

# COSATU National strike and Day of action

## MEMORANDUM

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### 1. Background

- 1.1. Today, the 7<sup>th</sup> October, 2020 marks a decisive moment in the history and struggle of the working class in our country and beyond.
- 1.2. We are gathered here to express, on behalf of millions of workers and ordinary people; anger, frustration and united solidarity against the horrifying conditions we are all faced with.
- 1.3. We are a collective of organisations representing thousands of workers and ordinary people in our country and joined by millions of workers the world over. This day is an international day for Decent work and international working-class solidarity.
- 1.4. We stand firmly to express our anger and disappointment at the lack of care, support and protection of fellow frontline workers, who put their lives at risk to save all of us from the scourge of COVID 19 pandemic. Sadly, we have lost several of them to this pandemic, because we put profits and interests of the rich ahead of those of workers and the poor.
- 1.5. As we do so, we express our sincere condolences and profound solidarity to all who lost their lives and their loved ones during this critical period in our history.
- 1.6. We are alive to the fact that our health system is crippled by both the structural inefficiencies of a state not investing in the needs of society, but always eager to satisfy the profit craziness of the markets and the rich few.

1.7. Towards that end, as COSATU we have tabled several section 77 Notices to NEDLAC demanding, amongst others;

- Health and Safety as a priority and demand for all employers in both private and public sectors, to comply and enforce legislated standards and conditions
- Safe, reliable and properly sanitised Public transport systems, in compliance with all the requirements of the COVID 19 regulations and health and safety in general

## **2. Occupational Health and Safety**

- 2.1. When workers sell their labour they do not sell their lives. However often the risk of non-compliance with the health and safety measures is on employees. Employees still regards health and safety measures as costs on the employer which has to be paid for many workers and their families. This practice and attitude of burdening families to take care of their breadwinner who is sick as a result of health and safety non-compliance must come to an end.
- 2.2. Employers are more interested in protecting their products and products than the health and safety of their employees. When employers fail to comply with the law they usually resist compliance by appealing compliance fines.

## **3. Public Transport**

- 3.1. The taxi industry remains the backbone of the public transport system with 70 percent of commuters making use of the taxi's on a daily basis. However, the sad fact is that taxi drivers, guards and queue marshals have been left out of the scope for relief to the sector.
- 3.2. The largely informal sector employs taxi drivers, guards as well as queue marshals without formal employment contracts as a result taxi drivers and queue marshals have not benefited from the unemployment insurance benefits set up to cushion workers from the financial hardships of the lockdown. Nor are they able to benefit from the Compensation Fund when injured on duty.
- 3.3. The taxi industry is plagued by a number of challenges and remains one of the few modes of transportation that does not enjoy a subsidy from the government which further complicates compliance with the covid-19 regulations. There is a need to register all taxi industry workers for COIDA and UIF
- 3.4. We have waged relentless struggles for workers to have access to their UIF and the TERS dues, which we can confirm that great strides have been made and millions of workers have increasingly benefitted from these titanic struggles. But employers and government continue to fail

workers as these institutions and the work done continue to be compromised by institutional failures, corruption, greed and daylight robbery of workers monies.

#### **4. The turning point in the workers struggle against Corruption, Retrenchments, Gender-based Violence and attacks on Collective Bargaining**

- 4.1. COSATU took a firm decision to assert that workers don't turn around things nobody ever will and only workers pay the price for these wrongs. In that regard, COSATU CEC prioritised 4 major campaign areas;
  - 4.1.1. Fighting Corruption
  - 4.1.2. Fighting retrenchments and Unemployment
  - 4.1.3. Fighting Gender-Based Violence and the Gender Pay Gap
  - 4.1.4. Fighting the attacks on Collective Bargaining Agreements and Workers rights in general
- 4.2. It further instructed that we must work with all organisations and institutions involved, interested or engaged in these struggles to unite our people, the working class in particular against these social evils afflicting our communities and people.

#### **On Corruption**

- 4.3. The background and context of corruption in our country is long and protracted. But we have been alarmed at the rate of increase and impunity during this difficult period. It is true, both public and private sectors have demonstrated unbelievable levels of grand scale corruption without regard for the suffering of our people and their needs.
- 4.4. This is a struggle against greed, parasitism and institutionalised profiteering at the expense of poor people and workers. It is anchored in the unholy intersection between public and private officials and interests abusing the system for private personal gains.
- 4.5. We are alarmed by the extent to which law enforcement agencies are slow in prosecuting the criminals, both in the public and private sectors whose abuse public and workers monies with impunity. We call on the NDPP to move with speed to increase the Orange Overalls Brigade by putting away from society all who steal from the people and workers.

- 4.6. We have provided concrete proposals to deal with thuggery decisively in order to send a strong message that we shall not and never tolerate any and all forms of corruption and greed.

### **On Fighting retrenchments and ending the Unemployment crisis**

- 4.7. At the same time, we have seen the surge of retrenchments that add to the shocking statistics of unemployment, poverty and inequalities in our society and beyond. We have witnessed some employers taking advantage of the crisis to evade the law and seek quick gains by not negotiating with unions, not paying workers their dues, not complying with the requirements of the LRA, not disclosing the truth about their real financial state and totally disregarding the massive suffering workers are going through at this time.
- 4.8. We call on the state and business to take seriously the crisis we face, particularly unemployment and hunger. Towards that end, it cannot be business as usual, but drastic measures are required to turn the tide and save jobs, create more jobs and re-skill workers for re-deployment to other sectors of the economy.

### **On Fighting the scourge of Gender-Based Violence and the Gender Pay gap**

- 4.9. We live in one of the most unsafe societies in the world, particularly for women and children. Gender based violence has become the norm and generalised violence has gone out of hand in almost every sphere of our society.
- 4.10. We call on government and all employers, including civil society organisations and communities to take a decisive and firm stand to end all and any form of Gender-Based Violence. It is now enough and we all must set our feet down and clean our communities and workplaces of all and any form of GBV to create a safe, just and equal society. Further, we call on all employers to ensure equal pay for work of equal value for both women and men, to end the economic exclusion of women and young people in particular.
- 4.11. We reaffirm our determination to campaign tirelessly for government to ratify ILO Convention 190, which clearly states both the crime of sexual harassment and the required steps and action to deal with it appropriately.

### **On Fighting to end the Sustained attacks on Collective Bargaining agreements and Workers rights in general**

- 4.12. Never in our history, since the end of apartheid, have we seen the levels of attacks on bargaining and workers rights in the manner we are being exposed to daily.
- 4.13. In the Public Service, we have waged relentless battles against government unilateral withdrawal from the 2018 Public Sector agreement and the commitments made to workers in the 3 year agreement. National Treasury has become a literal state within a state, dictating its own economic trajectory amidst a crisis against workers and the poor. We shall not allow neo-liberalism and its eagerness to always attack workers hard earned wages to sustain the inequalities and poverty levels we are facing.
- 4.14. Employers are tearing apart bargaining institutions and the whole labour market landscape with impunity. They are rewriting their own laws against the country's constitution and the LRA. That is why we are demanding amendment of section 189 to ensure that social dialogue and genuine negotiations are enforced and not disregarded at the whim of individual employers.
- 4.15. We need ever more tighter labour market regulations to ensure that workers are not subjected to the cruel conditions of under-employment, labour broking, casualisation, out-sourcing and all the variants of modern day slavery that has become rife in our society today.

## **5. Wayforward – Workers demand action and decisive interventions Now!**

We stand united in demanding the following;

- 5.1. 100% Compliance with the OHS direction and OHS regulations by the employer
- 5.2. The Provision of sufficient PPEs for all frontline workers
- 5.3. A properly regulated, safe, affordable and reliable Public transport, to ensure transformation, creation of decent jobs, protection of commuters and workers in the industry itself, as well as improved efficiency.

This includes;

- 5.3.1.1. The registration of taxi drivers and queue marshals for COIDA and UIF
- 5.3.1.2. Proper Subsidisation of Public transport, particularly taxis and trains, which are the main means of transport for the poor and working class

6. Speedy and effective prosecution of high-profile public and private sector cases of corruption by law enforcement agencies as matter of national priority.

Linked to an effective Anti-corruption strategy should be the following key elements;

- 6.1. The development of dedicated courts, along the lines of the world cup courts, to deal specifically and decisively with corruption and speedily ensure prosecution and improved cases processing
- 6.2. The banning of politically exposed persons from doing business with the state
- 6.3. Conduct of mandatory Lifestyle audit of all senior Officials involved in procurement, public finances management, supply chain oversight, accountability oversight and related services and institutions
- 6.4. Compilation of a corruption serial offenders list to name and shame all who are involved in corrupt, unethical and dishonest financial and management practices with regard to workers and public finances
- 6.5. Broadening of the definition of corruption to include all offences that affect the funds and resources of the general public and workers, in racial, gender and class terms. Including those that currently appear legitimate but undermine transformation, inclusivity and empowerment of the historically disadvantaged masses
- 6.6. Compulsory education and academic curriculum that focus on ethics, values and principled conduct and character development in leadership and general orientation, lifestyle and behaviour patterns
- 6.7. A clear and time-scheduled Public Assets Recovery Plan of all amounts and resources stolen from workers and public finances
7. A deliberate and more focussed implementation and resourcing of the National GBV Plan, including support for victims and stiff penalties for offenders, rehabilitation programmes and workplace strategies to combat all and every form of sexual harassment and improve gender mainstreaming
8. The Ratification of the ILO Convention 190 on the elimination of Violence and Sexual harassment in the workplace and a clear plan to enforce its implementation
9. The Elimination of the gender pay Gap in all workplaces
10. The immediate declaration and enforcement of a national Moratorium on Retrenchments and Job losses in the public interest as a way to halt the job loss calamity

11. Compulsory development of industry/sector-specific Job savings and creation Plans, in full consultation with unions and all social partners
12. Special and dedicated support for the social and solidarity economy, including Cooperatives, Informal sector traders and Inclusive entrepreneurship/SMMEs developmental models
13. A NEDLAC-led Process of amendment of Section 189 to enforce compulsory negotiations on matters of retrenchments and not just consultations, with full disclosure and as last resort for business or employers
14. Government must enforce strict adherence by all employers to the LRA Bargaining protocols and Outcomes/agreements to protect workers wages and rights