be addressed through an amendment. The conduct of employers, often dragging their feet until blood is spilled, sends a wrong message that employers are only willing to accede to workers' demands only after some form of violence.

It is incumbent on unions to ensure that their actions are always in the interest and on behalf of their members. As the PSA we will, as we always do, consult our members to get mandates on their grievances and/or demands and on the actions we should take.

Conclusion

The PSA's understanding of trade union militancy does not include violence. Our posture is informed by the consciousness that workers are members of the public, and they thus have an obligation to align their aspirations with those of the public. It is our view that violence tarnishes the image of trade unionism in general, and that unions must make efforts to prevent violence.

References

¹Exodus 5:7,

²Wikipedia, http://en.wikipedia.org/wiki/Strike_action

³ Luxemburg R., 1894, What Are the Origins of May Day? <http://www.marxists.org/archive/luxemburg/1894/02/may-day.htm>

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⁷ SAHO, The Rand Revolt Strikers' stronghold at Fordsburg Square falls to the government, *South African History on line*, <http://www.sahistory.org.za/dated-event/rand-revolt-strikers039-stronghold-fordsburg-square-falls-government>

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⁹ Government of South Africa, 2005, *Constitution of the Republic of South Africa*, Parliament: Cape Town.

¹⁰ Dhai A., et al., 2011, The public's attitudes towards action by healthcare workers and health services in South Africa, *South African Journal of Bioethics and Law*, Volume 4., No.2., 2011.