

Resolutions Adopted at SAMWU 9th National Congress Organisational.

1. Constitutional amendments

Noting:

- There are a number of changes to the constitution that have been proposed by provinces in the run up to the 9th National Congress.
- That these proposed constitutional amendments need careful deliberation and through debate in the union.
- Any process to amend the Constitution should involve the majority of our members and should be informed by our experiences on the ground.
- The Central Executive Committee, subject to the limitations imposed by clauses 18.1.1 and

18.1.2 of the Constitution, may amend all clauses and sub-clauses in the Constitution.

Therefore resolves:

- a) A Constitutional subcommittee be established after Congress to deal with possible constitutional amendments. These amendments include:
- b) Eligibility for leadership position: Period before being elected to office bearer positions.
- c) Eligibility of workers leaders for election as secretaries
- d) Provision for election of deputy provincial secretaries
- e) Provision of nominations of national, provincial and branch office bearers.
- f) Processes for recall of shop stewards
- g) Constitutional provision for education, health and safety and legal subcommittees.
- h) Provincial fincomm composition
- i) Extension of term shop steward
- j) National General Council
- k) Provincial shop stewards council
- l) Local gender committees
- m) Re-demarcation and re-naming of union structures
- n) Discipline of members for not participating changes be developed to assist the committee in carrying out its work.
- o) That a discussion document on all the proposed changes be developed to assist the committee in carrying out its work.

- p) The Central Executive Committee, on receipt of the proposed amendments, shall circulate same for discussions in all structures of the union prior to adoption or otherwise at the next possible ordinary Central Executive Committee thereafter.

Moved: Eastern Cape Seconded: Western Cape

2. Eligibility of management as shop stewards

Noting:

- a) That our Min Collective Agreement prevents management from being shop stewards.
- b) That the collective agreement calls for the exclusion for management at a certain grade not be eligible to be a shop stewards and this grade is to be determined at divisional level of the bargaining council.
- c) That the union has not concluded these negotiations in the divisions.
- d) That where members who are management are elected as shop stewards, it blurs the relationship between the union and management and usually leads to worker's grievances not being addressed adequately or not taken up at all as it is usually the very management that is also the shop steward that the grievance is directed at.

Therefore resolves:

- a) The issue of who is excluded from eligibility to be a s/s shall be debated among SAMWU's membership and finalized at the CEC.

Moved: Eastern Cape Seconded: North West

3. Role of management

Noting:

- a) That a greater proportion of SAMWU members now occupy managerial positions which is remarkably different from earlier years.
- b) That the material conditions and interests of such members are vastly different in that they are in pursuit of individual advancement, sometimes against the interest of the collective.

- c) That in many instances these members are the one spearheading anti-working-class campaigns such as privatization and outsourcing of municipal services. It is not only section 56 & 57 managers who set policies; it is also those below who set policies like outsourcing.
- d) That it is a founding principle of SAMWU “to strive for economic, social and political justice for all members and in particular to democratize the workplace.” (2.2.2 of SAMWU constitution)
- e) Given their relative seniority, such members demand service and attention not kin to other members.

Believing:

- a) As members of SAMWU we committed ourselves to advance a working-class agenda for the benefit of all.
- b) That we cannot compromise our principles simply because such principles are not shared by all.
- c) That we should revoke membership should any member not advance the collective interest of the organization.

Therefore resolve:

- a) That the 1st CEC after Congress develop a set of principles or standards to serve as a guide evaluating the conduct of such members occupying managerial positions and who are not advancing the collective interest of the organization.
- b) The CEC to consider amending the constitutional provision governing members discipline to fast track revoking the membership for such ill-disciplined members.

Moved: Western Cape

Seconded: Eastern Cape

4. Worker’s Education under Worker’s Control

Noting:

- a) We reaffirm our support for mass worker’s education programmes aimed at strengthening the class consciousness and solidarity of workers.
- b) The labour movement faces many challenges in rebuilding the power of workers education as the means towards an end, which is a kind of society dominated by a set of values that allows workers to participate fully.

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Believing:

- a) That workers education must be under direct workers control, and that those wishing to deliver workers education must acknowledge this.
- b) That accrediting worker education takes us away from building a collective response to the crisis we face and reinforces bourgeois notions of individualism and careerism.
- c) That accrediting worker education is an expensive and elitist process that diverts important resources away from mass-based workers education.
- d) Technical skills are only a small part of education, and giving out certificates does not solve the problem of ensuring that all workers have access to workers education.
- e) Worker's education must be tied to the struggle for a new and just society with a kind of education that ensures that the organization is able to respond to challenges whenever they arise.

Therefore resolves:

- a) We must restate that we are in favour first and foremost of programmes of mass workers education, including informal education, that strengthens rather than divides and compartmentalizes our class.
- b) That such programmes must be developed service organizations working in cooperation with sympathetic labour service organizations and academics etc., and not by private or non-union providers.
- c) The aim of our education must be to build conscious, independent and collective critical thinking that develops and deepens our values of solidarity and accountability.
- d) We must build an approach in our education that seeks to challenge capitalism, rather than education that pushes workers to manage and adapt to capitalism.
- e) Worker's education must link to campaigning and action that contributes and be the daily operations and campaigns of working class through popular education mythology.
- f) Internationalism must be mainstreamed into workers education and be complimented with special programmes where is appropriate.
- g) Internationalized worker education must lead to concrete action and change and build linkages beyond the trade union movement to encompass movement for the working class and poor, more broadly.
- h) That we develop our forms of recognition for workers education and celebrate those comrades who extol the virtues of collective endeavour, collective and democratic leadership into the building of a vibrant trade union movement.

Moved: Eastern Cape Seconded: North West

5. Political education: a weapon for cadres

Noting:

- a) History has taught us that in order for workers to defend and advance their own interests, they need their own class education because it is known fact that in class society education and ideology are not neutral.
- b) Political education of a Trade Union must depict socio-economic and political day-to-day life experiences of the workers, inside and outside the workplace and must be able to build working class leaders and cadres in the process.

Believing:

- a) Any trade union claiming to be transformative cannot advance without mobilization of its members through agitation, political work and organizational development based on working class education and ideology.

Therefore resolves:

- a) Political schools must take place in SAMWU structures, utilizing the disciplined forces and formations of the left to build and advance working class cadres and servicing of members and further develop a qualitative leadership through consistent political and ideological education and servicing of members.
- b) SAMWU should establish a political school within the structures of the union.
- c) Members of SAMWU should be encouraged to participate fully in the political schools of other alliance structures.

Moved: North West

Seconded: Limpopo

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Moved: North West Seconded: Limpopo

7. Education programmes about the workplace

Sent back to resolutions committee for reworking.

8. Membership induction, education and involvement in decision making

Noting:

- a) There is a tremendous and sustainable growth of union membership recently.
- b) This growth has its own strengths and weaknesses.
- c) Many experienced shop stewards are no longer available to re-stand for elections, while others get appointed into other senior positions in the municipalities.

- d) In most instances members of the union are less involved or not involved at all in decision-making processes of the union.
- e) Lack of political education is a hindrance in members understanding their power, role and purpose in the union.
- f) Often newly recruited members who are from private companies are not properly included in the union's education programmes.

Believing:

- a) That there is a fundamental need for members to be involved in all union decision making processes for the attainment of true worker control.
- b) That as a result of the movement of the old shop stewards' new members is elected as shop stewards without proper introduction in the union.
- c) That a lack of proper introduction of new members and shop stewards in the union means that the organizational memory fades away. This has direct consequences for the sustainability of the culture and tradition of the union.
- d) It is of vital importance for the unity of union that private sector workers are properly integrated into the life and structures of the union, including being integrated into the union's education programme.

Therefore resolve:

- a) That new members be properly introduced into the union with an intensive induction, coordinated by the PEOs, about the culture and tradition of the union.
- b) That we ensure that members from private companies are also properly inducted, and form part of further education programmes.
- c) That the CEC be mandated to develop proper processes and guidelines to assist in ensuring that members are involved in decision making processes of the union.'
- d) That political education and consciousness must be undertaken by all structures of the union led by the education unit of the union to capacitate members in ensuring that they take proper and well-informed decisions.
- e) Include gender training in next shop steward training to promote gender mainstreaming.

Moved: KZN

Seconded: Western Cape

9. Sexual harassment

***Resolution withdrawn.**

10. Young workers' structure

Noting:

- a) In previous years, there has been dramatic increase of young people who have joined the union.
- b) Like all other workers, young workers experience harsh and bad working conditions in various municipalities where they are subjected to dangerous jobs, low pay, inequality and harassment by the senior managers.
- c) There is need to create a space within the union so that the voice of young people can be recognized, and their interests promoted.
- d) It is of strategic important for the union to pronounce itself on the need to have young workers structure that could be used as the vehicle to promote their interests within the organization.

Therefore resolves:

- a) The union must recognize that young workers need to have a voice in the union decisions making structures.
- b) The union must also create a platform within the organization structures wherein the young workers will advance issues that affect them on daily basis at the various workplaces.
- c) The incoming CEC and leadership must develop progressive campaigns that will make a significant impact in improving working conditions, better rights and pay for the young workers.
- d) To work tirelessly within the union structures to develop the young people to be activists and leaders.
- e) To draw lessons and experience on best practices from other sister union at the international arena to organize and consolidate the interest of young workers in all aspects.
- f) The CEC must develop guidelines about organizing young workers and their role in the Union and investigate the criteria to be used in determining who young workers are.
- g) The COSATU must be approached to convene a Young Workers Conference.
- h) An internal audit or research programme must be developed.
- i) Mobilization and participation in such programmes and structures must target progressive young workers.

Resolutions Adopted at SAMWU 9th National Congress Organisational.

Moved: NOT KNOWN

Seconded: NOT KNOWN

11.Resolution on recruitment

Noting:

- a) That recruitment seeks to increase the size of membership.
- b) That membership is the cornerstone and the building block of any organization.
- c) That the strength, power, and financial viability of any organization largely relies on its membership.
- d) That the union has a target of 10% increase in membership.

Believing:

- a) The improved benefits would further attract membership to an organization.
- b) That more blue-collar workers identify themselves with SAMWU and love the militancy of SAMWU.
- c) That the recruitment is one of the priority challenges of any organization.

Therefore resolves:

- a) That recruitment if new members is an ongoing process and should be assessed monthly by local shop stewards' committees. The branch office bearers must monitor.
- b) That recruitment, education, and induction around policies and the constitution of the organization must be prioritized.
- c) Recruiter packs for every three years must be packaged.
- d) We must continue to strive to recruit casual and contract workers, within the context of our campaign to make those jobs permanent and quality jobs.
- e) That we use our bargaining strength to our advantage in popularizing our gains.
- f) Those Agency Shop members are targeted to become members of SAMWU.

Moved: Northern Cape Seconded: Eastern Cape

12.The recruiting and servicing of women workers in private companies

Noting:

- a) That the servicing and recruiting women workers project set up to recruit is not functioning effectively in all provinces.
- b) That SAMWU constitution's scope has broadened to accommodate the workers in private companies.
- c) That the scope of the Bargaining Council constitution has also broadened in order to accommodate the issues of workers in private companies.

Therefore resolves:

- a) The project should work closely with the union's overall recruitment campaign.
- b) Provinces need to identify private companies operating in the different municipalities as a matter of urgency these workers.
- c) The recruiting teams must familiarize themselves with, and make use of the Union tools, SAMWU constitution, Bargaining Council Constitution, all social benefits of SAMWU.

Moved: Northern Cape Seconded: Eastern Cape

13.Attack on members and shop stewards

Noting:

- a) Municipalities are closer to social, economic, political and many other activities.
- b) Our members are involved and affected by all the developments that occur within their municipalities and community they live in.
- c) There is an increased attack on our members and shop stewards through flimsy and dodgy disciplinary tribunals for issues that sometimes occur outside the workplace; and

Municipal workers have been abusively harassed and victimized in various ways including being charged and dismissed unnecessarily.

Believing:

- a) Members and shop stewards have a right to participate in any activities without any fear; and

The attack of any member is an attack on our Union and we need to defend the union from any kind of political attack.

Therefore resolve:

- a) We defend the union from union-bashing tactics of any political party by whatever means possible.

- b) All union structures seek political solution to address the unnecessary hearings that drag for a long time.
- c) We educate and mobilize all members to be vigilant and strongly united against any form of victimization and harassment.

Moved: KZN

Seconded: Eastern Cape

14.National Investment Policy

Referred to resolutions committee to be consolidated with resolutions 15 and 16

15.Union investment companies

Referred to resolutions committee to be consolidated with resolution 15 and 16

16.Provincial union buildings

Referred to resolutions committee.

17.Union subscriptions

Noting:

- a) The union from time to time needs to review its subscription rate in order to ensure its ongoing sustainability and viability.
- b) Clause 4.1.1 of the constitution provides for a subscription fee of up to a maximum of 3%.
- c) The CEC resolves that our membership fee should be 1% to a maximum of R50.00
- d) Members earning less are in effect paying more subscriptions in percentage terms.

Believing:

- a) All members should be paying the same subscription percentage.

Therefore resolves:

- a) Proposals to amend the current subscription rate should be dealt with by the CEC in terms of the relevant constitutional provision.
- b) Any proposal to amend the current subscription rate or remove the ceiling requires consultation among members.

Moved: Gauteng

Resolutions Adopted at SAMWU 9th National Congress Organisational.

Seconded: KZN

18. Equitable allocation of Resources

Noting:

- a) Although the SAMWU constitution makes provisions for equitable allocation of resources, this principle is not fully embraced in running the affairs of the union.
- b) The allocation of resources in the union is not done on an equitable basis.
- c) The provinces with larger membership are therefore unable to perform optimally and be innovative in serving members due to limited resources allocated to them.
- d) Some of the issues that need to be taken into account when considering allocations within the union include need and geographical spread.

Therefore resolve:

- a) The current system of equitable allocations of resources should be reviewed by the Fincom and the CEC.
- b) The finalization of this current 2010 budget process should form part of the review process.

Moved: Gauteng

Seconded: NOT CLEAR WHO SECONDED

19.Social benefit Autonomy

Noting:

- a) The resolution on social benefit from the SAMWU 7th National Congress
- b) The union is consistently losing control over the schemes initiated by us. Some of SAMWU Social Benefit Schemes are getting out of hand and sometimes contradicting union policies.
- c) Currently BOT members are not always acting in the best interests of the union and its policies.
- d) The legislation in its current form undermines the doctrine of worker control.

Believing:

- a) The union needs to strengthen its control of these funds and direct its operations.

Therefore resolves:

- a) We re-affirm the resolution on social benefits from the 7th SAMWU National Congress.
- b) Political control over the social benefit schemes by the constitutional structures of the union has to be primary focus.
- c) We need to develop deployment guidelines of SAMWU members and officials into:
 - The SAMWU Provident Fund
 - SAMWUMED
 - Other SAMWU benefit funds
- d) Not less than 50% of the members of the BOT be elected by the union, with the other 50% derived from member representatives.
- e) The legislation governing such funds be reviewed and amended so that it does not undermine workers' control.

Moved: North West

Seconded: Eastern Cape

20.Marketing social benefits

Noting

- a) Many SAMWU members are not participating in some of the social benefits, not because they do not like them, but only because are not clearly marketed.

Believing:

- a) A strategy that will make all social benefits more accessible, using, language that workers understand can be employed by those who are trusted with this work.

Therefore resolves:

- a) SAMWU as an organization has taken initiatives to ensure that the marketing strategy is undertaken soon after the Congress.
- b) Officials, as well as worker leaders from shop stewards' committees, Branches and Provinces, to be portfoliorised with responsibility for social benefits.
- c) SAMWU must not use service providers to market the funds but must rather utilize its own structures and resources because shop stewards are nearer and dearer to the members and are always among their constituencies.

Moved: Eastern Cape Seconded: Limpopo

21. Policy on funeral assistance for shop stewards and officials

Noting:

- a) The failure of previous CECs to develop a policy on assistance for funeral arrangements.
- b) It is natural that one day any of the leadership of the union will pass on, The union will not be able to afford to cater for the funeral arrangement for all the member at least for now,
- c) Provinces are confronted with the situation of requesting assistance from national office most of the time,
- d) There is no guide / policy for office bearers, including the national office bearers, on how to deal with this kind of request.

Believing:

- a) We want to assist the families of our comrades who passed on.

Therefore resolves:

- a) The union shall develop a policy on assisting with funeral arrangements for shop stewards and officials.
- b) The policy will be tabled at the 1st CEC meeting after the Congress, and then adopted at the 2nd CEC after Congress.
- c) **Moved: KZN, Seconded: Gauteng**

22. Access to Medical Aid Subsidy

Noting:

- a) It is no secret that local government, largely through the Union's collective bargaining efforts, has one of the best medical aid subsidy arrangements in the country. The sad reality though is that the vast majority of municipal workers cannot access this subsidy is tantamount to a defeat of our gains.
- b) It is noteworthy that of the approximately 250 000 municipal workers nationally, less than half of these actually access their subsidy, due to a lack of affordability. Whilst there is no empirical evidence by way of data, it can be gleaned that the majority of the uninsured are made up of the lowest paid employees.
- c) Their restriction to access medical id subsidy may be construed as discrimination- as the subsidy structure does not consider their living situation. It remains a case of the better off are better catered for.
- d) The employers are comfortable with the situation, as they see it as a cost saving to the overall wage cost.

Further noting:

- a) SAMWU fully supports the National Health Insurance Model.
- b) Until such time as this implemented, access to quality healthcare for municipal workers shall remain a firm clarion call of the SAMWU.

Resolving:

- a) To incorporate the demand for a full medical aid subsidy for all municipal workers as part of the Union's wage demands.
- b) That failing the above the Union shall fight for all subsidy, based on the following: -
 - **Fully Subsidy-** in this scenario the employer contributes a full subsidy to a maximum of R1300.00 for a core family of Member + Spouse + three children. The benefit cover must include full PHC, Specialist Care + Tertiary care.
 - **Full Subsidy (Main Member)** –this scenario entails the full subsidy for the main member (possibly R600) and the 60% subsidy of the remaining core family up to a maximum of R1400.00
 - **Reduced Family Subsidy-** this scenario entails the subsidy pegged at a lower maximum, possibly R1 500 per core family however with an 80% employer subsidy.

That linked to the above shall remain as a priority the concerns of the lowest paid uninsured.

Moved: Western Cape

Seconded: Mpumalanga

- a) **The resolution was withdrawn, and the union will consider the existing organizational renewal plan.**

24.Provision of administrators I the branches and 25 Administrator for the office of the province

Noting:

- a) The existing policy regarding the availability of the administrator for the Branches, is affecting the effectiveness of the Branch offices.
- b) The amount of work and responsibility of the Provincial Secretary as manager, political officer, administrative head, legal co-ordinator etc.
- c) The need for a person to assist in the daily business and tasks of the provincial secretary.
- d) The need for a person who small manage the office of the Provincial Secretary, including managing conference and provincial meetings.

Believing that:

- a) Members deserve quality service which is affected if the Office is closed due to Branch leader s being at their workplace or the Organizer is working in the field;
- b) The arrangement of administrative support for the provincial secretaries will assist in the efficient operation of union business in the province.
- c) There will be someone in the provincial office at all times who will have in- depth insight of the core functions and operations of the organization.
- d) The provincial secretary will function more effectively and focus on the core business of the union.

Therefore resolves:

- a) The issues of administrators in all branch offices and additional administrations support for the provincial secretaries to be further considered by the CEC.

Moved: North West

Seconded: Western Cape

25.Relocation of Head Office

Noting:

- a) There are two national offices with Cape Town being headquarters and Gauteng being the Satellite head office.
- b) Almost all COSATU affiliate headquarters are located in Gauteng as centre.

- c) The 1994 democratic National breakthrough ushered in new conditions and providing a unique opportunity to re-align the union structures and resources in serving the interest of the workers.
- d) That since the new dispensation a minimum deal of effort and energy has been made to re-organize the structure of the union in advancing the principle of workers' control.
- e) The Gauteng Province is not just the economic hub of the country but is also the centre point in terms its union membership demographics.
- f) The argument that justifies the placement of the head office in Cape Town which was based on membership distribution 1987 is no longer relevant because substantial membership is currently based in Gauteng province which is central to majority of neighbouring provinces. Such will dispel the myth that made some to believe that the General Secretary must be based in Cape Town.
- g) The staff complement, the union units and staff supplement Organogram at the Head Office is not properly consequent with provincial and branch union structures.

Believing:

- a) The single head office located centrally will strengthen the growth and capacity of the union.
- b) Challenges relating to the movement of staff shall be dealt with internally without jeopardizing the prospects of staff development and related benefits.
- c) The future employment is located in Johannesburg in order to allow smooth beefing up of central head office.

Therefore resolve:

- a) That the Congress resolves that the Head Office should be relocated in Johannesburg subject to the outcomes of a feasibility study.
- b) That the CEC be tasked by Congress with dealing with and resolving processes necessary for the implementation of this resolution.
- c) That the process be completed within a reasonable period and within the term office of the NOBs elected by this Congress.

Moved: Eastern Cape, Seconded: Gauteng

26. Union Employment Equity / Organizational Transformation

- a) Withdrawn on the understanding that the union would comply with the existing employment equity legislation.

27. Resolution on legal work in the province

Noting:

- a) That the province in line with national approach has identified branch legal coordinators.
- b) That organisers spend too much time in representing members at internal disciplinary hearings whereas shop stewards should represent members in their constituencies.
- c) Municipalities are utilizing the service of consultants and attorneys in presiding and prosecuting over internal matters.
- d) The existing provisions of the main agreement are ambiguous with regard to representation.
- e) That the foundation shops steward training should equip shop stewards to deal with issues of discipline and defence.

Therefore resolve:

- a) Priority is given to train shop stewards on all relevant pieces of legislation.
- b) Training on how to negotiate must also be prioritized.
- c) That we take maximum advantage of short course offered by the CCMA and the Department of Labour and Ditsela.
- d) The Provincial Legal Team should also be capacitated in order to fulfil their roles of coordination.
- e) The union must review the current structure of the legal unit.
- f) The CEC must establish a timeframe in order to realize the above objectives.

Moved: Limpopo

Seconded: North West

29. Timing of SAMWU Congress

Noting:

- a) The CEC is responsible for planning for major events such as the Cosatu and SAMWU National Congresses.

Therefore resolves:

- a) The CEC, as far as possible, should seek to convene the SAMWU National Congress before the COSATU National Congress.

Moved: Gauteng

Seconded: Limpopo

30.Participation in COSATU

Noting:

- a) As SAMWU we recognize and acknowledge the fact that comrades are not taking seriously this issue of participating in COSATU activities.

Therefore resolves:

- a) Again, we re-affirm the 2003 and 2006 resolutions and further strive to strengthen our activism towards the federation.

Mover: Gauteng

Seconder: Northern Cape

Political

1.Relationship with the ANC towards 2011 elections

Noting:

- a) We note the recent general elections held in 2009 and their outcome.
- b) The country will be expected to cast their vote in support of the party of their choice in 2011.
- c) Workers as part of the working class are also expected to give mandate to a political party that will advance their interest forward.
- d) Local government remains the sphere of government that is closest to the people in the advancement of the noble ideals for the better life.
- e) The legitimacy of the municipality depends on the credibility of the election process.
- f) Municipal workers as part of the broader community are directly affected by the outcome of local government elections.
- g) There is increased community dissatisfaction with some of the current councilors.
- h) The current councilor structure provides for some councilors to be part time while others should be full time.
- i) The ANC Polokwane elective conference of 2007 resulted in the new administration that is open for engagement and there has been an improvement in the relationship with the ANC since then.
- j) The majority of the leadership that emerged out of Polokwane conference are biased and sympathetic to the working class in general and the working people in particular.

- k) SAMWU is committed to the alliance that is worker biased.
- l) SAMWU together with COSATU resolved to swell the ranks of the ANC with the intention to influence it to be biased to the working class.
- m) Elections demand for resources if you want to make a positive impact.
- n) The anti-left tendencies are emerging in a sophisticated manner and pose a threat to the consolidation of the NDR.

Believing:

- a) A legitimate local government election process provides hop to the community and municipal workers, thus enhancing the NDR.
- b) ANC is the political home for municipal home for majority of the working class and the leader of the alliance currently.
- c) Service provision requires dedicated and available resources.
- d) SAMWU is fighting, and will continue to fight for the red land.
- e) SAMWU and COSATU share some common goals with the ANC.
- f) SAMWU will continue building a strong SACP for the achievement of the ultimate goal.
- g) There is a need for a more strategic engagement with the ANC through the federation at the alliance level with an intention of further strengthens political ties and relations.

Resolve:

- a) SAMWU shall support the ANC in the local government elections to ensure an overwhelming victory and mobilize communities to vote notwithstanding the legitimate delivery problems and worker's complaints and grievances that exist in the various municipalities.\Our support is based on a working class biased ANC, and on the election pact.
- b) Where the ANC did not do well in the general elections of 2009, such as in the Western Cape, we treat this as an area where we must work to improve the support for the ANC.
- c) SAMWU shall make resources available to support the ANC in the local government election campaign, including financial resources.
- d) The alliance must properly manage the election of candidates and ensure the strict adherence to all the key principles surrounding the proper candidate.
- e) We encourage our members to participate in the process of determining the ward councillors by affirming the federation resolution of swelling the ranks of the ANC and strengthening the organs of people's power.
- f) That the COSATU representation in the ANC caucuses must reflect the dominant sector of affiliates.

- g) That COSATU must be represented in all the deployment committees of the ANC.
- h) The CEC and NEC meetings shall develop programmes in line with the alliance programme to ensure that the ANC win elections in all municipalities.
- i) The CEC will debate further on the issue of whether we should lobby for all councillors to be full- time or not. **Move: Eastern Cape ,Seconded: Gauteng**



2. Building the revolutionary alliance

Noting:

- a) The historical bonds of the alliance have achieved many victories for the benefit of worker.
- b) The political climate both nationally and provincially has changed since Polokwane, but there has been a failure for such change to occur at regional or local level.
- c) There are tensions and problems within municipalities that are caused by the failure to engage politically at regional and local level.
- d) There is a need to review alliance relations with the intention to strengthen them urgently.
- e) Since the space has been opened by Polokwane, therefore it is imperative to be exploited in full and particularly the recent international developments so to carve out a new economic role for the state.
- f) The lack of cohesion between the alliance structures and the government compromises service delivery.
- g) COSATU has introduced the campaign of Walking through Open Doors.
- h) The Minister at National Level has provided a forum which MECs at provincial level also have to provide.

Believing:

- a) The alliance needs to be strengthened at all levels in order to defend the Polokwane gains.
- b) Forums similar to the one that the Minister has provided for a national level should be provided for the local level. Where this has happened, provinces need to take the initiative seriously.

Therefore resolves:

- a) We should take forward COSATU campaign of walking through open doors by engaging the alliance and government structures at all levels.
- b) We should campaign for the implementation of the alliance summit resolutions at all alliance levels.
- c) SAMWU must contribute to building bottom-up alliance structures in order to develop a process of undermining the system of capitalism and build a society where the needs of the working class are paramount.
- d) SAMWU should consolidate strategies that require the engagement with the ANC as the ruling party for smooth running of municipalities.

- e) The union should play a pivotal role in strengthening the knowledge base of the ANC about the municipalities systems.
- f) SAMWU should increase its level of participation in the alliance to ensure that we are part of codetermination in the programmes of the movement.
- g) Members of SAMWU must be active in building the SACP and SACP branches.
- h) There should be an INDABA/ Strategy session to develop a strategy and programme on transformation of the municipalities and further engage the alliance in this initiative.
- i) SAMWU should engage the ANC and its alliance partners on how they deploy comrades to senior positions within municipalities.
- j) The alliance must have programmes of institutionalized meetings to keep structures accountable at all levels.

Moved: KZN

Seconded: Eastern Cape

3. Democratizing the state:

Noting:

- a) The recent protest action ranging from service delivery protest to BRT related protests which are a result of the lack of public participation in processes of development.
- b) High levels of bureaucracy in the state-making institutions and organs (such as the courts not accessible to the poor working class).
- c) Institutions entrusted with the future of the country (such as the Reserve Bank and parliament) are far removed from the people that they should be serving and taking mandates from.
- d) Lack of vigilance of the civil society movement in marshalling the performance of state organs.

Believing:

- a) No state apparatus should stand above the masses.

Therefore resolve:

- a) To be intolerant of bureaucracy and corrupt elements in our organization and in state institutions and government structures.
- b) To contribute to making the state structures and institutions to be near and dear to the broad masses and the working class.

Resolutions Adopted at SAMWU 9th National Congress Organisational.

- c) The state must merge with and embrace the masses and not alienate them.
- d) Organs of state need to be strengthened and capacitated.

Mover: Eastern Cape Seconded: Gauteng



4. The South African constitution and provinces

Noting:

- That our SA constitution is a product of political struggle by the majority of previously disenfranchised and African in particular, which, through dialogue resulted in a political consensus that represented unique but particular progress ever since 1994 from the past repressive, unrepresentative apartheid regime.
- That this constitution is a hybrid of other constitutional models across the world. It does not represent the fullest wishes of the working class but is rather a combination of options made during the political negotiations. Therefore it cannot escape from criticism or be immune from reform.
- Our constitution was influenced by the conditions at the time, which resulted in such compromises as the sunset clauses, but such conditions no longer prevail.
- That our constitution enshrines individual liberties, their enjoyment and limitation and the institutions whose mandate and role include advancing and enhancing the manner in which such rights can be applied and the role which the state and institutions are supposed to play to advance them.
- That the period which heralded the writing and adoption of the final constitution was processed under specific legal framework and timeframes which may not have enabled massive participation and engagement on the key principles which the interim text imposed.
- That during 2007 the national government has initiated a policy review process, which the African National Congress (ANC) reflected on during its Policy Conference in the same year similarly the ANC and broader liberation movement did not envisage the kind of present system post liberation.
- That previously SAMWU has adopted specific resolution calling for the abolition of the provincial sphere and strengthening of local government so that it progressively responds to the socio- economic challenges like service delivery amongst other. No progress has been made to realize the implementation of such resolution.
- That since 1994 many provincial government structures continued to experience a number of challenges and problems against the ever-increasing service delivery problems at the local government level. In some instances, some of the problems arose as a result of and evolved around internal political challenges.

- That the constitutional role and functions of local government create serious organizational challenges consequently resulting in endless legal wrangling to the detriment of ordinary people in terms of improved and better service and in between government structures.

Believing:

- That the development and writing of the must embrace the will of the people and be adapted and be adapted to specific times in our country including the kind of influence present at a particular time, based on the people's understanding, development and support during its application.
- That our constitution today enjoys wider recognition and respect both internally and globally especially within those countries who have keen but particular interest in the form and path chosen at the demise of apartheid state. This interest is also expressed by particular interest groups in particular the legal fraternity.
- That any amendment to the constitution is sometimes the necessary process and sometimes a choice which countries that went through the experience SA has gone through and is going through at the present moment.
- That the current constitutional trajectory has a number of challenges and limitations critical in taking forward the 1994 political project in terms of building sustainable foundations for our society and future generations by addressing the apartheid legacy.
- That the existing three spheres of government, particularly the provincial sphere, has a potential to derail if not undermine the primary objective of reconstructing our country and building sustainable society given the experience since 1994 both at political and social level.

Therefore:

- That the previous SAMWU resolution of 2000 to remove three-sphere government was correct. We need to campaign for two spheres of government only- at the national and local levels. In the process we must clearly define the role, functions and powers and local government further.
- The issue be politically engaged within the Tripartite Alliance to chart a way forward which must include active participation of civil formations.
- The process to amend the constitution must commence before the end of 2009 under the political oversight of the Tripartite Alliance. This process must also look into the Property Clauses in the context of seeking to unlock resource for land redistribution in line with the ANC manifesto.
- The next general elections which are expected to be held in 2014 must be conducted under the amended constitution.

- The issue of holding elections separately on different times must be abolished and all elections should be held simultaneously in future.
- That SAMWU must undertake a dedicated approach in terms of what alternative models which must inform the kind of role, function and powers local government must take during and after the process by investing resources in order to impact on the process referred to above. **Mover: KZN Seconded: Eastern Cape**



5. Ward committees and street committees

Noting:

- a) There is an increased emphasis on the establishment of street committees to deal with various problems within communities.
- b) The Local Government Structures Act prescribes the establishment of Ward Committees in the municipalities.
- c) The current electoral system precludes municipal workers from participating in the Ward Committees.

Believing:

- a) Both the street Committees and Ward committees are essential structures for community involvement and the culture of activism.
- b) The dual existence of such structures without any form of direction and proper outlining how they complement one another, could also lead to unnecessary competition which sometimes cause problems.
- c) Participation in all structures is a constitutional right for every citizen.

Therefore:

- a) The alliances at national level develop a standard guideline of how the street committees and ward committees should function and complement one another.
- b) The ward committee needs to be reviewed to allow for greater participation and in particular, municipal workers should be allowed to participate in the ward committee structures.

Mover: KZN

Seconded: Eastern Cape

THE FOLLOWING TWO RESOLUTIONS ARE NOT REFERRED TO IN THE MINUTES NOT SURE IF THEY WERE DISCUSSED AT CONGRESS?

6. Building international solidarity through twinning

Noting:

- a) The union twinning strategy is not visible and not co-ordinate.
- b) The previous arrangement was replaced with the one that excludes the affected provinces.

- c) There is no report on the development on this new approach.
- d) We have now appointed the international officer.

Believing that:

- We need international solidarity to succeed in the fight against capitalism.
- Workers need to learn from each other about the cruel system that we find ourselves in.

Therefore resolves:

- The old twinning arrangements between SAMWU provinces and unions in neighboring countries need to be revived.

Proposed: Mpumalanga

7.Proudly South African Campaign

Noting:

- a) That our 8th National Congress debated whether SAMWU should support and actively campaign to advance the idea of a Proudly South African (PSA) campaign which seeks to protect, amongst other, the local economy thus protecting South African jobs.
- b) That our 8th National Congress called on the union to engage in through debate which should inform the basis of developing our approach to the Proudly South Africa campaign which we failed to do.

Therefore resolve:

- a) We reaffirm our resolution taken at the 8th SAMWU National Congress.
- b) That the 2nd CEC after Congress conclude on this matter.

Proposed: Western Cape