

## **Resolution adopted at the 7<sup>th</sup> SAMWU National Congress: Organizational**

### **1. Constitutional amendments**

**Noting that:**

- a) The union, at a Central Executive Committee Meeting on 2 -4 April 2003, adopted amendments to the Constitution made since the 6th Congress held in August 2000.
  - b) While there has been very limited time to implement and assess the effectiveness of the new Constitution, there are some areas where it might be appropriate to make amendments.
  - c) A constitutional sub-committee has been set up to look at possible changes to the Constitution.
  - d) The committee has identified some areas that will possibly need amendment.
  - e) There are a number of procedural matters and standing rules that the constitution empowers the CEC to determine that still require attention.
  - f) Any process to amend the Constitution should involve the majority of our members and should be informed by our experiences on the ground. Very little work has been done in this regard in the build up to this National Congress.
- There are still some outstanding issues that the previous constitution sub-committee, set up after the 6th Congress, developed positions on, but that the Central Executive Committee has not finalized. These include: -
- g) Associate membership (retired, unemployed and solidarity membership)
  - h) Code of conduct
  - i) Union liability
  - j) Meeting procedures and rules
  - k) Election / nomination process for office bearers

The Central Executive Committee, subject to the limitations imposed by clauses 17.1.1 and 17.1.2 of the Constitution, may amend all clauses and sub-clauses in the Constitution.

Therefore, **resolves** that:

- a) The Constitutional sub-committee already established continues to meet after Congress.

- b) The sub- committee shall continue to work on possible amendments to the constitution, including the areas identified by the previous sub-committee but not yet approved by the Central Executive Committee. They should also work on developing.

various procedural matters and standing rules that the CEC needs to adopt. All these proposals shall be presented to the first CEC following Congress.

## **2.Social Benefits**

**Noting** that:

- a) SAMWU has initiated a number of social benefit schemes for its members.
- b) It is a requirement of law that some of these schemes like the SNPF, SAMWUMED and SAMWU SACCO operate autonomously from the union.
- c) 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.
- d) To operate these social benefit schemes, it is sometimes necessary to employ service providers whose sole Aim is to maximization of profits at the expense of our members.

**Believing** that:

- a) While it is a requirement of law that some schemes operate autonomously from SAMWU, the membership of these schemes are intricately linked to the membership of the National Union
- b) SAMWU has the responsibility to ensure that all social benefit funds operated by the union operate in the best interest of the members and the Union.
- c) The integration of social benefit should not only be seen as benefits in themselves but should also aim to build the organizational capacity of the Union.
- d) The use of some capitalist service providers encouraged corruption to the great embarrassment of the Union.

**Resolving** that:

- a) The culture and tradition of consultation and mandate taking be deepened as far as the implementation and operation of all SAMWU social benefit schemes are concerned.
- b) Trustees and member representatives of SAMWU social benefit schemes should act within parameters of Union policy and report to the appropriate Union Constitution structures. SAMWU continue to provide benefit that provide best value for members and aid organizational development within the Union.

- c) Services providers should be employed in the most cost-effective manner by ensuring that members receive fair value for the costs of services provided and where possible, capacity should be built to deliver services directly by the scheme and / or the Union.

**Moved: Eastern Cape**

**Seconded: Limpopo**



### **3.Participation in Cosatu Activities**

**Noting that:**

- a) Our union's participation in Cosatu activities is next to nil.
- b) This is detrimental to our membership because we as a union will always be bound by the decision taken by the Federation.
- c) COSATU has some resources and educational material that can be better used to enhance the worker's understanding of the unions.
- d) There is a lack of solidarity by COSATU affiliates.

**Believing that:**

- a) Without creating a better understanding of COSATU and its affiliates aims and objectives to the membership, the principle 'an injury to one is an injury to all' will always be vague and irrelevant.
- b) SAMWU commits itself to strengthening Cosatu locals by:
  - ✓ The office must identify local authorities that fall within a COSATU local in particular areas and ensure that SAMWU members do attend such locals. Local leadership must be held accountable for non-attendance.
  - ✓ In locals where local meetings do not sit generally, SAMWU must take an initiative to revive the COSATU local structure.

**Moved: North West Seconded: Limpopo**

### **4.Union Investment Companies**

**Noting that:**

- c) The resolution of the 6th National Congress on developing a comprehensive investment policy for the Union has not been fully implemented.

**Therefore resolved:**

- d) The re-affirm the resolution of the 6th national Congress and that the first CEC of 2004 be set as the deadline for the finalization of an investment policy.

**Moved: Free State Seconded: Kwa Zulu Natal**

### **4. Essential Service Legislation.**

**Noting that.**

- a) We have experienced problems in finalising Minimum Services Agreements(MSA) with municipalities.

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- b) The Essential Services Committee of the state has adopted an unhelpful attitude – this includes their ratification of a MSA, that included categories of employees who were not essential service workers and therefore is not in keeping with the intention of the law , as a “model of an MSA agreement.
- c) The extend to which the essential service provisions issues creates division between workers because some work and are paid, while others don’t work and lose pay.
- d) In some countries the problems has been dealt with by allowing an unfettered right to strike , with unions providing minimum services voluntarily and recognising that the state has its military services to stand in if real threats emerge to life or health.

And **believing** that:

- a) The maintenance of essential services to prevent endangerment of a whole or part of the communities ‘health or life must be seen in the context of:
  - ✓ The social reality that many of our communities do not receive essential services,essential services regularly cut-off when people cannot afford to pay for them and live in conditions that are a permanent threat to health and life;
  - ✓ The state of much municipal infrastructure, such as sewerage systems, that are not up to standard and a threat to workers healthy and safety.
- b) There is a major difference in the threat that will be posed by a withholding of labour in essential services in rich communities with good infrastructure and those of the poor communities who suffer every day.
- c) Limitations placed on the right to strike must take into account the extent to which prior public warning of the interruption of the service enables communities and person to be forewarned and take precautions.
- d) We fully support the need to ensure that strike action should not cause endangerment of health or life and will always seek to educate and ensure that our members respect this need despite their daily experience of life-threatening communities and workplaces.
- e) The legislation and the actions of the Essential Services Committee is such as to unduly restrict public sector workers right to strike and to undermine the trade union solidarity that is central to strike action.

Therefore, **resolves** to:

- a) Campaign for amendments to the Essential Service legislation on the basis that the definition acceptable but the law should place no restriction on the right to strike.
- b) The legislation should provide for a system through which trade unions may voluntarily enter into agreement on the issues of maintaining a minimum service once a substantive has been declared.

- c) The parliamentary services and the SAPS must be covered by the essential services provisions.
- d) Take steps to ensure that COSATU and its public sector affiliates are drawn into this campaign.
- e) To canvass our members in support of a proposal that workers working in designated essential services be required to sign a stop order providing that in the event of any protected strike a still to be determined amount be deducted from their pay for the duration of the strike and paid into the union's strike fund.
- f) Further to continue to organise essential service workers working a minimum service to rotate the actual work between all workers in the service.

**Moved: North West**

**Seconded: Eastern Cape.**

### **5. Collective Bargaining essential service legislation**

**Noting that**

- a) We have experienced problems in finalizing Minimum Services Agreements (MSA) with municipalities.
- b) The Essential Services Committee of the state has adopted an unhelpful attitude- this includes their ratification of a MSA, that included categories of employee who were not essential service workers and therefore is not keeping with the intention of the law, as a “model of an MSA agreement”.
- c) The extent to which the Essential Service provisions issue creates division between workers because some work and are paid, while others don't work and loose pay.
- d) In some countries the problem has been dealt with by allowing an unfettered right to strike, with unions providing minimum services voluntarily and recognizing that the state has its military services to stand in if real threats emerge to life or health.

**And believing that:**

- a) The maintenance of essential services to prevent endangerment of a whole or part of the community's health or life must be seen in the context of:
  - ✓ The social reality that many of our communities do not receive essential services, essential services are regularly cut-off when people cannot afford to pay for them and live in conditions that are a permanent threat to health and life.
  - ✓ The state of much municipal infrastructure, such as sewerage systems, that is not up to standards and a threat to workers health and safety.

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- b) There is a major difference in that threat that will be posed by a withholding of labour in essential services in rich communities with good infrastructure and those of the poor communities who suffer every day.
- c) Limitations placed on the right to strike must take into account the extent to which prior public warning of the interruption of the service enables communities and persons to be forewarned and take precautions.
- d) We fully support the need to ensure that strike action should not cause endangerment to health or life and will always seek to educate and ensure that our members respect this need despite their daily experience of life threatening communities and workplaces.
- e) The legislation and the actions of the Essential services Committee is such as unduly restrict public sector workers right to strike and to undermine the trade union solidarity that is central to strike action.

**Therefore, resolve to:**

- a) Campaign for amendments to the Essential Service legislation on the basis that the definition is acceptable but that the law should place no restriction on the right to strike.
- b) The legislation should provide for a system through which trade unions may voluntarily enter into agreement on the issues of maintaining a minimum service once a substantive dispute has been declared.
- c) The parliamentary services and the SAPS must be covered by the essential services provisions.
- d) Take steps to ensure that COSATU and its public sector affiliates are drawn into this campaign.
- e) To canvass our members in support of a proposal that workers working in designated essential services be required to sign a stop-order providing that in the event of any protected strike a still to be determined amount be deducted from their pay for the duration of the strike and paid into the unions strike fund.
- f) Further to continue to organize essential service workers working minimum services to rotate the actual work between all workers in the service.

**Moved: North West Seconded: Eastern Cape**

### **6.Strike Fund**

**Noting that:**

The lesson of the 2002 wage strike is that protected strike action can endure for a consideration length of time.

- a) Our efforts to date to establish a strike fund have met with limited success.

- b) It is essential that we do build up a substantial fund that has a capacity to sustain itself even if some periodic levies still have to be made.
- c) Such a fund has to be very big if it is to provide any real relief or strike pay and it is estimated that to support a three week strike it have to be at least R40 million strong.
- d) The Union also negotiates on behalf of members who do not fall under the jurisdiction of the SALGBC.

Therefore, **resolve** that:

- a) Those members, who are not yet contributing to the fund, including those outside the jurisdiction of the SALGBC, should activate the R2.50 deduction by no later than 1 December 2003.
- b) The Union must also budget for a definite percentage of overall income to be transferred to such strike fund each year.
- c) A good portion of the money received from the Agency Shop must be paid over to the Strike Funs.
- d) The CEC shall monitor the growth of the Fund and shall determine when strike payments can be made from the Fund.
- e) Every effort should be made to seek to achieve this goal in readiness for the negotiations that must take place when the 3 year wage agreement expires in 2005 without detracting from the right of the CEC to approve support for strike action in work places not covered by the SALGBC prior to 2005.

**Moved: Eastern Cape Seconded: Gauteng**

### **7. Multiyear agreement**

**Noting** that:

- a) Part of the reason that wage negotiations deadlocked in 2002 was over the question of employer's demand for a three- year agreement.
- b) Our members were unprepared to accept this because we had not done sufficient work in consulting and educating members about the issue.
- c) It has been a long-standing tradition of labour movement to negotiate single year wage agreement.
- d) A further complicating feature of the multi-year agreement was the linking of wage adjustments to the CPIX indicator which recent research had found is not possibly the most appropriate indicator to be applied.



- e) The central argument of SALGA for such three-year agreements is that it is in keeping with the central Treasury's three years expenditure framework and allows for forward planning on budgets.
- f) That such three- year agreement allows municipalities to plan their financial affairs over a period of time that makes it easier to know what they can commit to other expenditure equipment and infrastructure and service extension.
- g) We are now party to a three- year agreement.

And

**Believing:**

- a) The issue of whether a wage agreement (or any other agreement) is for a number of years or only for 6 months or a year is not a matter of principle.
- b) The advantage and disadvantages of multi-year agreements need to be considered in more detail.

We therefore **resolve** that:

- a) We convene a National Collective Bargaining Conference where, amongst others, we formulate a clear position on the issues of multi- year agreements for consideration and adoption by the CEC.

**Moved: Kwa Zulu Natal**

**Seconded: Free State**

**8. Defending and advancing the role of the SALGBC**

**Noting:**

- a) The attacks that SALGA has been making on the SALGBC, and their attempts to roll back the gains won by workers through their unilateralism and their threat to withdraw from the SALGBC.
- b) The core issue giving rise to this threat has been labour's refusal to agree to the exclusion from the scope of the SALGBC of:
  - ✓ Systems Act Section 57 managers employment terms and framework.
  - ✓ Private companies, the informal sector , community based providers, casualties worker and labour brokers and any other persons doing work that is normally done by a municipality.
- c) Labour has also objected to SALGA's attempts to fragment bargaining in the sector by seeking the lower the threshold for the admittance of trade union parties to the SALGBC.

- d) SALGA says it will allow Municipal Entities (Utilities, Agencies etc) to fall under the scope of the SALGBC but in the same breath promotes the view that they should be free to decide their wages independently of the wages of municipal employees.
- e) Recent amendments to the LRA specifically provided Bargaining Councils with powers and functions to regulate informal segments of their sector, home workers and casual workers, yet SALGA sees fit to go against this trend.
- f) The establishment of Bargaining Council and forms of centralized Bargaining are a cornerstone of the Alliance's approach to the development of bargaining, the self-regulation of sectors and further work in developing industrial or sector strategies for employment creation.
- g) SALGA has in practice already sought to undermine the SALGBC in respect of its powers to require that municipalities comply with SALGBC agreements to which they were party.

Therefore, **resolves** to:

- a) Defend the SALGBC and centralized regulation of the sector through all means at our disposal.
- b) Condemn the union bashing demonstrated by SALGA.
- c) Fight for the maintenance and extension of the powers and functions of the SALGBC to regulate terms and conditions in respect of all workers working in services that fall within local government and including:

- ✓ All who are employed in local government (excluding councilors) in whatever service and whether or not it is a normal power of local government or a function being exercised by local government on behalf of another sphere of government.
  - ✓ Section 57 managers,
  - ✓ Employees of municipal entities or any other companies, associations or organizations referred to in Section 87 of the Municipal Systems Act.
  - ✓ Workers in small companies and in informal and casual employment, or linked to ward Committees or other “community based” organizations.
- d) In accordance with our organizational plan, to devote effort and resources to the organization of private sector and the in formalized and marginalized of the working class.
- e) Through COSATU, engage our Alliance partners regarding SALGA’s attack on centralized bargaining.
- f) Call upon all our members to support and participate actively in all activities that are attempting to restore the union’s dignity and defend the gains already made in the collective bargaining arena.
- g) Propose that SALGA be awarded with the title of worst employer of the last three years at the COSATU Congress with special reference made to the role played in this by ex-trade unionists.

**Moved: Gauteng Seconded: Mpumalanga**

### **9. Enforcing collective agreement**

**Noting that:**

- a) We are unable to enforce collective agreements at national and divisional level.
- b) SALGA has taken a stand to undermine the bargaining processes.
- c) Conciliators at the division need further training and accreditation.

**Believing that:**

- a) Collective bargaining is a platform that is able to minimize conflict between employer and employee.
- b) SALGA want to roll back the gains that have been made through collective bargaining.

We therefore **resolve** that:

- a) Secretaries, all levels of the SALGBC, should be empowered to enforce decisions.
- b) A sustainable programme to be developed that will seek to engage SALGA at all levels.

**Move: Northern Cape Seconded: North West**

### **10.Integration of public sector administration and service provision**

**Noting:**

- a) That as a union we have long since committed ourselves to seeing the establishment of a strong development state in which the central and local spheres of government play the major part in determining policies and implementing delivery.
- b) There is often wastage of funds meant for communities at provincial government level, and provinces differ in their approach to administrative governance.
- c) It is our view that local government is the most effective level at which to locate people-driven development.
- d) We have members who have been transferred or seconded to local government on whose behalf we are able to bargain because their terms and conditions of employment continue to be regulated by the Public Service Co-ordinating Bargaining Council. (PSCBC).
- e) There is a need to address the problem of creating an effective framework for the transfer of workers from the provincial and central spheres of government, and in some cases from state- owned enterprises, to local government.
- f) In seeking to achieve a rationalization of the public sector there may be a need for some adjustment or phasing in arrangements in which some municipal standards may be reduced while others are enhanced.

And **believing** that:

- a) The current manner in which the Department of Public Service Administration, the Presidential Co-ordinating Council on local Government and SALGA have dealt with this matter, With no attempt at transparency or the involvement of labour, is unacceptable and counterproductive.
- b) It appears to be based on an arrogant assertion that the employer will unilaterally impose and enforce deadlines for the process and any negotiation.

- c) If often reflects an ideological attachment to the reduction of jobs, the casualization on jobs, and a widening wage gap that privileges an elite management group that moves alongside with the capitalist class.
- d) Managers in the Public Services should be there because they have a commitment to nurturing an ethos of public service and the provision of quality public services and not because they want to line their own pockets and develop their skills to engage in business ventures.

We therefore **resolve** that:

- a) We support steps to integrate the public service that are conducted transparently and involves labour fully from the start in all choices, including the commissioning of any research or investigations and the terms on which the process as a whole is progressed.
- b) The process currently underway should be halted and started afresh on an all-inclusive basis.
- c) We shall take steps as a matter of urgency to engage all other public sector unions, starting with our fellow COSATU affiliates, to develop a common platform.
- d) We demand that the process be designed in such a manner as to increase employment in permanent and quality jobs within the public sector.
- e) There must be a process put in place to increase parity between rural and urban public sector workers, particularly with regard to skills development.
- f) The state must recognize that such process of rationalization o conditions of service will require substantially increased commitment of funds to align conditions and close the wage gap (both horizontally and vertically) across the local government and the public service.

**Moved: North West Seconded: Kwa Zulu Natal**

### **11.Remuneration policy and forms of employment**

**Noting** that:

- a) The recent SALGA Human Resources Conference resolution on remuneration.
  - ✓ Accepts whole-heartedly the effects of globalization in destroying permanent jobs and replacing them with fixed-terms contracts and job insecurity.
  - ✓ Seeks to promote this form of employment further down the line to all other management levels and not just section 57 Managers.
  - ✓ Aims to tie management work into measurable and individualized performance out-comes that earn monetary incentive bonuses.

- ✓ Promotes monetary awards for managers but claims, vaguely, that other employees will be provided with non-monetary incentives.
  - ✓ States that will not include section 57 managers in any assessment of the wage gap within the sector.
- b) That these changes from stable jobs with job security to insecure jobs for all and performance bonuses for managers are described as being part of the “transformation” of our society.

And **believing** that:

- c) Transformation was never intended to accept or promote these forms of work restructuring, the destruction of jobs and job security, and the advancement of a managerial elite.
- d) Far from being “transformation” such changes is merely the imposition of a new form of capitalist imperialism that seeks to capture the minds of these elite to advance its global reach.
- e) SALGA’s HRd section is being run by a clique of officials who do not reflect the views and positions of the majority of councilors.

Therefore **resolve**:

- a) That we reflect the effects of workplace restructuring under globalization leading to a loss of decent and secure jobs and a massive rise in the level of unemployment in our own country and the world.
- b) Reject the view that all work be related to incentives and support the view that workers and managers, if paid a reasonable standard of remuneration in secure jobs, can be motivated to serve their country out of humanity and a commitment to public service and in this, to work with COSATU to seek a political agreement on this matter within the Alliance.

**Moved: Gauteng Seconded:Free State**

### **12.Systems Act Section 57 Managers**

**Noting:**

- a) That the justification for this category of managers is that it enables Councils to appoint Managers who share the political viewpoint of the majority party and its executive committee or mayor.

- b) The abuses of excessive remuneration and bonuses that have been associated with Section 57 type Managers from the start.
- c) SALGA's claim that they alone will be the body to regulate the terms and conditions of employment of these Managers, and their exclusion of them from the scope of the SALGBC, and from the scope of the SALGBC, and from having their posts evaluated along with other workers through the agreed TASK JE system.
- d) There is talk of special amendment to the law to create a mechanism to regulate Section 57 terms and conditions.
- e) The Systems Act only requires that Municipal Managers must enter into a performance contract that sets goals linked to the IDP; it does not require that such contracts include monetary incentive bonuses.
- f) We are experiencing too many cases where Municipal Managers who claim to be aligning with our Alliance partner, the ANC, have a style of management that harks back to the "baaskap" mentality of the apartheid era.
- g) Municipalities are failing to implement those sections of the Systems Act on Public Administration that have to do with the development of good industrial relations and human resources development policies.

And **believing** that:

- a) The SALGBC is the institution with the legal powers to enforce compliance with agreement and to regulate section 57 Managers and there is no need for a separate law.
- b) SALGA has frustrated the regulation of excesses in relation to Section 57 Managers and on the contrary, promotes remuneration policies that encourage such excesses.
- c) Short-term contracts and related jobs insecurity are used to justify excessive remuneration and the freezing of posts to achieve bonuses for themselves-it's a sick society built.
- d) Municipal Managers, who might otherwise have had their services terminated, or been demoted, continue in employment because they can be sanctioned by the withholding of incentive bonuses.

**Resolve** that:

- a) The employment terms and conditions for Municipal Managers, and the framework for remuneration linked bonuses, be regulated through the SALGBC and that it has the legal capacity through the LRA to enforce such regulations.
- b) That a special committee of the SALGBC, which includes the Department of Provincial and Local Government (DPLG) and other stakeholders, must be

established to address these regulations of the terms of employment of Section 57 Managers.

- c) Section 57 Managers remuneration, post evaluation and all other human resources management system issues must be linked to the rest of the workforce.

**Moved: Eastern Cape,**

**Seconded: Gauteng**

### **13. SALGBC divisions**

**Noting that:**

- a) We have been unable to secure agreement at SALGBC level to create single divisions in each of the provinces.
- b) The dispute has been framed as a proposed amendment to the SALGBC Constitution and such would have to be resolved by collective action.
- c) The reason previously advanced for promoting single divisions remain as relevant as ever.

**Resolve that:**

- a) We continue to lobby and campaign for single divisions covering all municipalities in a province.
- b) Such divisions must make provision for addressing the special needs of metropolitan areas.

**Moved: Northern Cape**

**Seconded: KwaZulu Natal**

### **14. Discouraging micro loans and promoting collective saving**

**Noting that:**

- a) Micro loans do not alleviate poverty, but dig workers more deeply in.
- b) They detract from worker's capacity and spirit to struggle for a living wage and better conditions.
- c) The Micro loans industry is there to make profits and not to rescue workers from poverty and need.
- d) Our experience with running our own Micro loans schemes has been that they quickly lead to corruption.
- e) SALGA has resolved that they should stop all new micro loan stop-orders and introduce "employee assistance 'programmes' to educate employees on the problems of loans.

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And **believing** that:

- a) The massive resort by workers to micro-loans and debt has arisen from:
  - ✓ Real economic and social factors arising from increasing unemployment and general poverty.
  - ✓ The example set by our political, councilors, managers and business leaders, and the mass media encouraging excessive and conspicuous consumption.
- b) We have made a mistake in entering into this scheme of things simply to compete with IMATU and others in a commercial market and not in keeping with the spirit of trade unionism that informed our foundation.
- c) Loans based on a commitment to collective saving, as underpins the SACCO is the way we must go.

Therefore, **resolve** to:

- a) Support the phasing out of micro loan-orders in local government and agree on counseling and education programmes for workers to encourage them to avoid excessive debt.
- b) Promote the SACCO and its principles of collective saving and mutual solidarity.
- c) Phase out our contract with FNB
- d) Continue our struggle for a living wage and a society based on equality in the distribution of material resources.

**Moved: Limpopo Seconded: North West**

### **15. Advancing bargaining in the water board**

**Noting** that:

Since the last Congress real progress in the water board sector has taken place in the form of establishing a statutory council.

- a) The legal scope of this council as defined in the Labour Relations Act, limits the extent to which collective agreement can be reached.
- b) The representation by parties is largely fragmented, therefore presenting serious challenges to advancing our aims and objectives.
- c) There remain inequalities in this sector, ranging from conditions of service to benefit and salaries.

**Believing** that:

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The need to push for a single employer's body would contribute meaningfully to the challenges facing the sector.

- a) The need to develop strategies and tactics remains a challenge in order to make our influence relevant and viable in the sector.

**Resolve that:**

- a) We must use most benefits and opportunities presented by the Council as a leap towards worker's right.
- b) We must engage other Cosatu affiliates presently having members in the sector for bargaining purposes, including realizing the federation's resolution on scope.
- c) We must review the content of wage increase agreements being concluded in order to bring about uniformity.

**Moved: Free State Seconded: Limpopo**

### **15. Health professionals and prevention of HIV.**

**Noting that:**

- a) The seriousness of the HIV/AIDS epidemic where, in 1999, almost 34 million people were living with HIV /AIDS, 95% of them in developing countries.
- b) If current trends continue in South Africa, 1 million people a year would require care by 2007, eight million people would by then be infected and by 2010 the country would have lost five million people.
- c) On the basis of current medical and scientific evidence, it is recognized that HIV/ AIDS is a life-threatening illness but that it is not transmitted through casual contact under normal working conditions.
- d) Studies indicate that the support in the workplace for people living with HIV / AIDS can be therapeutic for employee/s and may help to prolong the employee's life.
- e) Some employers have a tendency of subjecting workers to HIV / AIDS tests against their will.
- f) A Code of Good Practice on key aspects of HIV / AIDs and employment was issued by the Minister in terms of Employment Equity Act during 2000.
- g) No integrated policy on HIV / AIDS exists in the municipal sector to guide municipalities.
- h) SALGA is delaying the finalization of the national agreement on health and safety. This is leading to the depletion of the workforce in the local government sector as a result of health hazards and the HIV / AIDS pandemic.

**Believing that:**

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- a) As the epidemic grows, many more workers will become infected and develop the clinical and symptomatic phases of the disease.
- b) Costs can be contained if effective primary care services are provided to manage HIV/AIDS and its related conditions.
- c) HIV / AIDS can be kept an affordable condition by keeping people living with it out of hospital, by early intervention for opportunistic infections and prophylaxis for these infections. Anti- retroviral therapy will also keep people living with HIV /AIDS well for longer.
- d) A worker's health condition is private and confidential and workers living with HIV /AIDS are under no obligation to disclose their condition to a manager or any other worker.
- e) Staffs living with HIV /AIDS have the same rights and obligations as all staff and shall be protected from discrimination.
- f) As a union we need to play a pro-active role in dealing with the effects of the epidemic, as we have affected members.
- g) The extension of the current HIV / AIDS policy union staff to municipalities will assist in developing workplace policies.
- h) The SALGBC has an obligation to pass resolution on HIV/Aids.

We **therefore** resolve that:

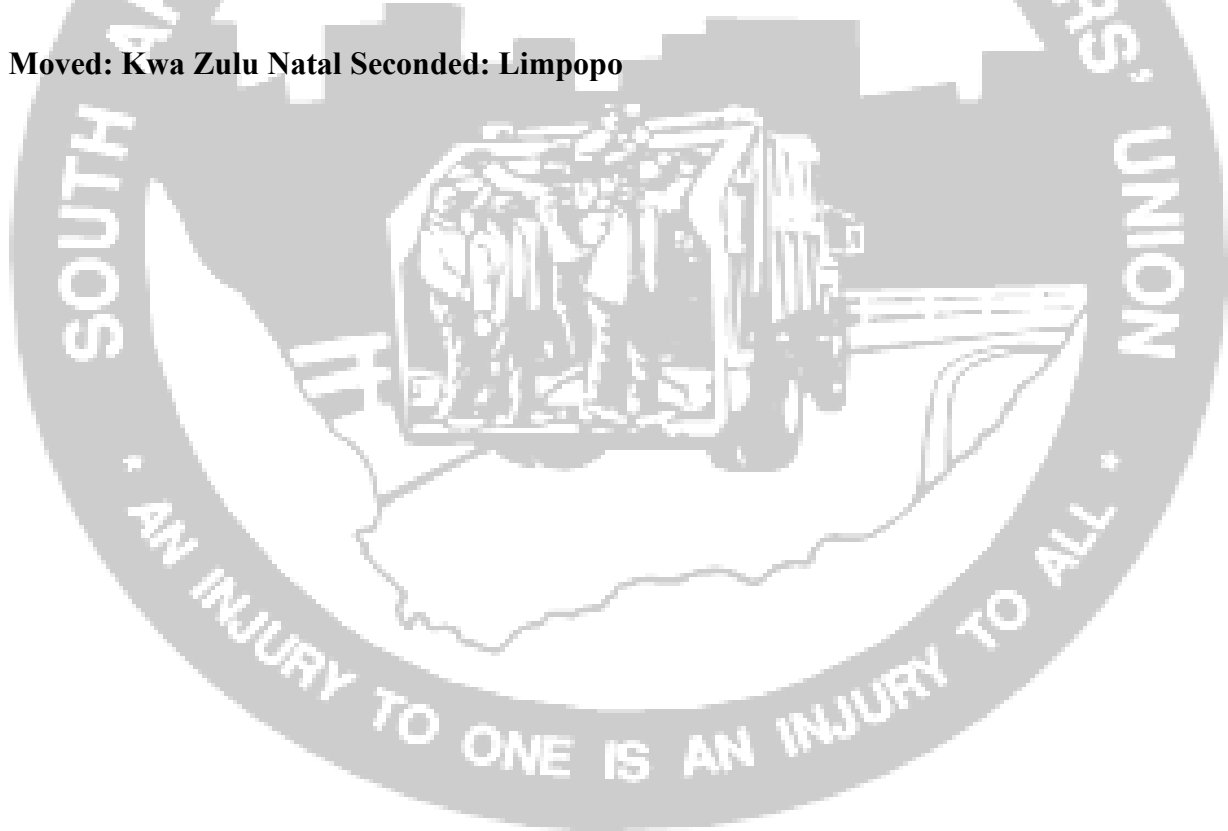
- a) We take the campaign against HIV/AIDS very seriously.
- b) We seek, as a matter of urgency, to reach an agreement in the SALGBC on an HIV /AIDS policy for the sector.
- c) The policy should, amongst others be based on the following principles: -
- d) Workers living with HIV /AIDS have the same rights and obligations as all other workers.
- e) Workers living with HIV /AIDS shall be protected against discrimination.
- f) HIV status shall not constitute a reason to preclude any person from employment. This includes access to training and promotion.
- g) No workers shall be required to undergo HIV testing. Where testing is done at the insistence of the worker, this will be with his/her informed consent and accompanied by counseling.
- h) Confidentiality regarding the HIV status of any worker shall be maintained at all times.

✓ Provide for protective measures for workers from all workplace risks.

Resolution adopted at the 7th SAMWU National Congress: Organizational

- ✓ Provide for treatment for employees living with AIDS.
- a) We should finalize our policy proposal, as a matter of urgency, for submission to the SALGBC.
- b) SAMWU must actively work towards the integration of HIV / AIDS programs into other workplace health and safety programs.
- c) These programs should cover issues relating to policy, legal matter, preventative steps, treatment, wellness management and monitoring and evaluation.
- d) HIV /AIDS sub-committees should be set up in the workplace. They should work in conjunction with other organizations that do HIV / AIDS education.
- e) Encourage our members to become involved in HIV / AIDS programmes beyond the workplace by participation in collaborative partnerships with other unions NGO's and government departments and agencies.

**Moved: Kwa Zulu Natal Seconded: Limpopo**



## **18.Provision of primary health care**

**Noting** that:

- a) Primary health care is currently provided by local government and the provincial government.
- b) The provincial government provides primary health care services through the Community Health Services Organization (Day Hospital Services) and in the remote rural areas that provincial government also provides basic primary health care services that should be performed by local government.
- c) The existing duplication of the provision of primary health care services has resulted in assessing the various options for the best service delivery option and three options are discussed in the document 'The Development of a District Health System'.
- d) The following are obstacles for the Local Government option
  - Conditions of services for example, office working hours 8am- 5pm
  - Insufficient funding
  - Problems at integrated facilities
  - Salaries of Local Government Staff

We therefore **resolve** that:

- a) Changing hours for health workers to shift work. Some facilities will be required to work for 24 hours and provide an emergency and trauma service in the District. Not all clinics will be expected to provide a 34 hours service.
- b) Commitment to solve problems occurring at integrated facilities including developing policy to ensure smooth running of integrated facilities. Shop stewards and health workers have a role to play in providing one-step services to communities we serve.
- c) Support and assist with the transfer of staff from the provincial authorities to local government.
- d) Seek agreement with NEHAWU and the other COSATU affiliates organizing in the health sector on the above.

**Moved: Kwa Zulu Natal Seconded: Free State**

## **19. Professional Indemnity for Health Personnel**

**Noting** that:

Resolution adopted at the 7th SAMWU National Congress: Organizational

- a) It is a requirement for some health personnel to obtain professional indemnity in order to indemnify them against any liabilities in their practice, which may arise due to acts of omission or commission.



**Believing that:**

- a) This matter has been handled at the national Service Committee since 1997 with no desirable outcome.
- b) Our members in this field, especially nurses, are interested to know as to what has happened.

**Resolving that:**

- a) Before more workers join other unions that provide indemnity, it will be advisable that the union could finalize this matter as soon as possible.
- b) A professional indemnity for health personnel must begin to function as at 1 January 2004.

**Moved: Eastern Cape****Seconded: Gauteng****20. Health, Safety and Environment****Noting that:**

- a) There are services that continue to pose health risks in the municipal sector where workers are not being provided with personal protective clothing.
- b) Many of our members suffer from a range of work-related diseases.
- c) Employers are not properly dealing with the injuries and deaths on duty as required by the OHS Act.
- d) Safety standards are undermined in the workplace as a result of the non-functioning and non-existence of the H & S Committees.
- e) We have proposed HS & Environment Agreement that seeks to improve the health and safety conditions at the workplace.

**Believing that:**

- a) The conclusion of the national Health Safety and Environment agreement will improve the health and safety conditions at the workplace
- b) Empowerment of the Shop stewards Committee and the Branch Leadership will help in establishing the H & S Committee and monitoring the implementation of the OHS Act by employers.

**Resolve that:**

- a) We need to re-open the negotiations at the SALGBC on the Health Safety and Environment Agreement, and parallel to that, a campaign should be vigorously taken up at workplace level in an attempt to finalize them at local level.

- b) We launch a Health and Safety Awareness Campaign.
- c) An ongoing capacity building process should be carried for the shop stewards in terms of the health and safety issues at the workplace.
- d) We should use the legislation to our own advantage.
- e) We should encourage the Shop stewards to take responsibility as health and safety representatives.

**Moved: Free State Seconded: Kwa Zulu Natal**

### **21. Developmental local government and skills development**

**Believing that:**

- a) The overall objectives of the local government education and training should be the consolidation of developmental local government to achieve improved service delivery and the overall development of local communities in general.
- b) The development of staff is critical to these objectives.
- c) Part of the goal of training must be to contribute to changing the mind-set of local government workers to embrace a new vision of local government\
- d) Local government must recognize the importance of investing in the development of skills and capacity of staff.

We therefore **resolve** that:

- a) We accept the need for a nationally coherent system of human resources development within the framework of the NQF, providing we overcome its current bureaucratization.
- b) It should be relevant to national, provincial and local needs and most importantly it has to provide for participation in planning and co-ordination by all significant stake-holders to ensure transparency and legitimacy.
- c) The education and training must be credible, and be consistent with economic and social development.

### **23. ABET, RPL and Career pathing**

**Noting that:**

- a) SAMWU members are made up of workers, vast numbers of whom are illiterate.
- b) Management is using low levels of literacy to prevent from accessing further education and training and Human Resources and Personnel Department have no vision or strategic plan for education and training and career pathing for the mass of our members.
- c) Management insisting on employing skilled staff from the outside rather than seeking to develop their existing employees.

Resolution adopted at the 7th SAMWU National Congress: Organizational



- d) Adult Basic Education and Training (ABET) is not being implemented properly, as it is dealt with separate as literacy and numeracy (ABE) and is integrated with other career path training.
- e) There is a failure to develop clear projects in local government around the Recognition of Prior learning (RPL).

**Resolve that:**

- a) Education and training must become a strategic priority of all municipalities, and Workplace Skills Plans (WSP) and Empowerment Equity Plans (EEP) must become an integral part of the Municipalities IDP.
- b) We must make it a priority to tackle the development of proper ABET programmes that also assist with career development.
- c) ABET is not a matter only relating to learning to read and write, but is also about improving writing and reading skills at all levels of the workforce and encouraging a culture of reading and writing.
- d) The LGWSATA must priorities in ABET and in the development of systems of RPL.

**Moved: Kwa Zulu Natal Seconded: Eastern Cape**

**24.Capacity building in local government**

**Noting that:**

- a) There are widespread concerns at the pace and scale of local government capacity building.
- b) The Local Government Water SETA (LGWSETA) has failed to have any effect in improving education and training provision in local government due to institutional and governance problems.
- c) We hold SALGA largely responsible for this lack of progress and note the generally arrogant positions they adopt on education and training issues, and councilor education and training in particular.
- d) Some problems are, however, a product of flaws in the Skills Development System as a whole, some of the legislation and the way it has been implemented.
- e) There is current attempt to turn around the performance of the LGWESETA and the appointment of new CEO.
- f) Capacity building is not only about education and training provision, but also requires institutional changes and approaches by management to human resources development and investment in people, adequate tools and equipment, and adequate funds to delivery services.

And **believing** that:

- a) That there may be a chance that the recent crisis in the LGWSATA has been a lesson to all parties, but to SALGA in particular, in mend their ways.
- All SETA's are bipartite or tripartite structures established to bringv together parties with different and often conflicting interest and must be managed on the basis of this principle.
  - SAMWU is not part of single organization called the LGWSETA, but is a party to the body in order to represent the interest of its members.

Therefore **resolve** that:

- a) We will continue to seek to jointly manage the LGWSETA on the basis of principles of good governance that ensure there is no corruption, no perks, and effective staff performance



- b) Call on all of our shop stewards to take up the challenge of bargaining over the implementation of Skills Development Planning and enforcing our Organizational Rights in this regard, and to monitor and evaluate the Skills Development Plans at municipal level.

**Moved: Eastern Cape**

**Seconded: Limpopo**

**25.The skills development system and its problems.**

**Noting that**

- a) There are wider problems with the implementation of the Skills Development System as a whole as reflected in:
- The NQF's development under SAQA being top-down and bureaucratic, lost in jargon ridden language, and insufficient funding.
  - SETA establishment problems experienced in a number of SETA's relating to governance and outright corruption and employment of persons who are suitably qualified at inflated salaries.
- b) The Skills Levy system and the manner in which DOL has tried to use it as carrot to get workplaces to plan its only effect in our sector has been to take from the poor and make available to the rich and capacitated.
- c) COSATU has failed to co-ordinate this area of work effectively:
- At crucial points by misleading ourselves about all affiliates capacity to engage in areas of work such as the generation of standards.
  - Failed to establish time-off rights to back up such engagement.
  - Allowing our representatives on bodies such as the NSA and SAQA to los touch with any mandating base.

**And believing that:**

- a) Skills development is a crucial issue that is necessary to facilitate economic development, provided that other factors such as investment in production take place.
- b) The NQF and SDA system are not fundamentally wrong in design but do require some major renovations to ensure that labour can be more effectively involved rather than sidelined.
- c) Our resources, both material and human, should be focused on our goal of capacitating our members at workplace level to engage around skills development issues. Given this, we recognize that we do not need to participate at a national level in every meeting or technical

working group that deals with education and training processes such as standards generation



- d) We should rather seek to draw the maximum benefit from our engagement by, for instance, designing and reaching agreement on clear procedural arrangements, including periodical briefings and workshop processes.
- e) Where we are not able to participate in the full process of technical working groups, we still have the right to dispute on the matter dealt with, such as how standards are generated, or content of learnership agreements.

We therefore **resolve** that:

- a) In respect of the NQF we call on the Department of Education to:
  - Provide increased funding for the process, but that the process of Standards Generation (SG) be transferred to the SETAs.
  - Encourage wider public debate on its own review report of 2002 that it seems to be ignoring.
  - Examine a model of arbitration suitable for resolving disputes over matters of educational standards.
- b) Demand increased independent funding by DOL of labour to enhance labour's capacity to play governance roles.
- c) COSATU must take much more forceful steps to reverse the undermining of education and training as a collective bargaining issue that has arisen through the SDA and the attitude of DOL.

**Moved: Kwa Zulu Natal**

**Seconded: North West**

## **26. Partnerships with further and higher education**

**Noting :**

- a) SALGA's support for the establishment of something it calls the Local Government Workplace Learning College (LGWLC).
- b) That we have never been consulted and doubt that any other stakeholders have been consulted.
- c) Given the way it is described, its functions would duplicate the LGWSETA.
- d) It appears to be of elitist design for managers and councilors.
- e) There are existing sites of learning about local government in our universities, colleges and technikons that we should rather be seeking to further transform. These are our public assets.

Therefore **resolve** that:

- A) Local Government must rather seek to use its influence to build partnership with further and higher education institutions.
- B) SALGA must desist from these new schemes of its own and focus on supporting the development of the LGWSETA and using influence to bring about transformation in further and higher education.
- C) Seek through such partnerships to influence these institutions to be more responsive to all structures in the community and the life-long learning needs of adult learners and not just school students.
- D) COSATU should facilitate and accelerate the process of transformation of higher education

**Moved: Eastern Cape**

**Seconded: Limpopo**

### 27. Workplace transformation through skills development

**Noting:**

- a) Since 1998, significant developments regarding education and training in South Africa have taken place that can contribute to the development of workers.
- b) The Skills Development Act (SDA) of 1998:
  - Provides institutional frame workers for devising and implementing skills development strategy at national, sectoral, provincial and workplace levels.
  - Provides for learnerships and skills programmes.
  - Integrates these strategies into the NQF.
  - Provides for financing of skills development by means of levy-grant scheme and national Skills Fund.
  - Encourage partnerships in expanding education and training provision.

**Believing:**

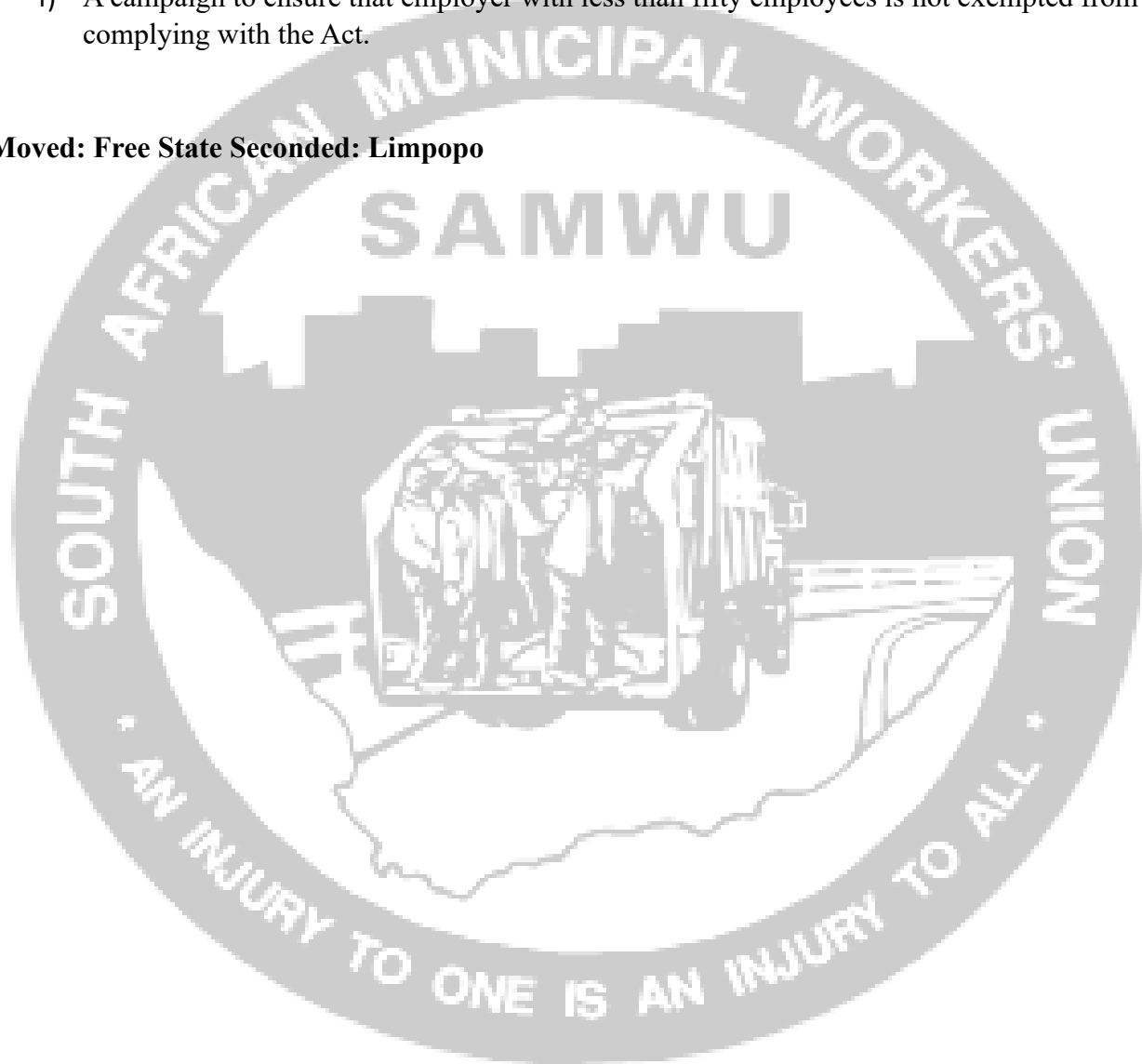
- a) Implementation of the SDA, together with the Employment Equity Act, provides for a powerful mechanism to transform the workplace.

We therefore **resolve** that:

- a) SAMWU need to undertake a fundamental review of skills development and ABET provision at a workplace level.
- b) We need to build capacity at a shop floor level to engage around workplace skills plans, municipal education and training budgets, appropriate education and training programmes, and other such issues.

- c) SAMWU undertakes to sufficiently resources our work in this area, both through external and internal funding.
- d) Targets for skill development in sectors and workplace must be set. One such sectoral target is for the eradication of illiteracy and innumeracy by 2010 in the local government and water.
- e) Shopstewards must be trained on the implementation of the Act.
- f) A campaign to ensure that employer with less than fifty employees is not exempted from complying with the Act.

**Moved: Free State Seconded: Limpopo**



**Noting:**

- a) Water has a vital social, health, environmental and cultural value.
- b) Electricity is an important basic service for social, environmental, health and economic reasons.
- c) Many people in poor communities cannot afford to pay at all for services. This results in many people nor being able to use even basic levels of services, even when enjoying nominal access to these essential services.
- d) A very large number of South Africans, very often the poor, have been disconnected from their water and / or electricity suppliers at one stage or another because of an inability to pay. This has had very negative effects on the health and lives of poor communities.
- e) The government policy to provide a limited quantity of water for free is a positive move and in line with SAMWU's position.
- f) However, this policy, nearly three year after it was first announced, has not been implemented in all municipalities. This is particularly a problem with electricity.
- g) Even in municipalities where the free basic services are being implemented, it is often not implemented on a universal basis, but through some kind of means testing. The result of this is that many poor people, who should be receiving the free service, are not.
- h) According to the 2003 White Paper on Water Services, free basic water is not an absolute right and can be limited under certain circumstances.
- i) Poorer, weaker municipalities have difficulty implementing the free basic services because they cannot easily cross-subsidise at a local level.
- j) Central government has made very limited funding available to municipalities through the equitable share for the implementation of the free basic services. Instead they have emphasized the funding of the policy through local-level cross-subsidization. As the parliamentary Portfolio Committee report on its study tour of municipalities identified, for almost all municipalities, the equitable share is inadequate for providing free basic services.
- k) There is provision in 1999 pricing strategy for raw water use charges, issued by DWAF, for municipalities to receive, free of charge, the amount of raw water that is necessary to meet the requirements for implementing the free basic water policy for all.
- l) 6 Kl of water per household per month and 50 kWh of electricity per household per month are inadequate basic amounts of free services.
- m) A very small percentage of water is used for domestic purpose- the biggest users of water are industry and agriculture. The biggest account defaulters are business and industry.
- n) In both the electricity and water sector, pricing generally favours business and industry, with the poor often subsidizing the rich.



We therefore **resolve** that:

- a) We will build a campaign for the free basic services policy to be implemented immediately in all municipalities.
- b) Free basic services must be implemented on a universal basic, and as an absolute right. Nothing, including arrears, connection fees, and non-payment for services must be allowed to affect people's ability to access their free service.
- c) We demand between 50-100 litres free water per person per day as the basic minimum necessary for sustaining and improving life, such an increase being consistent with the RDP, which almost 10 years ago committed the government to progressively increase the amount of free water.
- d) We demand piped water into a yard or house tap connected as a minimum service level.
- e) We should determine, as a matter of urgency, and in consultation with the broader community, the minimum service levels for electricity to which each resident should be entitled, on the understanding that 50 kWh amounts to only a tiny proportion of what is actually needed and that Eskom not only makes a large profit but is investing large amounts in country's outside of South Africa.
- f) Our demand for the full implementation for the free basic service must not be read to mean we condone non-payment of services, over and above the free basic amount, for those who can afford it, and in cases where progressive block tariffs exist. We re-affirm our 5th National Congress resolution on the implementation of the Masakhane Campaign and strongly urge municipalities to enforce payment from the rich and business sector.
- g) Central government must increase funding to local government for, among other things, the full implementation of the free basic services policy.
- h) National government must assist local government in building capacity to deliver free basic water to poor communities instead of the current system those benefits in rich and influent municipalities.
- i) The provision for municipalities to receive the free amount of raw water necessary for them to meet basic human needs, and implement the free basic water policy, must be implemented.

**Moved: Gauteng Seconded: Limpopo**

### **29. Affordable tariffs policy**

**Noting** that

- a) The free lifeline service with a progressive block tariff system is not being applied universally or consistently across the country.
- b) Some municipalities are implementing the free basic service policy using some kind of targeting, or a means test.

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- c) The Taylor Committee Report, submitted to Cabinet in March 2002, noted that the social security system in South Africa had a very loose weave- meaning that many people fall through the gaps. Means tests, which are supposed to ensure that the poor are included in an indigent policy, contribute towards that loose weave.
- d) Means tests have many problems:
- The cost and difficulty of administering such a policy:
  - Poor and rural people not always having easy access to registration offices, or not having enough information about where and how to register.
  - The difficulties involved in registering.
  - The maladministration that can easily creep in , and has in some cases,
  - The difficulty of defining what is “poor”.
  - The difficulty of determining appropriate, fair and just criteria for a means test.
  - The danger that many of the most needy will fall through the gaps.

We therefore **resolve** that:

- a) We reject means testing as a way of determining who should get access to free or cheaper services.
- b) Instead of a means test, our demand of sufficient free basic water per person per day and free basic electricity per household per day, coupled with a progressive rising block tariff, should be adequate to ensure that all have access to sufficient services per day.
- c) In the light of this, we re-affirm our 6th National Congress resolution in the following way: A national water and electricity tariff policy should be structured in the following way:
- The initial free amount should be given free to everyone unconditionally (this means that nobody would ever be disconnected from this amount)
  - The next block should be an equivalent amount which is charged for at a very low rate.
  - Therefore a sharply rising block tariff should be put in place, so that heavy users are paying enough to allow for cross-subsidisation.

**Moved: Mpumalanga**

**Seconded: North West**

### **30. Prepayment meters**

**Noting that:**

- a) Many communities find pre-payment meters useful ways of budgeting for their monthly expenses.
- b) However, pre-payment meters also result in the poor self-disconnecting themselves because they cannot afford up-front payments. This means that the Council absolves itself from political responsibility for ensuring service delivery to all, and there are not even any basic procedural protections for the poor e.g. trickler systems, timely warnings before disconnections take place, appeals and so on.
- c) In other countries, for example the United Kingdom, where pre-payment meters have been used, self-disconnections have been shown to lead to serious health and environmental problems. For this reason they have been outlawed in the United Kingdom.
- d) Residents are much less able to bear the up-front cost of a service like water and electricity than the state is.
- e) Credit (i.e. paying after consumption rather than before), is an important way for poor households to ensure their continued access to water.
- f) Pre-payment meters serve to individualize the problems of poverty and the inability of poor people to pay for services. In this way, social solutions to collective problems are undermined.
- g) The introduction of pre-payment meters is in line with the general trend towards the commercialization of service delivery.
- h) Users of both water and electricity pre-payment meters are generally charged more than the users of standard meters.
- i) There is the real danger that the introduction of pre-payment meters could lead to job losses for meter readers and workers in the billing section.

We therefore resolve that:

- a) We campaign for the immediate outlawing of pre-payment meters because of their danger to the health and life of poor communities, and to the jobs of municipal employees.

**Moved: Gauteng**

**Seconded: North West**

### **31. Sanitation, waste management and refuse collection**

**Noting** that:

- a) Municipalities do not provide necessary human and material resources for sanitation, waste management and refuse collection services, and have resorted to a variety of alternative delivery forms such as:
  - Sub-contracting to private businesses large and small.

- Informal, ward committee based, and semi-voluntary, so-called community schemes.
  - Community based co-operatives or purportedly collectively owned schemes.
- b) As a result of this lack of attention and investment in the development of direct delivery of refuse collection, there is a lot of illness among workers of the municipalities and the people in communities.

**Believing that:**

- c) Sanitation, waste management and refuse collection are some of key functions of municipalities and are critical to the health and well-being of any human being.
- d) Municipalities should create health conditions in any municipality that seeks to minimize diseases
- e) Resources delivery by municipalities is for the people, not for only a small elite of people.
- f) These so-called alternative methods of delivery are generally highly exploitative; reflect a failure by the municipality to redistribute resources and to employ workers necessary for an essential service

**Resolve that:**

- a) Municipalities that have already outsources these departments must be forced to return them under municipal control and management.
- b) An audit is made for all municipalities who do not provide safety material for their own employees. These municipalities to be reported to the department of labour and media used in the process of exposing them.
- c) We must research and expose systems of so-called community or “volunteer” services where these are misleading promoted as job creations and serve as little more than an excuse for a failure to provide adequate investment and employment for this essential service.

**Moved: Eastern Cape Seconded: Mpumalanga****32. Separation between authority and provider****Noting that:**

- a) The separation between a service authority and a service provider was first institutionalized for water in the Water Services Act of 1997, and for all services in the Municipal Systems Act of 2000.
- b) By allowing municipalities to separate the role of service authority and provider the door has been opened for municipalities to privatize services by bringing in external service providers.
- c) Government argues that the separation is necessary because local government must not be both a referee (service regulator or authority) and a player (direct service provider).
- d) In the past, however, local government has very effectively been able to play both these roles. At all levels of state there is a continuum between playing the role of regulator and direct service provider. There is no golden rule about what body or organ of state must play a particular role.
- e) Rather than separating the role of service authority and service provider, local government can be held accountable for service delivery through effective participative democracy.

**Believing that:**

- a) The provisions in the Water Services Act and the Municipal Systems Act for a separation between authority and provider have more to do with bringing in private sector providers than in looking at how the state can internally best manage the different roles of regulating and providing.
- b) Within the state there is a need for different bodies and organs to play different roles-some might play a more regulatory role, while others might play a direct role in service provision.

We therefore **resolve** that:

- a) We reject that argument that good governance necessarily requires a separation between service authorities and providers.
- b) We reject the separation between service authority and provider where this allows for privatization.
- c) We re-affirm that local government must be the direct provider of services, while recognizing that within the state there are different ways of dealing with regulatory and provision roles and there is no golden rule as to how these roles are divided. This means that in some places it will sense for a Local Council to be both the authority and the direct provider of services, while in other places it is better for the District Council to be the authority and the Local Council be the direct provider.
- d) Measures must be put in place to deepen working class participative democracy so that it can be an effective mechanism for monitoring service delivery by municipalities.

**Moved: Limpopo**

**Seconded: Gauteng**

### **33. Campaigning against privatization and commercialization**

**Noting that:**

- a) The 6th SAMWU National Congress put in place mechanisms and processes to co-ordinate the union's response to local government restricting. These mechanisms and processes have had limited success. Some of the problems experienced have been:
  - Lack of information flows within the union.
  - A shift from a campaigning approach to more of an emphasis on engagement through negotiations.
- b) SAMWU has been an active supporter of, and participant in, Cosatu's anti-privatization campaign. This has included involvement in actions called by Cosatu, such as the one-day general strike of 2002.
- c) In some municipalities SAMWU has successfully managed to fight against privatization of services. This has generally been where we were able to build an effective campaign. However at the same time, privatization has continued in many municipalities across the country in a range of different forms- such as concessions, contracting out and public-private partnerships.
- d) There is increasing evidence of problems with, and failures of, some of the big water privatization such as Mbombela Municipality (Nelspruit), Dolphin Coast and the Nkonkobe Municipality (Fort Beaufort). These problems include high, unaffordable tariffs, failure of the private company to extend the service, and resorting to using DBSA financing rather than bringing in their own capital. In Nkonkobe these problems have resulted in the

municipality cancelling the contract. There are similar problems in municipalities across the country where privatization has occurred.

- e) There has also been a general trend towards the commercialization of service delivery in municipalities across the country.
- f) Commercialization is fundamentally about running the public sector as though it was a private business, with an emphasis on financial rather than social considerations. It involves policies such as full-cost recovery, limited or no subsidization (including cross-subsidisation), ring-fencing business units, setting up utilities with independent managers, and separating these utilities from direct public accountability.
- g) The iGoli 2002 plan, and its orientation towards commercialization, was used as a guide by many other municipalities as they went through their process of restructuring.
- h) The Johannesburg Council has now produced an iGolo 2013 plan which sees the city moving even further from its “traditional” role of being a service deliverer, to being an agent and facilitator for capitalist growth. It is likely that this, too, will be used as a guide by other municipalities.

We therefore **resolve** that:

- a) We take stock of how the union has dealt with local government restructuring, and specifically our anti-privatization /transformation of the public sector campaign, assessing the strengths and weaknesses of our approach, and the current state of our campaigns.
- b) We re-vitalise a campaigning approach to local government restructuring issues, including privatization and commercialization.
- c) We identify appropriate mechanisms for co-ordinating our response to local government restructuring. Among other things, these should include effective deal with local government restructuring.
- d) In addition, we must consolidate the different campaigns and actions adopted by this 7th National SAMWU Congress so that we can more effectively deal with local government restructuring.
- e) As part of our approach to local government restructuring, we;
  - Explore mechanisms for effective participative democracy which allows for meaningful public participation of working class organizations (trade unions and community organizations) in local prioritization and decision –making.
  - Forge public sector unity around issues of local government restructuring.
- f) We campaign actively against the commercialization of service delivery, and the trend, captured in the iGoli 2020 plan, to see municipalities as promoters and nurturers of capitalist growth at the expense of being a direct service deliverer orientated towards meeting the needs of the poor.

- g) We do a full audit of and research into the current state of privatization and commercialization in local government in South Africa, particularly the iGoli 2002 plan and the way it's been implemented so that we can see practically what the impact of these trends are on both workers and communities.
- h) We re-affirm our 6th Congress resolution, which calls for a return to local government to those services that have already been privatized.
- i) We re-affirm our commitment to the framework Agreement for Restructuring of municipal Service Provision as a collective agreement and as a basis for negotiation, and not merely consultation on municipal service restructuring.
- j) We build pragmatic programmes to educate, mobilize the communities and the organizations about the effects of privatizing basic services and their supposed participation as the service.
- k) The unstrategic and wasteful use of consultants should be stopped immediately
- l) Seek to ensure the intensification of a broader campaign against all privatization initiatives through Cosatu.

**Moved: Gauteng**

**Seconded: Eastern Cape**

### **34. Public partnership**

**Noting that:**

- a) SAMWU supports the principles, contained in the Water Services Act, that where municipalities do not have capacity to deliver a service, they should first draw on other public sector bodies and organs of state to assist them.
- b) SAMWU has participated in, and supported, public partnerships in the water sector, e.g. Odi and Harrismith. These involve an agreement between Rand Water and the municipality.
- c) Under pressure from being forced to compete with private sector companies, water boards are becoming increasingly commercialized.
- d) As part of this trend, public partnerships are also becoming increasingly commercialised.

We therefore **resolve** that:

- a) We continue to support and encourage public –public partnership in the context of co-operative governance. The partnerships should meet the following criteria.
  - The form of public-public partnership is not commercialized.
  - It is informed by the provisions of the National Framework Agreement.



- The partnership embraces the principles of public sector delivery contained in the SAMWU resolution on municipal service standards and tariffs adopted at the 6th SAMWU National Congress.
- b) A key component of any public-public partnership must involve capacity-building for the municipality so that it can take over direct service delivery in the long run.

**Moved: Gauteng ,Seconded: Eastern Cape**

### **35. Giving effect to support for public sector provision**

**Noting that:**

- c) Government has introduced or supported numerous well-resources initiatives, such as the Municipal Infrastructure Investment Unit (MIIU), which promote privatization and public – private partnership.
- d) There is no equivalent support for public sector provision of services.
- e) Section 78 (1) of the Municipal Systems Act spells out of the process that municipalities must follow when reviewing or deciding on a service delivery mechanism.
- f) This sections requires municipalities to assess a range of issues if the services was delivered internally:
  - The indirect costs and benefits of the municipality delivering the service itself.
  - The municipality’s existing and potential capacity to deliver the service
  - How internal restructuring could assist the municipality to deliver the service internally.
  - The possible impact on development and job creations if the municipality delivery the services
  - The views of labour
- g) The Act is very weak on the extent to which the municipality is required to take labour’s position into account, and the extent to which municipalities must implement internal service delivery before going the rote of an external provider.
- h) The Department of Provincial and Local Government (DPLG) has initiated a feasibility study into the establishment of a Support Unit for the Public Provision of Municipal Services (SUPPS). The purpose of this unit would be to provide assistance to municipalities in delivering services internally.
- i) PSI has a global campaign for quality public services that emphasizes “quality public services are a human right and .... such services can be delivered only by quality workers (well-trained and imbued with the public sector ethos), with quality workers conditions and with resources which enable users to expect quality every time.”

We therefore **resolve:**

Resolution adopted at the 7th SAMWU National Congress: Organizational

- a) The support and participate in the initiative of establishing a unit such as the Support Unit For Public Provision of Services (SUPPS) and seek to ensure that:
  - It is given a status and access to resources at much more than of the Municipal Infrastructure Investment Unit (MIIU), given that public sector is acknowledged by both the government and labour to be the preferred option.
  - It promotes the delivery of services by local government in a way that meets the principles set out in the resolutions on municipal service standards and tariffs adopted at the 6th SAMWU National Congress, the local government National Framework Agreement, and the 2000 ANC election manifesto.
  - It does not promote the commercialization of services delivery.
- b) SAMWU initiates an internal process of developing guidelines and models for public sector delivery that we can feed into the SUPPS process. Part of these guidelines will be on how to implement section 78 (1) in a way that is consistent with the local government National Framework Agreement.
- c) This internal process will involve research, education, debate and discussion, and will involve not only our shop stewards but also our membership.
- d) To support the PSI campaign for quality services and seeks to implement it in the South African context.

**Moved: North West Seconded: Limpopo**

### **36. Integrated development plans**

**Noting that:**

- a) At the 6th SAMWU National Congress we resolved that “we encourage our members to contribute to and participate as union members and as members of the community in support of Integrated Development Planning which seeks to meet the priority developmental needs of the municipality with particular emphasis on the needs of the working class community and the poor”.
- b) Drawing up IDPs is a new process for local government, and for many municipalities, this is the first time they have had to draw up such comprehensive and integrated plans. While most municipalities have submitted IDP’s, both the process and the content of the documents have thrown up considerable challenges with regard to IDPs
- c) These challenges include, among other:
  - The kind of public participation process that was undertaken by the municipalities, where the emphasis was often on communities approving of municipal plans, rather than shaping the actual substance of the plan.
  - The tenuous link that often exist between the IDP and the municipal budget.
  - The uneven, and often exists between the IDP and the municipal IDP process.

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- The reliance on consultants to draw up the IDPs.
- d) IDPs need the active participation of the communities.

We therefore **resolve** that:

- a) The public participation process (involving communities and labour) in drawing up the IDPs must be strengthened.
- b) SAMWU commits itself to developing its own understanding of what meaningful public participation (not only in drawing up the IDP, but in all aspects relating to local government) involves. This will involve an assessment, among other things, of the provisions of the Municipal Services Act
- c) SAMWU commits itself to building the capacity of its own members to participate fully in the IDP process, including the monitoring of IDPs both as workers as part of the community. Part of this process of building capacity will involve identifying core issues that municipalities must take into account when developing their IDPs, and the union's approach to these issues. These issues should include:
  - A spatial development framework which takes the whole of the municipal area into account and is focused on developing strategies to overcome the inequalities of the apartheid legacy.
  - An integrated approach to service delivery within the whole of the municipality.
  - Mechanisms for developing integrated plans and actions between municipalities and between municipalities and national / provincial departments.
  - The need to address gender issues.
  - Access to and affordability of quality services.
- d) Municipalities must be encouraged to build internal capacity to develop IDPs, rather than drawing on consultants.

**Moved: Eastern Cape**

**Seconded: Free State**

### **37. Local government funding**

**Noting** that:

- a) Our 6th National Congress called for, among other things.
  - A campaign of adequate funding of local government by central government.
  - Government to increase the share of national revenue to local government

- b) We acknowledge the increase in allocation to local government in the 2003 /2004 budget, but recognize that is still falls far short of what is needed by local government.
- c) Local government, in general, is still struggling financially both to expand and maintain infrastructures, as well as to meet the operational costs of delivering services.
- d) Few, if any municipalities have put in place effective participatory budgeting processes.

**Believing that:**

- a) Effective budgeting has much to do with the transformation of the state, and with developing the municipality's economy, social infrastructure and services.

**We therefore resolve that:**

- a) To re-affirm the 6th national Congress resolution on local government funding, and continue to campaign for government to increase the share of national revenue to local government.
- b) We review the conditions attached to loyal government grants and loans and incorporate this into our campaign if these are not in line with our overall positions on strengthening the public sector. We call for municipalities to develop participatory budgeting processes, together with labour and community organizations.
- c) As SAMWU we develop our own position on what we think a democratic and participative budgetary process would be. This could include the following processes.
  - Municipal officials must make a presentation about how the budget works and of previous year's spending.
  - Wards can be divided into areas, and open meetings can be held in each local for concerns and contributions to be aired and heard.
  - General discussions leading towards a clear set of investment priorities for the coming year and those representatives should be elected to monitor this and to maintain regular contact between the community and the municipality.
  - Proposal are amended and refined in the participatory budget council meetings which are composed of community, council, official and union representatives.
- We put aside resource for building the capacity of our members to engage on the budgetary process.

**Move: Eastern Cape Seconded: Gauteng**

**38.Electricity restructuring**

Resolution adopted at the 7th SAMWU National Congress: Organizational

Noting that:

- a) Despite government's failure to do an adequate, broadly-focused cost benefit analysis of the restructuring electricity industry, and to properly adhere to the requirements of the National Framework Agreement, they are going ahead with restructuring and privatization of various aspects of the industry.
- b) The government is intending to go ahead with the restructuring of the distribution industry by setting up six regional electricity distributors.
- c) As a compromise, COSATU agreed to setting up of regional electricity distributors, provided there was a single, national holding company. The holding company was regarded as absolutely necessary as without it, "the regionalization of distribution could maintain and worsen the spatial inequalities left by apartheid" (COSATU submission November 2002) Among other reasons, a National Holding Company is important because it will be able to reallocate resources between REDs where there is necessary for redistributive purposes, and so that all of them are able to fulfill their service delivery responsibilities.
- d) The transfer of electricity distribution from municipalities to the REDs could have very severe effects on the financial viability to municipalities and their ability to deliver their constitutional mandate with regard to service delivery.

We therefore **resolve** that:

- a) We reject the restructuring of the electricity industry, and in particular electricity distribution, in the form proposed by government, as this will result in electricity being driven by market forces.
- b) We call for a halt to the current process of restructuring until there is proper negotiation with labour, and a proper collective analysis of the industry. Among other things, this analysis must take into account:
  - The financial impact on local government of the transfer of electricity to the REDs.
  - The implications for municipal for Eskom electricity distribution workers.
  - The impacts on the constitutional responsibility of local government to ensure all have access to decent services.
  - The electrification roll-out programme and the ability of residents to afford electricity.
  - The possible impact on cross-subsidisation and other measures to make electricity more affordable for poor households.

**Moved: Kwa-Zulu Natal**

**Seconded: Limpopo**

### **39. Transport**

- a) The tax industry is being given priority by the government. This priority has little to do with a coherent, rational and integrated transport system but everything to do with protecting and promoting the owners of the taxi industry.
- b) The privatization of private transport- which includes not only privately owned companies but transport companies that are either privately managed or run as corporatized entities with full cost recovery as the prime objective – is inconsistent with a mass transport system designed for people, including working people, who are forced to live in poverty and travel large distances for every day purpose

We therefore **resolve** that:

- a) We reject privatization and commercialization of public transport in favor of mass public system.
- b) We call on COSATU to engage with three levels of government to ensure that transport criteria, not the economic interests of a small group, are central to the transport policies at national, provincial and local levels. Amongst other things, this means that urgent steps must be taken to ensure that
  - Both passenger and freight transport is rapidly redirected from congested, dangerous and unhealthy roads
  - Rail and bus service are greatly expanded
  - The transport system addresses the awful problems created by the legacy of apartheid which placed workers as far away as possible from their places of work, education, recreation and shopping centers
  - Public transport, the mode of transport used by the overwhelming major of people, is both affordable and safe.

**Moved: Free State Seconded: Gauteng**

#### **40. Poverty and Job creation**

##### **Noting that**

- a) High unemployment has been part of South Africa's history for a very long time.
- b) It has mainly affected black working class people all over the country, contributing to the high crime rate and poverty in our communities.
- c) Millions of jobs have been lost over the last ten years, with almost 8 million people now unemployed (41% unemployment).
- d) Job creation is key to improve the living standard of working class people.
- e) Young people has the highest rate of unemployment, with over 70% of the unemployed being youth. The majority of school leavers are unemployed.
- f) Even the most skilled occupation have experienced job losses since 2000.
- g) The increase I the share of skilled positions has occurred mostly because of the rapid elimination of unskilled jobs in mining the public sector and agriculture rather than because of noticeable growth in skilled employment.
- h) Bosses are no longer employing workers permanently, but instead are employing them I jobs that are insecure, temporal or contracts.
- i) Government, labour and business made various commitments at the growth and development summit and we note in particular the states commitment to public work programmes.

##### **Believing that:**

- a) The main cause of unemployment remains capitalism, which favors large capital – intensive enterprise s and perpetuates South Africa as one of the most unequal countries in the world.
- b) At the same time, the lack of skills or acknowledgement of qualifications among the working class makes the unemployment problem worse.
- c) It is not possible to eradicate poverty while the rich get richer, or to reduce in equality, while the poor get poorer. Experience shows that countries that have rapidly reduced inequality have also performed well in reducing poverty.
- d) Government involvement in the economy will help to significantly reduce the level of unemployment.

##### **Therefore resolves that:**

- a) Local government, as the level of government closet to the people, could play a key role in facilitating and implementing public works programmes as long as they have capacity to do so.

- b) Public works programmes should include youth brigades to provide services such as support for people with HIV /Aids, child care and ABET.
- c) The stage must help unemployed by improving the welfare net and ending speculation in food prices.
- d) Social protection is improved through provision of Basic income grant.
- e) Labour and government must pressurize the business to create jobs and invest in a more intensive way in South Africa's economy.
- f) Government must retain and create jobs in the public sector.
- g) Policies to reduce poverty through job creation should be based on switching to an efficient, labour intensive pattern of development and investing more in the human capital of the poor. This is not only consistent with faster long term growth, but also contribute to it, since these actions mean that a larger share of income and more public spending will go to the poor. The principal trade-off is between the interests of the have-nots and haves.
- h) Poverty reduction needs policies that provides opportunities to the poor and enables them to participate in growth and development. To accomplish this, policies must be attuned to three broad tasks:
  - Economy wide and sectorial policies must encourage rural development and urban employment. This will require public provision of infrastructure and an environment that makes technical change accessible to small farmers and the urban poor.
  - Specific policies are needed to improve the participation of the poor in economic growth and development by increasing their access to Land. Credit and public infrastructure and services. Land transfer can reduce poverty, but it only succeeds in special circumstances, especially with subsidized credit programmes.
  - Direct resources to poor areas and provinces, where poverty and environmental degradation is interrelated. These are the areas and provinces where government subsidies will still be necessary to meet the basic needs of the people.

COSATU to continue to build the campaign around buying local goods in order in order to defend jobs of our fellow comrades.

**Move: Kwa Zulu Natal Seconded: Gauteng**

#### **41.Gear And Economic Policy**

Resolution adopted at the 7th SAMWU National Congress: Organizational



**Noting that:**

- a) GEAR, as the basis of the government economic policy, continues to have a detrimental effect on local government and its ability to deliver service.
- b) GEAR has not only failed to deliver to the poor, but has also because millions of workers to lose their jobs so that unemployment has increased and the majority are forced to leave in poverty – stricken circumstances.
- c) Capitalist are on an investment strike.
- d) The government is not playing a direct, visible role in the economy.
- e) South Africa is rich in mineral resources.
- f) We have not implemented all aspects of the 2000 6th National congress resolution on GEAR. In particular we have not yet developed detailed policy on the following areas:
  - People centered programmes focusing on collective forms of ownership.
  - Building of Cooperatives
  - Projects which are labour intensive in nature being coordinated by the government agents.
  - Black empowerment in opposition to individuals and black business elite empowerment.
  - Establishment of new parastatals to ensure effective delivery.

**Believing that:**

- a) With the resources we have in our country, it is possible to implement a programme that would ensure a better life for all.
- b) Building a developmental economy is a process whereby a needy society transforms itself including less dependent of foreign direct investment, so that it is better able to satisfy its needs.
- c) The economy is going to be improved by the progressive restructuring and changing of industry factory ownership, the participation of workers in strategic decisions as co-owners, investors, producers and beneficiaries of labor intensive and production outputs.

**We therefore resolve that:**

- a) We do an overall assessment of GEAR and the impact it has had on local government and the ability of local government to meet its constitutional responsibilities.
- b) We re-affirm 2000 6th Congress resolution on GEAR, which supports COSATU'S demand for a forum that will strive for a new economic policy framework.
- c) The government must re-direct our resources to build a strong economy that will assist for a better life for all.

- d) SAMWU, through COSATU, is ready to contribute towards the strengthening of a developmental state, which is ready to intervene in the economy in order to promote industrialization, co-operatives and job creation through economic transformation and development, as well as international co-operation and solidarity.
- e) As the working class we are prepared to strengthen the power and the proficiency of the government to exert discipline over business in development and implementation of progressive labour and market laws.
- f) Make sure that NDR assists us build a socialist future within a short space of time.
- g) We develop a more detailed policy around the following areas:
  - People centred programmes focusing on collective forms of ownership
  - Building of cooperatives, including cooperative banks.
  - Projects which are labour intensive in nature being coordinated by the government agents
  - Black empowerment in opposition to individuals and black business elite empowerment.
  - Establishment of new parastatals to ensure effective delivery.

**Moved: EasternCape Seconded: Gauteng**

**42. Public libraries**

**Noting that:**

- a) The constitution of the republic makes public libraries a provisional government competency
- b) SAWU adopted a national resolution on service delivery to effect that all services currently delivered by local government must remain the responsibility of the local government.
- c) Although public Libraries in previously disadvantaged communities are historically under resourced, these public libraries are not accorded the necessary budgetary priorities by national provincial and local Government to bring them up to an acceptable standard.
- d) The UNESCO manifesto of public libraries adopted the principle that of a free library service must be delivered to all citizens
- e) The proposed establishment of Library committees, similar to that of school governing bodies in the department of education as contained in the arts and culture white paper makes provision for the involvement of communities in the delivery of a public Library service.
- f) Organized labour has generally not taken up arts and culture issues in a very vocal way

**Believing that:**

- a) Provincial government is too far removed from the people and does not have the financial or human resources to take over operate and sustain the required public library service.

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- b) Since local government is directly accountable to the communities it would be better suited to provide a competent Public Library Service to Communities.
- c) Communities must be involved in the control of public Library services and the manner that these services are delivered.
- d) All public library services free to all members of all communities.
- e) Insufficient funds are located by provincial and local government to build new Public Libraries and other arts and cultural centres in previously disadvantaged communities or to upgrade existing facilities in these communities.

**Resolving that:**

- a) Local government must be responsible for providing the public library service.
- b) SAMWU must influence National Government to amend the constitution and provisional ordinances accordingly.
- c) Local government must enter into a permanent agreement with the provincial government on maintaining the services as a local government function.
- d) National, Provincial and local government must make a proper budgetary provision for public libraries and other arts and cultural centres that falls in the ambit of local government.
- e) SAMWU must reinforce its position concerning service delivery and adopt the UNESCO Manifesto of public library service to have a free public library service delivered to all communities.
- f) COSATU should find ways of becoming more pro-actively involved and vocal in these issues.
- g) All public libraries to have sufficient stock of good quality books depicting working class struggle and with a strong working class basis.
- h) A position paper on Arts and culture is finalized for the first CEO in 2004.

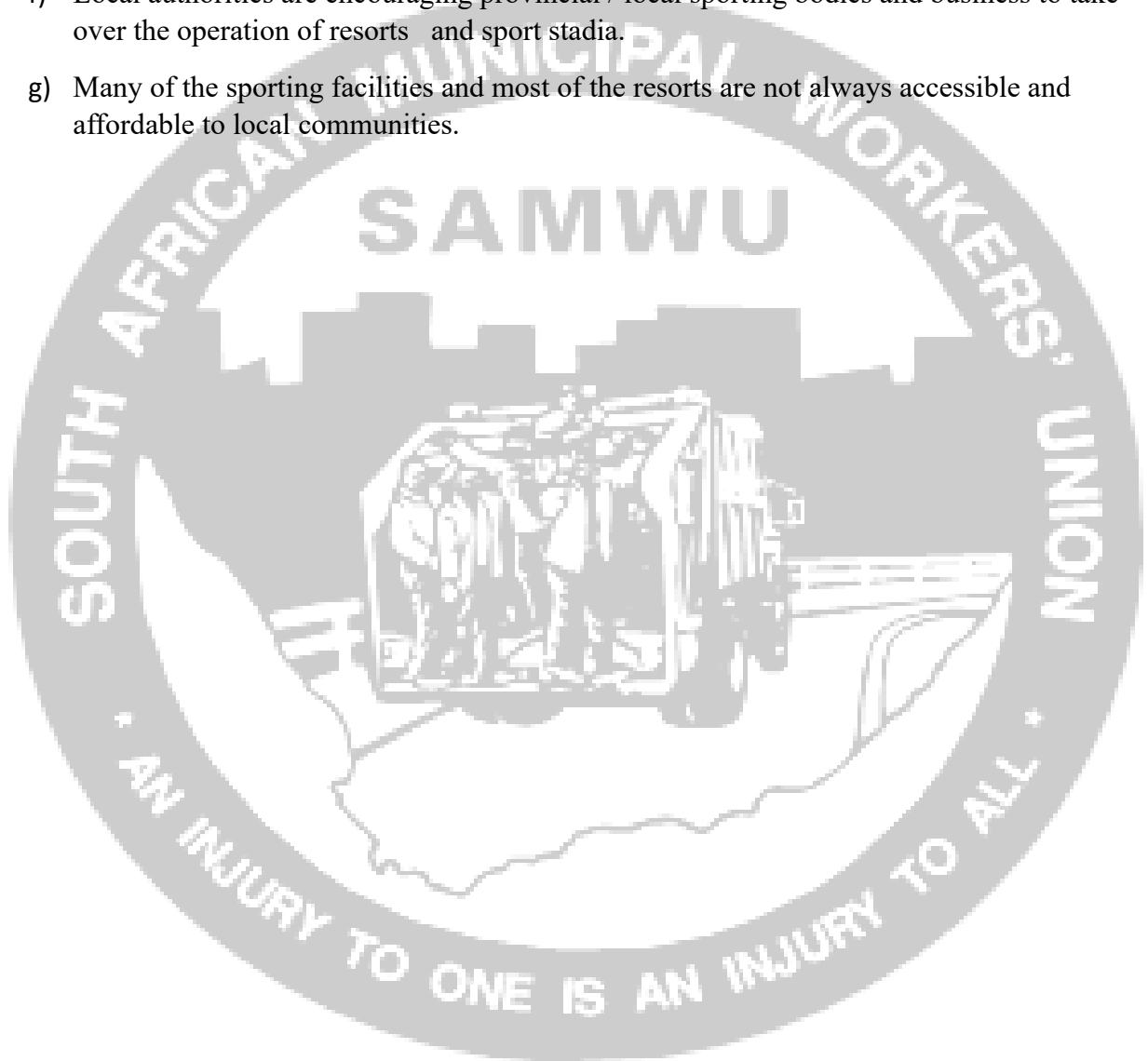
**Moved: Limpopo Seconded: Gauteng**

**43.Sports and recreation**

**Noting that:**

- a) Sports and recreation facilities and local government have primary targets for privatization.
- b) Local authorities are greatly reducing the sport and recreation staff with the effect that the maintenance of these facilities are being neglected.

- c) Sports and recreation are identified as a none core profit by local authorities.
- d) The maintenance and management of sports and recreation facilities are continuously being neglected resulting in the deterioration of facilities which in turn is used as an argument for the privatization of the facilities.
- e) The funding for sports and recreation facilities are not an area of priority for local authorities.
- f) Local authorities are encouraging provincial / local sporting bodies and business to take over the operation of resorts and sport stadia.
- g) Many of the sporting facilities and most of the resorts are not always accessible and affordable to local communities.



- h) SAMWU's fight in certain local authorities against the privatization of sport and recreational facilities was not always successful.
- i) Organized labour in general has not actively taken up the problem of the outsourcing of sport and recreational facilities provincially and nationally.

**Resolving that:**

- a) SAMWU fight the privatization and leasing of resorts and sports stadia.
- b) SAMWU encourage National, provincial and local government to budget for the up-liftment and building of sport and recreational facilities in poorer communities.
- c) SAMWU gets involved in procurement of local authorities and block the tendering process of outsourcing sports and recreational facilities by the local government.
- d) SAMWU engage the department of sports and recreation and highlight the problem of privatizing of sports and recreation facilities by the local government.
- e) COSATU should look for ways to deal with more pro-actively with sports and recreation issues.
- f) A position paper on sports and recreation be finalized for next CEC 2004.

**Moved: Free State**

**Seconded: Eastern Cape**

**44. Political & International-2004 General Elections**

- a) South Africans will be going for the third time to democratic general elections in 2004 for national and provincial government.
- b) COSATU supported the ANC in the previous two elections and has re-affirmed its support for the 2004 elections.
- c) There are government policies that are not embraced by other alliance partners.
- d) On the second elections for both National and Local government there was decline in voters.
- e) COSATU participated in the drafting of the election manifesto of all previous elections

We therefore **resolve** that:

- a) COSATU to support, mobilise and canvass for the victory of the ANC in 2004 general elections.
- b) COSATU affiliates to convene general meetings with workers where their input will influence the outcome of the election Manifesto 2004.
- c) SAMWU will avail resources for the election campaign including the release of officials to campaign for the ANC.

- d) Alliance must agree on government policies and work as a team to run a country and share jointly the failure of success of it. Alliance must formulate the policy and structures that will force the Politian's and all government departments to implement agree policies.
- e) Alliance to start a joint campaign of encouraging our members and people of South Africa to register and vote for the ANC 2004 general elections.
- f) Alliance must put in place mechanisms to monitor the ANC performance in government post elections.

**Moved: Gauteng**

**Seconded: Eastern Cape**

**45.Support for, and building of young communist league of South Africa.**

**Noting that:**

- a) The resolution of the SACP congress in building YCLSA.
- b) Young people are no longer a seed of our path to power.

**Believing that:**

- a) The YCLSA will bring about political vibrancy and livelihood to young people.

**Resolve that:**

- a) Members of SAMWU in their right as SACP members must build symbolic branches as well and fully fledged branches of the YCLSA units in municipalities and be assisted by organizers in process.
- b) Members of SAMWU who qualify to open YCLSA units in municipalities and be assisted by organizers in the process.
- a) Progressive changes in our country were brought about as a result of the existence of the alliance.
- b) While they are differences of approach within the alliance, the common ground is ideological – the NDR.
- c) Problems within the alliance affect how we operate or relate to each other.
- d) Meetings of the alliance do not take place regularly in all levels of the alliance and at grassroots level there are no functional alliance e structures. This has, in some instances, led to tensions among alliance partners.
- e) Our membership does not fully participate in the alliance structures but decision taken in the alliance also affect and bind our membership.
- f) There is tendency of undermining decision, resolutions and programmes of the alliance and also to think that with or without the alliance partners, we can do things better.

- g) The Ekurhuleni Summit geared the parties towards managing the differences within the alliance. The ANC policy Conference culminating into the ANC conference in Stellenbosch acknowledged these differences.
- h) The alliance only exists when nearing elections, and when it is convenient for the ANC.

**Believing that:**

- If alliance partners can respect and treat each other as equal partners many problems can be eliminated.
- If alliance structures can start to meet we can be able to do things better.
- The alliance can assist in the problems faced by a number of municipalities.

We therefore **resolve** that:

- We reaffirm the alliance as the political centre to drive the NDR.
- To strengthen the alliance we need to do the following:
  - Build strong self-sufficient capacitated and well-functioning alliance partners at all levels of our organization. Identify and correct problems, issues or systems that affect our relationship or unity.
  - SAMWU members to be encouraged to participate in all structures of the alliance as members of those structures. It means that they should be encouraged to join those structures so as to be able to influence positions and to build the ANC, SACP, COSATU and SANCO.
- The alliance should work towards collectively ensuring the implementation of agreements reached at the Ekurhuleni Summit and the growth and development Summit and the Growth and Development Summit.

**Moved: Northern Cape Seconded: North West**

**47.Social movement**

**Resolve that:**

- a) Further discussions should take place at all levels of the Union on the issue of social movement and that the CEC is mandated to finalize a position on this matter.

**Moved: Northern Cape**

**Seconded: Free State**

**48.Debt and reparations**

Resolution adopted at the 7th SAMWU National Congress: Organizational

**Noting that:**

- a) The International Resolutions adopted at the first CEC after the 6th National Congress of 2000 affirms SAMWU's support for Jubilee South Africa and its campaign for the negotiated cancellation of apartheid's odious debts, in order to use the hundreds of billions of rands that would be freed for financing the much-neglected RDP.
- b) No progress has been made to date in re-allocating some of the huge assets accumulated by the Government's Employee's Pension Fund (GEPF). These assets were accumulated because of the large amounts of public money pumped into the GEPF by the Government each year since 1989.

Jubilee South Africa is taking steps to pursue reparations claims against a number of foreign corporations, including some of the world's largest multi-national corporations. The money raised by such claims, if successful, will be used primarily for the funding of programmes that seek to address the urgent, basic needs of the largest possible number of people.

**We therefore resolve that:**

- a) We re-affirm SAMWU's support for Jubilee South Africa's campaign for the negotiated cancellation of apartheid's odious debts.
- b) We urge Cosatu to pursue the re-allocation of the huge assets accumulated by the GEPF, in line with its policy that some of these huge surplus assets-currently valued at R250 billion-should be used for socially beneficial purposes.
- c) We support the steps taken by Jubilee South Africa to pursue reparations claims against a number of foreign corporations.

**Moved: Gauteng Seconded:North West****49.Proposed SACU -US Trade agreement****Noting that:**

- a) The proposed SACU (Southern African Customs Union) –US Trade agreement would undoubtedly benefit some SACU business interests, especially those of exporters, but unlikely to benefit the working class.
- b) The agreement is supposed to be about free but is in fact a one-sided freedom that reflects the enormous economic and political inequalities between the US and SACU (Southern African Customs Union).
- c) The inequalities that will be reproduced in the proposed agreement will ensure that alongside the small number of business interests that will benefit will be the considerably greater number of people who will suffer, including those workers who will lose their jobs as a result of the multiple advantages enjoyed by US corporations that will be competing against local SACU businesses.



- d) Past experience shows that a successfully enter the US market, SACU textile and clothing exporters will have to compete with the sweatshops of the world. The jobs created will therefore be insecure, with very low wages, and terrible working conditions.
- e) The US will almost certainly use this proposed bi-lateral agreement as a way of achieving through the backdoor what it has not managed to do in multi-lateral WTO agreement. The provisions of GATS will therefore almost certainly find their way into the proposed agreement. This places all public services at risk of being privatized in various ways.
- f) In view of South Africa's dominance in the region, any SACU-US Agreement can safely be expected to serve as the blueprint for a much wider SADC-US Agreement and will therefore foreclose full negotiations in the latter case.

We therefore **resolve** that:

- a) We reject the proposed SACU-US trade agreement for the reasons outlined above. Given the nature and extent of the problems identified above, a Trade Agreement with the US cannot realistically be expected to meet either the urgent needs of most of people covered by SACU or the developmental needs of the region. This means that the only proper response to the proposed agreement is outright rejection. Reform is not a viable option.
- b) At a minimum, a moratorium on the agreement must be called to allow a full impact assessment to be done. This should not only be done on all the proposed provisions of any trade agreement with the US but, more especially, allow for an impact assessment of both the EU-SA agreement and Agoa (Africa Growth and Opportunities Act).
- c) In support of this rejection of the SACU- US trade agreement , we call on Cosatu to work through SATUCC (the Southern African Trade Union Co-ordination Council), as the most effective means of giving voice to organized labour within the region.

**Moved: Limpopo**

**Seconded: Gauteng**

**50. General Agreement on Trade and Services (GATS) and World Trade Organisation (WTO)**

**Noting** that:

- a) The Doha Ministerial Conference that took place in late 2001 set a timetable for GATS. The timetable required all member countries, which want other member countries to liberalise their trade in specified services, to formalize those requests to the later countries before the end of June 2002.

- b) The countries requested to legalise specified services had until the end of March 2003 to respond to those requests before full negotiations with all member countries commences in CANCUN in September 2003.
- c) GATS will potentially disadvantage our local economy.
- d) The union is not actively participating in PSI events and campaigns to STOP the GATS and NO MORE ROUND TALKS ON WTO!
- e) South Africa, as a member to WTO, has been requested to liberalise specific services. However we note that South Africa is not being co-operative with other African countries that are opposed the operations of GATS.

We therefore resolve that:

- a) SAMWU, as part of the broader COSATU engagement with government, request an urgent meeting with the Government and demand a full disclosure of information on services they have been requested by GATS to liberalise, and which services they have offered to open / liberalise. This right to information must be placed above the “confidentiality” demand of the foreign government acting as watchdogs on behalf of their large multinational companies.
- b) The Government must withdraw any offer(s) made to allow proper consultation and full engagement with all stakeholders as a matter of urgency. In order to fulfill this requirement, our government should call for an immediate moratorium on any further negotiations within GATS framework.
- c) An alliance meeting be called through COSATU to lobby for support.
- d) Further resolve that South Africa as an influential member of the African Union must co-operate fully with other African countries. This strategic move is vital in order to obtain a common African-wide acceptable position and build alliances among like-minded governments from across the world.
- e) SAMWU must play a leading role by actively participating in all international events that advance the working class interests.
- f) SAMWU must also play a role in making our communities and local government aware of the disadvantages when services are opened to the market.

Our government must demonstrate that it has carried out full impact assessments and effective data collection on those sectors that have already been subject to foreign involvement, whether under bilateral (EU-SA) or multilateral (WTO) agreements. This is also a formal requirement within the very terms of GATS (Article 19). The proposed initiative is essential because it will enable other African government to assess the implications for their economic and social development needs of any future GATS negotiations.

- The further motivation for resisting any further negotiations on GATS relates more fundamentally to the need to ensure that all services sectors (both public and private)

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play essential roles in economic development and growth, socio-economic well-being and human rights, environment security and sustainability, and cultural and other basic needs within our country, the rest of African and the world.

**Moved: North West Seconded: Gauteng**



## **51.Support for Southern African Unions**

**Noting that:**

- a) Twinning of South Africa with Southern African Development Community (SADC) states is taking place on a small scale.
- b) Unions in SADC states lack infrastructure.
- c) Delegates to the international subcommittee are not in a position to deal with research.
- d) Liberalization by industrialized countries is taking place on large scale.

We therefore **resolve** that:

- a) We need to develop a programme that will enhance the participation of members in international issues.
- b) We should speed up the twinning agreement with neighboring countries, as agreed to.
- c) Delegations from the relevant Provinces be sent to neighbouring countries in order to establish ties, assess the situation, and discuss possible terms of assistance in relation to resources and educational exchange programmes.
- d) Delegates to the international-sub-committee should get training in order to be able to conduct research.
- e) The International Sub-Committee and the CEC must examine how best to build links with workers beyond the SADC countries.

**Moved: Northern Cape**

**Seconded: Kwa Zulu Natal**

## **52.Special Resolutions on May Day Bus Disaster.**

**Noting that:**

- a) The majority of comrades who died in the May Day disaster were SAMWU members.
  - The disaster was a tragic loss to SAMWU and the nation

Therefore **resolves** that:

- a) SAMWU erects a tombstone in memory of the fallen heroes and heroines.
- b) The first NEC after this Congress works out the details.

**Moved: Northern Cape Seconded: Gauteng**