

## **Resolutions of the 12<sup>th</sup> SAMWU National Congress, 1-3 December 2020.**

### **1. On Remaining of Buildings**

Noting that:

- 1.1. The union's Head Offices are currently based on 84 Frederick Street, Marshalltown, Johannesburg.
- 1.2. That this office is currently called "SAMWU House" as are many other offices that the union owns throughout the country.
- 1.3. That the union's founding President, Comrade Petrus Mashishi passed away in July 2018.
- 1.4. That the union also owns a building in Limpopo Province, on 72 Bok Street in Polokwane which is also called "SAMWU House"
- 1.5. That the Province' former Chairperson, Comrade Timson Mosetsho was assassinated for exposing the VBS looters in the Vhembe District Municipality.
- 1.6. That the union is still renting offices in other provinces
- 1.7. That the Organisational Recognition Agreement (ORA) makes provision for recognized unions to be given operating space at local levels.

Resolving that:

- 1.8. In honor of the union's founding President, the Head Office should be renamed "Petrus Mashishi House"
- 1.9. In honor of the province's former Provincial Chairperson, the Limpopo building be renamed "Timson Mosetsho House"
- 1.10. That the union should buy and own all building where Provincial Offices are located.
- 1.11. That were practically possible, local and regional structures of the union should invoke the ORA to get office space from the employer.

Moved by Limpopo | Seconded by Eastern Cape

## 2. On Occupational Health and Safety

Noting that:

- 2.1. Municipalities have long neglected the health and safety of workers in the workplace.
- 2.2. That workers in the municipal sector are exposed to many conditions which seriously affect their health and safety.
- 2.3. Municipal Sector workers are exposed to many conditions which seriously affect, and is hazardous to, their health and safety.
- 2.4. Municipalities do not see Health and Safety of workers as a priority as can be witnessed through the number of death and accidents which occur at the workplace in this sector.
- 2.5. That all workers have the right to proper health and safety conditions in their workplace as per the Occupational Health and Safety Act.
- 2.6. That the health and safety of workers now is more under threat than ever before due to Covid-19.

Resolving that:

- 2.7. That all municipalities should have a Risk Officer who will link directly with workers.
- 2.8. That SAMWU should have Health and Safety Officers at Provincial levels.
- 2.9. SAMWU should roll out a training program for Shop Stewards on Covid-19, Disaster Management Act and health and safety in general.
- 2.10. That SAMWU should revive Health and Committees at all levels of the union.
- 2.11. That through both the SALGBC and the ABC, collective agreements on Occupational Health and Safety should be discussed and concluded immediately.

Moved by Eastern Cape | Seconded by KwaZulu Natal

### 3. On Risk Allowance

Noting that:

- 3.1. That there has been an increase in unfortunate instances where workers have been injured while on duty with some losing their lives while servicing residents.
- 3.2. That workers are exposed to various risks while on duty.
- 3.3. With the advent of Covid-19, workers are facing more health risks than before.

Resolving that:

- 3.4. SAMWU must launch a campaign to demand payment of Covid and risk allowance to all workers.

Moved by Eastern Cape | Seconded by Northern Cape

### 4. On COSATU Affiliation Fees

Noting that:

- 4.1. The union has been in arrears on COSATU affiliation fees for a long time,
- 4.2. This has resulted in the union not being in good standing and as such SAMWU currently does not have voting rights in any of COSATU constitutional meetings.
- 4.3. That the union is diligently servicing its current account with COSATU.

Resolving that:

- 4.4. NOBs should convene a meeting with COSATU with the aim of getting a settlement amount that should be paid over so the union is back in good standing and returning the union back to its historical glory.

Moved by Eastern Cape | Seconded by KwaZulu Natal

## 5. On Unity Process

Noting that:

- 5.1. The union went through a difficult process as a result of infighting.
- 5.2. Note the COSATU Congress resolution, allowing the federation to intervene in affairs of the union, in the interest of the union and members.
- 5.3. Appreciate the role played by COSATU during the unity talks, resulting in “COSATU Unity Agreement.”

Resolve that:

- 5.4. The COSATU Unity agreement, which is now an order of the court, be implemented in totality in all provinces without exception.
- 5.5.

Moved by Eastern Cape | Seconded by Gauteng

## 6. On intervention in the Eastern Cape

Noting that:

- 6.1. There are currently divisions in the Eastern Cape which has resulted in there being two delegations from the province at Congress.
- 6.2. That unity of workers is sacrosanct and as such should not be compromised.

Resolving that:

- 6.3. National Office Bearers should intervene in the province and ensure the unity of workers and all structures of the union.
- 6.4. Wherever disputes arise, the union should speedily intervene with the aim of resolving the disputes.

Moved by Free State | Seconded by Northern Cape

## 7. On Campaigns

Noting that:

- 7.1. Employers have gone on a crusade to dismiss workers in mass.
- 7.2. That employers have been systematically targeting union leaders thereby crippling the trust and confidence that workers have on the union.
- 7.3. That the Auditor General reports into municipalities have shown that municipalities are breeding ground for corruption, which corruption has affected municipal abilities to deliver services.

Resolving that:

- 7.4. The union should have a national campaign on the reinstatement of dismissed and suspended workers.
- 7.5. That SAMWU actively support dismissed workers through campaigns such as the “back to work campaign.”
- 7.6. To have a campaign against employers that are targeting leaders and bashing the union.
- 7.7. These campaigns must also target the South African Local Government Association as municipal representatives and Water Boards.
- 7.8. SAMWU should actively campaign against corruption in the sectors that we organize and demand the protection of whistleblowers.

Moved by KwaZulu Natal | Seconded by Western Cape

## 8. On Membership Recruitment

Noting that:

- 8.1. That membership is the cornerstone and the building block of any organization.
- 8.2. The strength, power and financial viability of any organization largely relies on its membership recruitment and retainment.
- 8.3. That members can only be retained if they are serviced by the union.
- 8.4. The members have not been receiving union regalia.
- 8.5. That potential members can be recruited with good marketing and wellness campaigns.
- 8.6. The 11<sup>th</sup> SAMWU National Congress resolved on a recruitment campaign “SAMWU Red Friday.”
- 8.7. That SAMWU Red Friday is a good marketing campaign which exposes workers to the union.

Resolving that:

- 8.8. Reaffirm the 11<sup>th</sup> National Congress resolution on SAMWU Red Friday
- 8.9. Prioritize issuing of t-shirts to members on a regular basis.
- 8.10. Improve the service that members receive from the union.

Moved by Gauteng | Seconded by Free State

## 9. On Ernest & Young

Noting that:

- 9.1. In 2016, the union commissioned a forensic audit through the Ernest & Young to investigate allegations of fraud, corruption, and maladministration of the union's funds.
- 9.2. That Ernest & Young has completed the forensic audit and a report presented to the May 2019 CEC.
- 9.3. That the May CEC resolved that those who are implicated in the report should be criminally pursued.
- 9.4. Corruption within the union is no different from that in municipalities, that the union should emulate the clean governance that it wants to see in the workplace.

Resolving that:

- 9.5. Congress reaffirms the May 2019 CEC resolution to pursue criminal and civil charges against those implicated in the Ernst & Young report.
- 9.6. The report should be distributed to provinces and members for transparency purposes.
- 9.7. The union should revive the Ernest & Young Ad-Hoc Committee to ensure that the monies lost are recouped.

Moved by Kwa Zulu Natal | Seconded by Free State

## 10. On Collective Bargaining

Noting that:

- 10.1. Collective bargaining, which is the cornerstone of all unions, is currently under attack and undermined by employers and the government.
- 10.2. That the current salary and wage increment is in its last year of implementation.
- 10.3. That salary and wage negotiations will begin around March 2021.
- 10.4. These upcoming negotiations will be very difficult given the fact that public sector workers have been denied their increments and the posture by the National Treasury advising that workers only be given increases in 2024.
- 10.5. That the union organizes Local Government and Water sectors with only one Collective Bargaining post which is currently vacant.

Resolving that:

- 10.6. The union should defend Collective Bargaining
- 10.7. A Collective Bargaining and Policy Conference should be convened before the commencement of salary and wage negotiations.
- 10.8. A strategic planning session should also be convened to review union policies.
- 10.9. That the union should employ two Collective Bargaining Officers, with one focusing on local government and the other on the water sector.
- 10.10. The union should build capacity in the areas of research and policy.

Moved by Kwa Zulu Natal | Seconded by Gauteng



## 11. On Strike Balloting

Noting that:

- 11.1. The Labour Relations Act has been amended to compel unions to conduct a secret ballot before going on strike.
- 11.2. That this amendment limits workers' right to strike.
- 11.3. That internationally recognized weapon of workers in their struggle against the system of exploitation, is the workers' right to strike over disputes and worker demands.

Resolving that:

- 11.4. The union should campaign against the amendments to the Labour Relations Act, in defense of workers' right to strike.

Moved by Free State | Seconded by Limpopo

## 12. On Training of Shop Stewards

Noting that:

- 12.1. Shop Stewards are members' first line of defense.
- 12.2. Almost 60% of the union's Shop Stewards are "new" in that they are serving their first terms.
- 12.3. That there has not been any form of training for Shop Stewards in many years.
- 12.4. The union is currently using a lot of money on legal fees because SS are not properly capacitated to handle cases.
- 12.5. The money used on legal fees could have been used to train SS.
- 12.6. Union officials are supposed to be ideologically and politically aligned to the aims and objectives of the union.

Resolving that:

- 12.7. The union should prioritize the training of Shop Stewards and officials.
- 12.8. All Shop Stewards and officials should be inducted following their election or appointment.

Moved by Gauteng | Seconded by Limpopo

### 13. On Social Benefits

Noting that:

- 13.1. The union has established social benefits, some with a seed fund from the union coffers.
- 13.2. The aim of all SAMWU social benefit schemes is to prevent the exploitation of our members and to provide the best possible benefits and services in the most cost-effective manner to the SAMWU members.
- 13.3. These schemes have largely been neglected, leading to SAMWU National Provident Fund changing its name without any resistance or action from the union.
- 13.4. That most of the schemes are not doing well financially, some are losing or not attracting members new members as such they need support.
- 13.5. Although it is a requirement by law that these schemes operate autonomously from the union, the union is not totally in control of its schemes with some making investments which are not known to the union and members.

Resolving that:

- 13.6. The union should revive social benefits committee which will play an oversight role on the schemes.
- 13.7. SAMWU should ensure that all schemes under the union are operated in the best interests of the union and members.
- 13.8. The union should ensure that the schemes improve the service that they deliver to their members.

Moved by North West | Seconded by Free State

#### 14. On the relationship with the ANC

Noting that:

- 14.1. SAMWU is in alliance with the ANC through COSATU.
- 14.2. That the SAMWU 11<sup>th</sup> National Congress resolved to support and campaign for the ANC in the 2016 Local Government elections.
- 14.3. That the next Local Government elections will be held in the second half of 2021.
- 14.4. That majority of municipalities are currently governed by the ANC. Most of the challenges, including mass dismissals are done by ANC led municipalities.
- 14.5. The ANC is not taking the union seriously, including the shunning of invitations to events of the union.

Resolving that:

- 14.6. SAMWU should stop nursing relationships that do not exist.
- 14.7. That the union cannot continue giving the ANC a blank cheque when it comes to elections.
- 14.8. That since our invitations to the ANC are never honored, such invitations should no longer be extended to them.
- 14.9. That NOBs should through COSATU convene a meeting with the ANC national leadership for them to tell us why the union should continue supporting and campaigning for the ANC.

Moved by Free State | Seconded by Mpumalanga

## 15. On subscription collections

Noting that:

- 15.1. The union's main source of revenue is membership subscriptions which are directly deducted from workers' salaries and paid over to the national account.
- 15.2. That municipalities tend to underpay union subscriptions over to the union, this is because there are no mechanisms in place ensure that municipalities are paying over the correct amount to the union.
- 15.3. That some structures of the union have in collaboration with municipalities withheld subscriptions, electing to pay them into accounts other than the national union's bank account.
- 15.4. That although some of the monies which were paid over into these accounts have since been paid over to the national account, they were not the total amount which was withheld.

Resolving that:

- 15.5. The union should put in place mechanisms and billing systems to ensure that municipalities pay the correct amount to the national bank account.
- 15.6. That all monies which are currently being held in accounts other than the national account should be paid into the national account.
- 15.7. That all monies which were paid into accounts other than the national banking account should be audited to get information as to what purpose they were used for.
- 15.8. Building internal capacity.....**

Moved by Limpopo | Seconded by Free State

## 16. On Constitutional Review Committee

Noting that:

- 16.1. The union's constitution needs to be amended and clarity provided on certain clauses which has led to varying interpretations.

Resolving that:

- 16.2. A constitutional review committee with inputs from structures of the union to construct amendments to the union's constitution.

Moved by Limpopo | Seconded by Mpumalanga

## 17. On Young Workers

Noting that:

- 17.1. The workplace is getting younger and younger.
- 17.2. That trade unions are becoming less appealing to younger workers and failing to attract them to their fold.
- 17.3. That the May 2019 CEC resolved on the constitutionalizing of the SAMWU Young Workers structure and appointed a convenor and coordinator for the structure.
- 17.4. That provinces have in their Provincial Conferences prior to the 12<sup>th</sup> National Congress appointed interim provincial structures.

Resolving that:

- 17.5. Reaffirm resolutions of May 2019 CEC resolutions.
- 17.6. That the SAMWU Young Workers structure be constitutionalized.

Moved by Eastern Cape | Seconded by KwaZulu Natal

## 18. Gender Structure

Noting that:

- 18.1. SAMWU is committed to eliminating all forms of oppression and exploitation in our society
- 18.2. SAMWU has committed itself to establishing formal Gender structures in the union

Resolving that:

- 18.3. That the immediate steps shall be taken to revive and relaunched the Gender Structure

Moved by KwaZulu Natal | Seconded by Eastern Cape

## 19. On decent work and privatization

Noting that:

- 19.1. The root cause of corruption in municipalities is the casualization and prioritization of municipal services.
- 19.2. Privatization does not increase the quality of services rendered but rather inflates the cost-of-service delivery.
- 19.3. That the tendering system has become a platform to enrich politicians and their cronies.
- 19.4. Workers employed by companies who got these tenders are in precarious work, they have no job security, but they are delivering municipal services.
- 19.5. Municipalities continue using Extended Public Works Programme (EPWP) for the delivery of services.
- 19.6. That the EPWP programme is a form of outsourcing which has resulted in precarious working conditions for these workers.
- 19.7. That the programme is exploitative in nature with workers not having job security or any benefits at all. With the programme being used for other purposes which it is not intended for such as Cadre deployment.
- 19.8. That EPWP workers are rendering municipal services and, in most cases, work alongside those permanently employed by municipalities.

- 19.9. That this programme has become a conveyor belt for cheap labour to municipalities, leading them to no longer fill vacancies.
- 19.10. That the SAMWU 11<sup>th</sup> National Congress resolved that EPWP workers be recruited into SAMWU as they are municipal workers.

Resolving that:

- 19.11. SAMWU should relaunch its anti-privatization campaign
- 19.12. Demand the re-municipalization of all municipal services.
- 19.13. Demand an end to casualization of workers, with workers given permanent contracts of employments.
- 19.14. Reaffirm the 11<sup>th</sup> National Congress of SAMWU on the recruitment and status of EPWP.
- 19.15. That municipalities should stop rendering services through EPWP and related programmes
- 19.16. That all EPWP workers be absorbed by municipalities on a permanent basis.

Moved by Northern Cape | Seconded by Free State

## 20. On equitable distribution of union fees

Noting that:

- 20.1. The union's main source of revenue is membership subscription fees which is currently R65 per month, per member.
- 20.2. That these fees are sent directly to the national office which pays out monthly allocations to provinces.
- 20.3. That most of the union activities are at regional level, with this structure relying on what they get from the province to fund these activities.
- 20.4. That other COSATU have an equitable share of union fees paid out to structures of the union on a monthly basis.

Resolving that:

- 20.5. National Office Bearers should consult with other COSATU affiliates on the equitable distribution union affiliation fees.

Moved by Eastern Cape | Seconded by Western Cape



## 21. On donations and VBS Loan

Noting that:

- 21.1. The union has made donations several donations to institutions which are not in line with the union's scope of work.
- 21.2. That the union has taken up a loan with the VBS Mutual Bank and used the head offices as surety.
- 21.3. That the mounts donated and loaned are huge with such having have been taken without any union resolution authorizing anyone to enter into such agreements on behalf of the union.
- 21.4. That the union has been funding the operations of a foundation formed outside of the union structures.

Resolving that:

- 21.5. The contract with VBS be submitted to the next Central Executive Committee for scrutiny.
- 21.6. That Congress condemns the donations and loans taken without any resolution of the union.
- 21.7. That measures be put in place to ensure that no donation or loan is taken in the name of the union without authorization of union structures.
- 21.8. Monies which have been used to fund the operations of the foundation should be recouped.

Moved by Northern Cape | Seconded by Eastern Cape

## 22. On vacancies

Noting that:

- 22.1. The union as an employer has numerous vacancies which are yet to be filled, this includes HOD Finance.
- 22.2. The non-filling of these vacancies has resulted in the union not being able to complete audits in time and ensuring proper filling of documents which are required for audit purposes.
- 22.3. That the union currently does not have internal auditor, bearing in mind that internal auditors would play a role in ensuring internal controls.

Resolving that:

- 22.4. All vacancies in the union must be filled.
- 22.5. The union must employ internal auditors
- 22.6. That the outsourcing of union function, especially when a union have in-house capacity.

Moved by Eastern Cape | Seconded by KwaZulu Natal

## 23. On union assets

Noting that:

- 23.1. The union has various movable and immovable assets.
- 23.2. That some of the assets are not tagged while some's whereabouts are unknown.

Resolving that:

- 23.3. The union should put in place mechanisms to correctly record and reconcile all of the union's assets.

Moved by Eastern Cape | Seconded by KwaZulu Natal