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# Is Govt selling South Africa short?

TATU SARWHU is deeply concerned about actions threatening jobs at Transnet Engineering.

UTATU SARWU is deeply concerned about the threat to 800 Transnet Engineering jobs that has resulted from Government's decision to outsource locomotive and coachbuilding contracts to foreign firms.

"The result of government's actions could lead to the emasculation of a South African rail manufacturing and maintenance facility which has become a jewel of Africa; to denuding decent jobs that carry long-term employment, health care and pensions in favour of shortterm employment contracts that are mostly outside of South Africa," says UTATU SARWHU's president, George Strauss.

"This government was elected to create a viable and vital new South Africa – not to promote employment in China, Spain, Argentina and France. Why then is it fragmenting rail employment? And how does what is happening gel with Govt's job-creation promises? "President Zuma has promised us 500 000 new jobs by 2020. Against that backdrop he has the Department of Public Enterprises running Transnet one way, the Minister of Labour steering the Passenger Rail Service of South Africa (Prasa) in another and Transnet CEO, Brian Molefe, telling us that he thought Transnet Engineering was going to be award-

ed contracts that have been placed elsewhere. Why this fragmentation of inter-

ests? Who is running the show?"

"Do the Ministers of Transport and Public Enterprises talk to one another?

"Will they meet jointly with labour to respond to our concerns about the way they are shredding jobs – precious skills and expertise which have taken decades to acquire?

<sup>a</sup>Prasa's Lucky Montana tells us that contracts to build his company's new locomotives and rolling stock have been outsourced because Transnet Engineering does not have the technology or capacity to serve



UTATU SARWHU president, George Strauss.

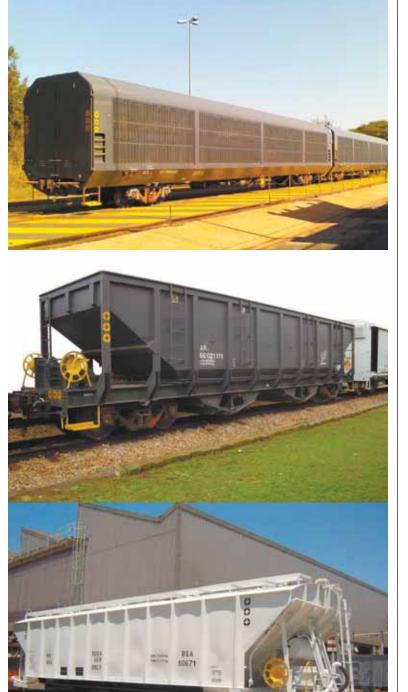
its immediate needs.

"Much of what he says holds water for the short-term. But why is his company - or, rather, its masters - not taking steps to expand TE's capacities? That is the way you expand a country's resources – its skills and wealth base. That is the way you create long-term quality employment.

"We all know what happens to jobs that serve outsourced contracts. When those contracts have been fulfilled the operations are folded and the workers lose their jobs.

"Is that what our government wants - a nation of part-timers; discarded skills; hordes of once-productive workers without jobs, health care, pensions or hope?

"UTATU SARWHU is not going



### Govt under fire from elsewhere

Prasa and the South African Government are again under fire for concluding rail deals abroad that could have been given to their own capable enterprise - Transnet Engineering. Government's latest questionable deal is the R3.4 billion contract it has granted Swifambo, a Spanish consortium, to construct 70 locomotives at about R48-mil-

lion apiece.

Reporting the deal in its 14 October edition, Beeld quotes a source as saying that the locomotives could have been constructed by Transnet for half that price. The newspaper went on to quote that the deal was in contravention of government's own procurement regulations.

The report also cited Transnet's contract with China South Rail in which - in partnership with Transnet Engineering - the company is constructing 95 locomotives at R27-million apiece; and the similar deal with General Electric for 143 locomotives.

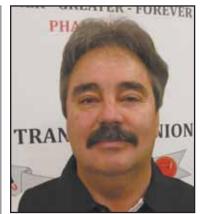
A call was made to the auditorgeneral to investigate the deal. UTATU SARWHU supports that call. Prasa's chief executive has rejected the criticisms saying: "They are commenting on something that they know nothing about." to allow even one of Transnet Engineering's workers to be retrenched. This union pledges to fight the State-Owned Enterprises (SOEs) until they play the game by talking to one another, talking to labour and giving us a South Africa where those in charge of the country's vital resources put the interests of South Africans first and begin pulling in the same direction." ■

Wagons recently manufactured by Transnet Engineering.



### COMMENT

### NEWS



**Steve Harris** 

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iven their hard work and achievements over the past quarter, this report to members and all other Transnet employees should contain more good news than bad. But the work force's largely successful efforts to improve their companies' efficiency are being clouded by sinister – and, as yet, unexplained dark shadows - by Transnet's ongoing refusal to honour the artisans' agreement which it signed in 2008 and by the inefficient line managers whose incompetence frustrates the teamwork which we are all striving to achieve.

Another major concern is Prasa's ambiguous approach to its Mainline Passenger Services. Prasa GCEO, Lucky Montana, was due to meet with labour on 8 May to discuss efforts to save the country's inter-city rail services. By early October there was still no sign of that meeting taking place.

There is no need for me to comment further here on our concerns about Prasa's Alstom deal. That hot potato is fully covered elsewhere in this issue.

Given their efforts and successes, Transnet workers can reasonably expect decent productivity bonuses this year. But word being leaked by management is that this will not happen because the 700 000 tons per day freight haulage goal will not be met.

Although we concede that there might be some merit in these arguments (enhanced job security must have some effect on labour costs), we have to pose the questions:

Have targets been set too high? Have management been doing enough to help achieve the targets set?

Should workers be made to pay for economic and efficiency imponderables beyond their control?

Central to these questions is the next question - does the company think it can improve morale and efficiency by short-changing its workers? This union's long rail experience – more experience than any Transnet, TFR or Prasa can muster - shows the opposite to be the case. When you invest more on the workforce the results will far outstrip the costs.

Employees need more efficient and better-trained managers and more effective train monitoring systems. There can be no excusing a line manager who has just 20 trains under his control not being able to position the whereabouts of his trains or their crews and cargoes.

Such inefficiencies run deeper. Frequently, when members ask their managers and supervisors questions related to their employment situations, they are confronted with blank stares and are told to consult this union. This is not acceptable. Those drawing managers' salaries should to be able to deliver the required standards of operational and HR management. It is encouraging to see rail pulling jobs back from road. But because of the inadequate managerial skills and commitment, those reversals are not being achieved rapidly enough. Consequently, with only 3 000 new jobs created, Transnet still remains far short of the 19 000 new jobs it has promised to create by 2020.

Domestically, all is well at UTATU SARWHU. Your team of union professionals is united and continues to strive for improved service delivery. Membership remains above the 32 000 level and will keep growing as more workers become aware that UTATU SARWHU is the industry's most focused, professional and economic trade union – the union most likely to bring the results the workers want. ■

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#### All correspondence must be addressed to the General Secretary at headoffice@utatusarwhu.com.

Where do our leaders stand on the corruption issue?



Kgaleme Motlanthe – evasive.



Lucky Montana – evasive.

#### n 2 October 2013

# Is rail contributing to the poison in our midst?

the number of reports of suspicious transactions.

This had grown to 147 744 in 2012/3, compared with 53 506 in 2011/2. This also represented a steep jump from the 36 990 suspicious transactions reported in 2010/11 and the 29 411 for 2009/10.

Further, requests for information from domestic and international and investigating agencies for FIC intelligence products grew by 47% over the 2012/13 financial year, which the agency said underscored a growing appreciation of the role of financial intelligence and the analysis it provided.

'The FIC plays a central role in uncovering a wide range of fraud and illicit financial activity – from combatting the narcotics trade to uncovering rhino horn syndicates, State corruption and cybercrime,' the organisation said.

Investment in the FIC's work also yielded tangible gains for public finances, recovering R1,17-billion for the fiscus with available funds of R245.3 million.

'This represents a value-adding growth on investment of 377% for the South African taxpayer,' the FIC noted. The agency, which celebrated its effective criminal justice system and combatting corruption within the State,' says the FICA.

The increase in suspicious financial transactions is a matter of deep concern to the country's transport workers.

The South African transport industry – its rail sector in particular – generates huge expenditures. With those expenditures have come opportunities for unscrupulous individuals in the transport hierarchy to divert some of the money for their own gains.

For two decades, starting with the government's unseemly haste to shift freight transport from rail to road (a move since discredited), rail workers have felt themselves to be victims of corruption. Each day, the feeling persists in the workplace that no matter how hard they work there will be people in high authority working to divert the proceeds of their labours away from their rightful homes - the development of the rail system and fair rewards for the workers who create the wealth. Over the years, they have seen much evidence to fuel these suspicions. But each time the evidence seems to have been swept under the

carpet at the 11th hour. Rail workers' latest worry Prasa/government-approved deal to fund a firm called Alstom to build coaches. This will be at the potential expense (in jobs and money) of the logical construction facility - Stateowned Transnet Engineering, the established organisation with the proven expertise. "We assure all transport workers that UTATU SARWHU will not be diverted. All our efforts are going to be fully focused on protecting the jobs and interests of all transport workers we represent," says the union's general secretary, Steve Harris. 🔳



### Website up and running

UTATU SARWHU's website is operational and offers all the information you would need or want about your union. Go to www.utatusarwhu.co.za to see pictures of your leaders, read about the union's history, page through press releases and sign up new members.

#### Deaths

Cele BM Spouse Durban Moloi KD Spouse Bethlehem Snyers KJ Spouse Beaufort West Biylela IN Member Richards Bay Phakola VG Member Richards Bay Perumal J Member Durban Tarentaal Child Uitenhage Leibrandt H Member Durban Shumane SD Member Cape Town Moleme MJ Member Cape Town Moleme MJ Member Cape Town Moleme MJ Member Bloemfontein Meyiwa S Child Durban Janse van Rensburg JL Member Port Elizabeth De Goede J Member Vredenburg Mchunu DM Member Richards Bay Mofokeng PT Member Durban Nkosi MJ Spouse Komatipoort Mienie AMM Spouse Isando Maimane HE Spouse Saldanha Ntsolo R Member Johannesburg Breetzke SJ Spouse Pretoria Mathebula MS Spouse Cermiston Vundla VJ Child Richards Bay Xulu MS Member Purban

brechts JAB Member Bloemfontein uel N Spouse Saldanha a BM Member Durban /enter JB Spouse Port Elizabeth Nxumalo MN Member Johannesburg -lenderson WCR Member Durban

Engineering News ran the following disturbing story under the headline Suspicious financial transactions in SA increase by 176%:

The number of suspicious transaction reports – which can signal the presence of illegally generated funds – submitted to the country's financial compliance unit, the Financial Intelligence Centre (FIC), has increased by 176% in the past year.

The FIC, which is tasked with establishing financial intelligence for use in the fight against crime, money laundering and terror financing, said in its 2012/3 annual report that there had been a cumulative ten-year increase in

tenth year of existence in 2013, was responsible for developing South Africa's capacity for combatting money laundering and the financing of terrorism in line with global standards, and collaborated with the private sector to strengthen compliance with the FIC Act.

It also created a reporting stream that assists law enforcement and investigating agencies in identify (sic) the proceeds of criminal activity.

'Our operations support government's core objectives as defined in Presidential Outcome 3 – ensuring that all people in South Africa are and feel safe, particularly by reducing overall levels of serious crime, developing an Lambrechts G Member Cape

Mhlongo BP Spouse Phalaborwa Waterboer PJ Spouse Cape Town Barnard HJ Child Beaufort West Schaefer SG Member East London Mgadi MR Member Durban Maine ME Spouse Camildon

ame ME Spouse Germiston yster PC Member Cape Town endriks CS Member Cape Town Iudau BK Member Johannesburg tuli Z Child Durban tander JF Spouse Salt River tiles W Spouse Nelspruit Madzhiga MP Spouse Johannesburg habangu P Member Richards Bay mit GW Spouse Germiston fincent Member Cape Town Ackenan AM Member kosi MA Member Ermelo enza NO Member Durban Alothibi A Member Richards Baj choka N Member East London lenwood AF Child Durban Aasima D Member Pretoria tuurman S Member Cape Town vicand JDJA Member Cape Town kosi SF Member Thabazimbi Baarekoe VT Member Cape Town Johannesburg saacs DD Spouse Cape Town ourie D Spouse Coligny acobson JP Member Kimberley torwana N Member Johannesburg lerselman JW Member Port Elizabeth labisa MJ Child Richards Bay erblanche FJH Member Port Elizabeth

#### IF YOU HAVE A PROBLEM TELEPHONE - (011) 728 0120/1/2/3/5/6/7/9

# More indications of UTATU SARWHU rail's massive future pushes for bett

hese articles published in the 5 October issue of Engineering News' website provide further evidence that the South African rail system is about to accelerate economic development and become a key area of employment growth.

SA needs new freight line between Gauteng and Durban

South Africa requires a new freight railway line between Durban and Gauteng much more than it needs a high-speed passenger service, said University of Johannesburg Department of Transport and Supply Chain Management head, Professor Jackie Walters.

Speaking at the Transport Forum he noted that there was a good road network between Durban and Johannesburg while air travel between the cities was also affordable, allowing for largely seamless personal movement. However, statistics showed that the N3 highway between KwaZulu-Natal and Gauteng was under such pressure from trucks that there were only three hours a day when the number of cars exceeded the number of trucks on this road.

Walters advocated the construction of a new standard gauge railway line between these provinces, dedicated to freight, and able to handle train wagons with two containers stacked on top of each other. This line could also offer a limited passenger service.

Walters said the desire for a highspeed passenger line, as had been expressed in some corners of government, followed international trends and did not take into account the current needs of the South African economy.

"We need to get containers off the road. We need to move them back to rail. The speed of the entire N3 system is slowing. We also have to secure the economic stature of the Gauteng province in South Africa."

Gauteng 25-year integrated transport master plan (ITMP25) project leader, Jack van der Merwe, said that planned expansions at the Durban port system could see the number of containers moving to Gauteng increase from the current 1.75-million a year to around 10million a year.

"This means we will have 26 000 trucks running around in Gauteng each day."

The ITMP25 should be completed by the end of October, with the period for public feedback on the document now closed. to-rail strategy, which aims to reduce the volume of rail-friendly freight transported on national road infrastructure.

The two companies – one a division of parastatal, Transnet, and the other a division of logistics firm, the Imperial Group – intended to target existing volumes within their respective groups and across various industries. The initiative would marry TFR's long-haul transportation capacity with Imperial's road freight logistics, distribution and end-to-end value-chain management experience.

While Imperial Logistics chief integration officer, Cobus Rossouw, said the two companies had been informally 'doing this for years,' the MoU would enable an official structuring of this collaboration. "While these are two companies that would traditionally have competed, this agreement is significant as it prevents Imperial from putting the wrong product on rail and enables our respective services to

complement one another," he said.

TFR CEO, Siyabonga Gama, added that the collaboration would benefit the wider economy by "resolving" competitive obstacles" and trimming user transport costs. "We are currently co-operating across several projects with a view to reducing the cost of doing business in South Africa by diverting goods to cheaper rail transport and developing mutually beneficial logistics hubs," he commented.

Gama noted that the agreement would further enable Imperial access to Transnet-held property close to major rail hubs on which the logistics group would be able to develop the required warehousing infrastructure.

He further alluded to the possibility of developing large-scale intermodal hubs at transport cores such as Durban, Cape Town and Port Elizabeth.

Imperial Logistics CEO, Marius Swanepoel, noted that the intermodal transport strategy would concentrate chiefly on bulk commodities, which was a market in which Imperial has, thus far, been conspicuously absent.

"We've never played in bulk commodities because we've always believed that they should be on rail," he said, admitting that it had emerged as a 'massive market' that the group could no longer exclude Gama emphasised that the planned integration of road and rail capacity would not culminate in the longterm exclusion of road as a viable freight medium. "We are not trying to make road transport extinct, but we are trying to increase freight volumes and decrease the volumes of goods carried on our roads. Having said that, there are certain things that rail will never be able to do," he commented. The Transnet/Imperial MoU was in line with Transnet's Market Demand Strategy and Imperial's multimodal logistics strategy, both of which were aimed at improving national logistics efficiencies.

### UTATU SARWHU pushes for better deal for fixedterm contractors

The first phase of UTATU SARWHU's ongoing fight to secure permanent employment for fixed-term contactors with 2013-2015 contracts at Transnet Freight Rail has seen 700 of the 7 000 employees in this category transferred to full-time posts that will include pensions, medical aid, a 13th cheque, production bonuses and all other employee benefits.

The 700 were due to have started permanent employment from 1 October, but time has been against management being able to complete the investigation into all of their KROL records and other employment formalities. Initially 274 direct placements were anticipated but have now decreased to 70 due to relocation of staff – 575 persons have been identified for appointments after successfully undergoing the competitive placement process. Appointments have been moved to 16 November to allow the remaining 125 to complete the necessary assessments. Appointments must be done simultaneously and not piece meal.

"We understand TFR's administrative problems, but TFR should be tackling them with greater urgency," says Louis Brockett, UTATU SARWHU's deputy general secretary.

"Our union will continue its fight to win full-time employment for more fixed-term contractors. To this end we will continually be looking out for vacancies that can be filled by contractors.

"Their appointments are allegedly made to fill gaps in the system. But some of the fixed-term contractors have been in Transnet's employ for up to five years. In our book, that amounts to willful exploitation of the individuals concerned.

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Louis Brockett

"No employee should be shortchanged economically. And - the rate for the job, aside - no employee who is doing an honest job for the company should be left without family health care or the prospect of a pension.

"Most fixed-term contactors recognise UTATU SARWHU as their champion and they are joining the union in increasing numbers. They can help us to help them even more by joining the union in greater numbers and keeping it informed of their problems and of the vacancies they should be allowed to fill permanently."

## **Transnet's N.Cape housing plan:** A step forward – but not enough

he housing problems being experienced by Transnet employees in the Northern Cape, where suitable housing is non-existent, are horrendous.

Local residents are exploiting the shortage and their 'take-it-or-leave-it' advantage by charging employees up to R16 000 rent monthly for a garage.

Transnet and Transnet Freight Rail are at last making a concerted effort to address the problem. The companies are planning to build and/or acquire 200-odd housing units in the area over the next two years. However, even if they can achieve their goals, with sales of manganese and iron ore and the resultant rail transport demands increasing exponentially, the result is likely to fall far short of what is needed. fore non-existent.

The company substantiated its statement by pointing to average rentals for two-bedroomed houses in the Postmasburg and Kathu areas of between R15 000 and R22 000 a month.

Transnet's slide presentation on the N.Cape housing issue set out the specific housing shortages and the measures being taken to combat them as follows:

Postmasburg: Current housing needs 185 units. Busy with feasibility to build 185. Objective to construct mid-2014, 29 bachelor units completed, Phase 1 which is 13 units are already occupied, the second phase which is 16 units to be occupied soon houses tabled appear to be both functional and attractive. They will be offered for rental and purchase.

The preferred model will be the full ownership model as, says Transnet, this is in line with the company's constitution and offers employees the opportunity of wealth creation.

The full ownership model is not considered to be flexible for new employees who have not made a permanent decision with regard to their stay in the new area. Transnet will have the 'first right of refusal' should an employee consider selling and leaving TFR as an employee.

The rental model is preferred to house employees only in a transitional stage. A 100% rental model for all employees is not considered fully sustainable in the long run. Transnet's best preferred model interim model will be its so-called hybrid model which will offer a rental option 'as transitional homes' until an employee is settled in and can buy a home and afford full ownership. After analysing the proposed solution to Transnet and TFR employees' housing problems in the Northern Cape, UTATU SARWHU deputy general secretary, Louis Brockett, called it a 'positive step forwards but not enough." "More far-reaching solutions will be needed to meet the anticipated employment growth in the area," he told Labour Report.

Transnet, Imperial ratify road-to-rail alliance

Following over four years of engagement between Transnet Freight Rail (TFR) and Imperial Logistics, the freight and logistics firms finally put pen to paper, ratifying a memorandum of understanding (MoU) that will divert freight that is currently transported by road to a multimodal transport combination and amplify the use of rail in longhaul transportation.

The breakthrough partnership would facilitate the joint development of multimodal logistics services in support of Transnet's road-

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To put the problem in perspective, iron ore exports are expected to increase from the present 60.7 mtpa to 82.5mtpa by 2017.

The manganese channel from the Northern Cape to the Port of Ngqura in the Eastern Cape is likely to increase exports from 4,5mtpa to 16mtpa.

Explaining the areas housing shortage in a recent presentation, Transnet said that he limited private rental accommodation in these locations has become a prime source of income for the local communities. Due to the high demand, rentals are placed way above the affordability levels of Transnet employees. Affordable rent accommodation in these areas is thereo occupica soon.

Hotazel: Current housing need is 11, four houses needed urgently. Kathu housing: Gamagara is providing 100 stands to TFR to be developed into two-storied houses in 2014/15. Warrenton: Current housing needs

16 units, private tenants given notices to vacate in order to accommodate TFR employees.

Halfwey: FEL 3 design of 12 new staff houses and associated services as well as designs the essential services to 20 sites to be identified by Transnet Freight Rail personnel.

Dingleton: 51 houses to be demolished and relocated to Kathu by Kumba. Achieving all of the above is a complex exercise that will require efficient co-ordination.

The designs of the proposed new

## **NEWS**

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### **NEWS**





# Adapting cultural differences en route to a great partnership

CSR ZHUZHOU ELECTRIC LOCOMOTIVE CO.LTD

hina Southern Rail (CSR) has signed an agreement that contracts Transnet Engineering (TE) to build a vast number of locomotives on CSR's behalf at TE's South African workshops.

It is a good deal that will generate huge income for the South African economy and a substantial number of additional jobs. But it is also a complex deal requiring the marriage of two vastly different cultures and business philosophies.

To help it to bridge those gaps Transnet Engineering sent a sevenman team to China in July to study methods and procedures at CSR's Zhuzhou plant.

The team's leader, Wimpie Trahms, a member of the Transnet management team. The other members of the team were Eddie de Klerk (UTATU SARWHU head office), Ben Jonker (UTATU SARWHU FTUR), Adam Slabbert (UTATU SARWHU FTUR), Desmond Mpofu (SATAWU head office), Robert Mashimbye (SATAWU NFTUR) and Patrick Ntuli (SATAWU NFTUR).

The team was tasked to investigate: The production method applied by CSR on construction of the TFR 20E locomotive, and the possibility of duplicating the method within TE's production lines.

The spread of the skills application on the various production lines/areas.

The train method/s applied. The training material and curriculum modules content.

How CSR declares employees competent and, if they do assessments, what methods they apply.

What their team structures look like and what the span is of their control ratios, namely engineers vs supervisors vs artisans vs production workers.

The TE team's study tour took it to five areas of production, namely: The Car Body.

The small equipment manufacturing plant (our RSE).

Coach building.

The final assembly line.

The locomotive commissioning plant.

The TE team began its work by tabling a long list of questions and was immediately frustrated when CSR declined to respond to most of their questions after labelling them 'confidential information.'

Following a mixture of methods involving the intercession of senior executives on both sides and lengthy negotiations and conversations with individual employees, the TE delegation was able to complete a reasonably comprehensive study of CSR's methods.

"CSR's secrecy should not be interpreted as our having received an unfriendly reception," says Eddie de Klerk. "It merely demonstrates the

high value which the company places on confidentiality - nothing more. Our team was accorded excellent hospitality, co-operation and support.

"It became clear that the agreement is merging two vastly different business philosophies and cost structures. Getting the partnership right is not going to be easy. But given the goodwill and determination on all sides we will overcome that challenge.

"It also became clear that the different levels of pay, working conditions and employee circumstances have a direct bearing on production costs.

'The good news for all sides is that labour is helping to shape the new deal. The TE team's report on its CSR visit is currently with management and will provide the foundation for further discussions on how TE can best implement its CSR contract.

"The TE team members left China confident that, despite the complexities, TE will manage to marry the best of the Chinese and South African ways to everyone's benefit." Advice on seconding employees to

CSR

Pointing out that the conditions in Zhuzhou are apt to be extreme and not always pleasant - and that the food can be a major challenge Wimpie Trahms' TE delegation has recommended that TE only send to CSR workers who are physically and mentally strong.

The team went on to provide the



CSR THUTHOU ELECTRIC LOCOMOTIVE CO., LTD.



following invaluable guidelines:

To help TE to form its own relevant system of training workers, employees visiting CSR need to take notes on all of the processes since CSR's methods will remain confidential.

Given the foregoing, the employees will need to ask more questions when observing CSR methods.

Everyone involved should be allowed to observe the full process of building the 20E locomotive and needs to keep records of the times spent on each operation as that information will help to resolve the question of working hours.

It is recommended that TE draws up a list of the personal items that employees need to take with them for a one-week visit, e.g. short trousers, seven short-sleeved shirts, five TE-specific T-shirts (so that it will be easy to identify them), trainers, socks. Shampoo, deodorant and toothpaste should also be included on that list as it is difficult to obtain those items there.

It is important to take a first-aid kit containing essential tablets and medi-



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#### LABOUR REPORT

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**NEWS** 

#### Strategic Labour Forum failed to clear obstacles to full trust agreement and collaboration

T ach



model can see . low: The length of the pay scales 54176

Train movement

TAP

NEWS

#### **Excellent initiative** applauded

n airport will be

**UTATU SARWHU's** new Durban offices

TATU SARWHUS

# When will we see results?

n the 2012 Summer edition of Labour Report it was reported that labour met with Transnet management on a Strategic Labour Forum on 16 November and that many issues were still outstanding at that stage (see: Strategic Labour Forum failed to clear obstacles to full trust and collaboration -Labour Report Summer 2012).

Arising from the 16 November 2012 meeting and the undertakings made regarding the outstanding matters, UTATU SARWHU can report only the FST agreement (First Line managers, Specialists and Line Technicians) having been dealt with and concluded.

All the other matters, namely:

- The Artisan Agreement • Train Movement Agreement
- New Reward Model, and

**Recognition Agreement** have yet to be satisfactorily concluded.

given management enough time to tackle the outstanding issues. But nothing is happening."

Steve says that labour has been given no other option but to challenge Transnet's motives and hidden agendas. "That could mean another break in our relationship with management that would not be in the best interests of the company, the national economy or its employees. But what other option would the employees have if Transnet continues its manipulative ways?

"The irony is that the GCEO sent a letter to employees urging them to make their targets. What is the point of their making their targets if the systems which are supposed to reward them are not in place?

"It is demoralising and unfair and we demand action " I

### **Flaws in Train Movement Agreement's implementation** need correcting

he Train Movement Agreement (reproduced in full hereunder)

is basically a sound agreement. But the manner in which it is being implemented has serious shortcomings that need to be ironed out.

Topping the list of these shortcomings is the slow and sloppy pace at which the agreement is being implemented.

"UTATU SARWHU is deeply concerned by the ignorance of the agreement on the part of depot supervisors/managers," says Louis Brockett, the union's deputy general secretary

"Although the information is freely available to them on the Transnet Freight Rail Intranet, most managers and supervisors seem to be unable to answer queries about the agreement and are referring employees to our union. That is good for recruitment, but it is not our job to do management's work for it.

"To assist our members (and TFR's managers) to understand the agreement and to determine in which category and which 'Gaps' (modules) are still outstanding, to progress to

their next Individual Development Plan (IDS) level we are publishing TFR's chart which indicates:

- The different categories The different levels in a category
- Modules as per IDP

Progress - competent or not yet competent

Key principles for pay progression Frequently asked questions and answers

Applicable pay scales for the period 1 April 2013 to 31 March 2014.

"The chart also explains how one can determine what category one is in; what level in a category one is being paid at; which 'Gaps' (modules) are outstanding as per one's own IDP, to allow salary progression where applicable.

"IDPs must be obtained from one's Section Manager who, in turn, must explain the IDP to the applicable employee. Where Section Managers are not able to assist as explained above, the details (name and depot) of such Section Manager must be forwarded to UTATU SARWHU Head Office to enable us to assist in having the applicable

Section Manager empowered by Transnet Freight Rail (TFR) to execute his/her duties as required.

"IDPs are position specific, while depot matrices are the depot profiles for the particular operational requirements at the specific depot/s.

"Note must be taken that where 'Gaps' are identified in one's IDP, such persons must request the applicable modules to fill the 'Gaps' from his/her Section Manager.

"Filling 'Gaps' (completing outstanding module/s) can be done either by self study or by attending class at the School of Rail (SoR).

"Furthermore, note must be taken that filling of 'Gaps' is done on the Outcomes Based Modular Learning (OBML) methodology.

"As stated in the past, Continuous Professional Learning (CPL) has replaced Refresher Training. Filling 'Gaps' (completing outstanding modules) does not form part of CPL.

The co-operation of all stakeholders is of paramount importance to obtain full implementation of the initial agreement."

### Security personnel to get own agreement

anagement and labour have started negotiating a settlement that will give security staff their own agreement.

"At present, although their work and circumstances are different to those of most other employees, the working conditions for security staff fall under whichever business unit they are employed in," explains UTATU SARWHU assistant general secretary, John Perreira.

"Understandably, Transnet want their own agreement – one that

applies to all security staff, no matter where they are stationed. Most security staff work for Transnet Freight Rail (TFR). Many work as guards at security gates.

"During the negotiations, UTATU SARWHU will examine the various agreements and the benefits they contain. Using them as our foundation we will try to fashion the best possible agreement for security personnel.

"As the negotiations progress, we will communicate the progress to our security members and we will



UTATU SARWHU assistant general secretary, John Pereira.

not sign anything before we have received the necessary mandate from them."

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**Eddie reports on the ICTU's** 

"There has been some development regarding the Train Movement agreement and some issues in the New Reward Model still need to be negotiated. For the rest, all we can say is that management has once again not stuck to its side of the bargain," says Steve Harris.

Steve says that when the wage negotiations were concluded on 15 May, the mutual understanding was that the company would begin the implementation of the rest of the issues one week after the conclusion of the settlement.

"Our having negotiated a twoyear wage agreement should have





Deputy General Secretary, Eddie de Klerk

Ghana conference

rom 23 to 25 September, UTATU SARWHU deputy general secretary, Eddie de Klerk, who is also vice president of Fedusa - the union's labour federation - represented the Federation at the International Confederation of Labour's (ICTU) Africa Conference in Accra, where labour bodies from 30 countries were represented.

"It was a constructive conference which focused on a broad range of issues," Eddie reports.

"High on the conference's list of concerns was the ongoing wealth gap between rich and poor more

than 50 years after the advent of African independence. An outcome of that debate is that unions will be pressing for greater beneficiation of minerals mined and better deals for the workers who mine those minerals.

"The debates on poverty and unemployment - more particularly on the high level of youth unemployment throughout the continent - brought the suggestion that unemployment should be declared a national emergency. That is an interesting concept that might yet take root.

"Violence against women, which remains rife throughout the continent, and the plight of migrant workers were other dominant issues.

"Noting that some African countries have not improved their labour laws for decades, the conference called for improved and more uniform sets of labour laws across the continent.

"Unions were also urged to spend more on research and development as their means of keeping abreast of changes in the fast-moving global economic climate."

# Federation renews call for decent work



n 7 October, the Federation of Unions of South Africa (FEDUSA) joined hands with unions in 156 countries to celebrate the sixth World Day for Decent Work. To mark the event, the Federation called for decent work in South Africa and emphasised the importance for social partners to implement the South African Decent Work Country Programme initiated by the International Labour Organisation (ILO).

"The ILO's Decent Work Agenda is based on four pillars, namely employment and income opportunities, fundamental principles and rights at work according to international standards, social protection and social security and social dialogue and tripartism," said FEDUSA General Secretary, Dennis George. He went on to endorse the statement by the 175-million-strong International Trade Union Confederation (ITUC):

With governments still unwilling or unable to tame the dominance of global finance and multinationals over peoples' lives, the only way to get the economy back on track and serving the interests of the many rather than the few is by building workers' power. Just 7% of working people in the formal and informal sectors are union members, yet hundreds of millions more want the security and protection that unions provide. Organising new members is the most crucial task facing the union movement worldwide, and the World Day for Decent Work is a great opportunity to spread the union message far and wide, to reach out to others to help them join their union and to support global solidarity actions for working people.'

"The high levels of unemployment in our country indicate that the first pillar - that of productive work and income opportunities - is lacking. We also know that social protection and social security and issues like pension and social assistance programmes are not meeting the enormous need out there," said Dennis George.

"FEDUSA's chief concern is with social dialogue, which refers to the negotiations and consultations between groups in our society. This includes what we do at NEDLAC [the National Economic Development and Labour Council] when we negotiate legislation and

It's back to the

ment and organised business in a classic tripartite (three-party] structure. However, it also includes collective bargaining, where trade unions collectively bargain for better salaries or service conditions with their employers at national, sectoral or plant level. It is here where social dialogue is ridden with many problems. We all know about Marikana and similar breakdowns in our collective bargaining system, and we all agree that we need to improve social dialogue in general in order to attain optimum levels of decent work in our country.

legislative amendments with govern-

"It is important for all the social partners - including business - to realise the necessity of proper social dialogue. The only sustainable solution to our problems and disputes can be reached around the table, when we are prepared to listen to each other and when we ensure that we base our discussions on facts and not on perceptions. Today, as trade unions around the world, we take hands to ensure decent work everywhere."

106003

### Positive response to UTATU SARWHU's call for CPL for all grades

TATU SARWHU has given its nod of approval to the system of Continued Professional Learning (CPL) for train drivers and train assistants which has replaced the old refresher courses. The union wants the system to apply to shunters, train control officers, operating clerks and other job types.

Transnet's reaction to the union's call has been positive. The group plans to extend CPL to all of its Business Units.

"CPL is the way to go," says UTATU SARWU deputy general secretary, Louis Brockett. "It is the modern function-specific training method used by doctors and pilots. It is being applied annually instead of bi-annually. Equally importantly, it is applied in the employees' areas of work and does not take them away from home and out of the system for three weeks at a time.

"The outcome of CPL is going to be more proficient employees better able to perform their functions and advance their careers."

#### **Transition Phase**

Train Drivers and Train Assistants whose operating licenses expired during or after 1 April 2013 are in the transition phase for the implementation of the CPL. The transition phase will end once all the new CPL Assessors have been appointed at the different Business Units.

NFV

During this transition period the train drivers will need to undergo three (3) CPL events. Train Assistants will undergo two (2) CPL events and not only one, as was indicated in the Transnet News Bulletin dated 5 to 11 August 2013.

Train Drivers will have to undergo the following CPL events:

- Training on train-handling techniques
- Compression Task Observation
- Train Simulator Assessment Train Assistants will undergo:
- Comprehensive Task ObservationPractical Locomotive Assessment

After the transition phase, each train driver will be scheduled for the 5 CPL events and train assistants will be scheduled for 4 CPL events as follows:

- One-day CPL theory assessment
- One-day practical locomotive inspection assessment
- One-day CPL simulator assessment (train drivers only)
- One-day #1CPL comprehensive task observation
- One-day #2CPL comprehensive task observation. ■

# **Courts as artisan agreement remains unimplemented five years on** 'Transnet effectively stealing from its workers'

Employees earn TFR prestigious award

**S** teve Harris, UTATU SARWHU's general secretary, has told Labour Report that UTATU SARWHU is declaring a third dispute in its bid to compel Transnet to implement the Artisans' Agreement which it signed with the union five years ago and agreed – again - to implement in 2010. "It is a disgrace that, almost at the end of 2013, we still find ourselves battling to persuade Transnet to implement the agreement it signed in May 2008," Steve told the newspaper.

"Because the agreement still has not been put in place, employees are being denied the right to progress from their current levels to the maximum of their grades. "This Transnet omission flies in the face of its own Market Demand Strategy (MDS) objective which calls for a R300 billion investment in the economy by supplying more trained artisans. The company can't even supply its artisans with their Individual Development Plans (IDPs). As a result, it is effectively depriving them of advancement and earning opportunities.

"Given all Transnet's omissions and evasions, our union once again has no alternative but to turn to the courts for a solution."

Tracing the background to the dispute, Steve told the union's newspaper that following Transnet's nonimplementation of the 2008 agreement, a dispute was declared in 2010 and an agreement was reached.

"Notwithstanding that agreement and numerous discussions between ourselves and the Transnet Corporate Office, the agreement has not been successfully implemented.

"The possibility exists that the agreement might be too complex and too costly to implement. If that is the case, why did Transnet agree to its terms and conditions in two separate sets of negotiations? Where is the company's efficiency and honour?"

ransnet's Weekly Bulletin (30 Sept to 6 Oct) reports that this year six Transnet Freight Rail employees within Condition Assessment Technologies (CAT) – ICTM represented TFR at the annual International Council for Systems Engineering (INCOSE) SA conference. The event took place from the 26th to the 28th of August 2013 at the CSIR International Convention Centre, comprising a multitude of delegates from industry, academic institutions and professional governing bodies.

All four employees presented and published papers showcasing cutting edge, world class railway solutions. For the first time in the conference's history, the annual 'Ad Sparrius Best Paper Award' was snatched by someone within the railway industry, namely Jonathan Solomon, a passionate Transnet employee. His paper stands the chance of being chosen for the International Symposium where he could represent INCOSE SA in Seoul, South Korea 2014.

This prestigious accolade was awarded to only one out of 40 submissions from various industries such as Aerospace (Denel); Defence (Armscor); Energy (Eskom) and Petro-Chemical (Sasol). Delegates were assessed according to a submission and review phase, as well as their individual presentations at the conference. ■

### NEWS



# Sinister cloud looms over harbour stability

overnment's decision to consider privatising the operation of Ngqura Port has sent shock waves through both the harbour and labour communities.

Questions being asked are:

Why is government seeking to privatise a profitable strategic asset that is performing well ahead of the global average for container ports?

Knowing that commercial operators are primarily concerned about their own profits and not about the welfare of the country or its peoples, why is Government considering the privatisation route?

How does government equate its decision with its claims to want to create employment?

within 36 months of being privatised and put their workers on the streets. "We cannot allow another jobs

fiasco on an even bigger scale.

"The only way UTATU SAR-WHU could be tempted to look at such a deal would be if it preserved trade union recognition and continued observance of the country's labour laws and included safeguards against arbitrary retrenchments.

"If it is true to its job creation pledges, the government will want to give SA's workers those protections. Government has only itself to

blame for the perception that it is looking for outsiders who are prepared to feather certain nests.



UTATU SARWHU to the rescue ... Transnet now acting to combat Compensation Commission chaos

Will the operation of the other main ports be put out to tender when their contracts expire in 15 years' time?

"Given the long string of questionable actions and motives behind the proposed deal and our opposition to privatization per se, our union will oppose totally any plan to privatise Ngqura, or any other SA harbour" says Steve Harris, UTATU SARWHU's general secretary.

"The government regularly pledges to increase jobs, but its abysmal record in the transport industry tells a different story. Production House, Freight Dynamics and Transmed Pharmacies all folded "Labour is united against port privatisation, therefore, government needs to think very carefully before taking that route. Surely, Govt would not want to trigger another toll roads fiasco, further dent its already fragile credibility, risk stoking public anger of North African proportions?" ■ he Department of Labour's Compensation Fund has become a disaster.

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As a result of the Fund's continuing failure to meet its obligations to settle the claims of workers injured on duty and to balance its books, doctors and hospitals are refusing to treat injured Transnet workers.

"The direct result has been injured Transnet workers – our members – being refused treatment and being turned away from hospitals," reports UTATU SARWHU deputy general secretary, Eddie de Klerk.

"Due to the urgency of the situation, our union immediately raised the issue with Transnet and called on it to intervene. "Transnet has responded positively to our request. The Group is currently devising ways of repairing the damage. It is premature to predict what solutions it will come up with. But early indications are that it is working on appointing a national panel of Transnet-friendly doctors and specialists. We will learn more at the next Strategic Leadership Forum (SLF) meeting - which is due shortly - and will immediately report the findings to members."

The problem-wracked

Compensation Fund, which exists to pay compensation to workers who are injured or who fall ill in the course of their work, has been sharply criticised by the auditor-general who has once again passed a disclaimer on the fund's financial statement. This is despite repeated attempts to improve the functioning of the organisation.

The Fund last year paid out some two-billion rands (R2-bn) in benefits to workers – a decline of 16% over the previous year due to system inefficiencies. It missed its target of paying 80% of medical invoices within two months of receipt, achieving only 67%.

The entity lacks financial leadership, adequately sound financial management and accounting skills and competencies, says the auditor-general's report. ■

NEWS

**P** ierre Marais (Labour Law Group) argues that cases differ from one another and will be settled as such.

Generally employers deal with their individual labour disputes in too legalistic, too costly and too emotional a manner. Too often, employers' first reaction to an unfair dismissal claim or an adverse arbitration award is to fight, with too little objective regard for the merits or cost of doing so, instead of doing a careful and nonemotional risk analysis of the way forward.

The cornerstone of successfully and effectively dealing with individual labour disputes and the determination of an appropriate negotiation approach to resolving individual labour disputes is a thorough, objective and legally sound evaluation of the merits of your case.

In addition, there are various negotiation issues that require careful consideration, i.e. negative publicity, the relative costs of settling vis—vis fighting, desire to settle and at what cost and certain

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# **Employers often too legalistic and emotional**

practicalities.

Examples of practical problems include your own prime witness(es) not being on your side anymore, important documents that suddenly go missing, conflicting statements surfacing from a witness, the sensitivity of calling a client as a witness, etc.

When preparing for negotiations you should not only effectively evaluate your own negotiations you should effectively evaluate your own negotiation objectives, strategies and issues, but also those of the other party. This ensures an objective preparation and will also put you in a position to more effectively (try to) defend your weak points or exploit the other party's weak points. Never consider only one negotiation issue. For example, having a strong merit case which in all probability will win at arbitration or the labour court often merely creates the opportunity to identify other negotiation issues in order to induce a low 'nuisance value' settlement or a withdrawal of the dispute by the applicant.

An example is that of a large financial institution's predicament, after having been ill-advised, in dealing with employees who reasonably refused to accept an offer of alternative employment. The company subsequently dismissed them. Not only did the company have a weak case, but the individuals knew the company had budgeted for the settlement expense, had embarrassed its overseas shareholders, and had another 32 similar cases pending and would eventually settle as it would not run the risk of losing in the labour court.

Various negotiation issues that need consideration

Usually the excuse for not settling a case is that the employer does not want to set a precedent. An employer's decision should not only be based on this principle, but on managing its risk in a pragmatic and cost effective manner.

Too often emotional prejudice comes into play.

In my experience, the principle of settling, per se, has little - if any - bearing on settling the next case that comes along. What does, however, play an important role is the magnitude of a settlement. What creates a precedent is the extraordinary benefits paid in previous settlements, for example:

Having sold a car valued at R200 000 for the book value of R40 000 to an individual in a previous case and now the employer is refusing to do the same in another matter.

Having offered some retrenched employees an enhanced voluntary retrenchment package, but, at the same time, not offering it to other employees.

Having enhanced retirement benefits in a previous case and now the employer is refusing to do the same under similar circumstances.

Having bent the share scheme's rules before, but is now refusing to do the same. The most difficult part of any negotiated settlement is to reach consensus on a mutually acceptable monetary value. The employer could be pressurised, perhaps due to the weak merits of its case, into conceding to demands that could create precedents that it would not wish to repeat.

I am frequently surprised by the information that executives and other employees have in relation to the extent of previous settlements. However, the executive/employee of yesterday becomes the aggrieved individual of tomorrow and will use such (confidential) information in order to negotiate a better deal.

Negotiated financial settlements normally have two components, namely statutory or contractual remuneration/benefits, and the payment and provision of benefits for the unfair actions of the employer. It is with the latter that precedents are created and, short of living up to and defending their precedents, employers need to look for opportunities to eliminate, reduce or camouflage the precedents.

Examples of this could include payment of salary/benefits for a longer period before the notice period starts. These could even be three to nine months and could go a long way in covering the settlement amount required.

This approach could be used effectively in negotiating a settlement, especially for an employee who is still in the employ of the company, but needs to go. ■

	UTATU SARWH
	BURSARY APPLICATION FINANCIAL ASSISTANCE
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Apply for your bursary now

Two bursary schemes are available m U S. One bursary scheme proes financial assistance to five canates, based on merit. First you have to fill in the applican form with all necessary attachnts accompanying it. When it ches our offices, the membership

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Please attach any other additional supporting documentat	ion	you have been a member for at least
,		five years.
		All applications are acknowledged
		upon receipt. Once the Executive
		Council Members sit and reach a
Signature of Parent or Guardian		decision, all applicants are notified.
Signature of Parent of Guardian		The bursaries are allocated directly
		through the different universities. Fill
		out the Bursary Form and send to
Applicants Signature	Date/Datum	UTATU SARWHU's head office. We
		will then confirm your Union mem-

The closing date for both is 29 November 2013 at 16:00.

If you are unclear about any of the above, please contact UTATU SARWHU's head office and speak to Natalie Zacharias-Sahib.

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Global

transport

**Round-up** 

### JLOBAL

# Disability information service back in action

izability Options is pleased to advise that their SMS Disability Information Service, 072 172 2623 is back in operation.

Persons with disabilities, especially those living in rural parts of South Africa, often find it difficult to get information about the rehabilitation and other disability-related services that are available to them from government departments and NGOs in their area.

Dizability Options of Port Elizabeth have implemented an SMS-based disability information service which is available to anyone with access to a cellphone who sends a short SMS to 072 172 2623 with \his or her name, the name of the town and the information needed.

An SMS will be sent back to the caller with contact info for the

individual's nearest service provider. An email will be sent later to the service provider to ask them to make direct contact with the caller. After a week or so, a follow-up email will be sent to the service provider to monitor what service has been provided.

Points to note:

Dizability Options has forwarded the following information to Fedusa affiliates:

The service is NOT designed to provide detailed information to the caller - that should be done by the service provider.

Please note that 072 172 2623 is NOT a call centre. It is semiautomatic and will only respond to a standard SMS.

There are no extra SMS charges and you can use your free SMSs. The service is SMS-based so that it is accessible to the widest range of users. Government departments and NGOs are requested to use their networks to notify persons with disabilities throughout South Africa about the SMS service and to share this notice with their medical staff, therapists, social workers, teachers and all staff who come into contact with disabled people.

We hope that organisations will also display this notice wherever it might be seen by disabled people and their families - such as at hospitals, clinics, welfare offices, SASSA Pay Points, schools, labour centres, post offices, police stations, libraries, councillors' offices and NGOs.

We would like to thank Axxess DSL of Port Elizabeth for sponsoring the SMS to PC system. For further information see

http://thespongeproject.yolasite. com ■ 37789 worldwide The future of rail is secure. Railway

**Rail expanding** 

systems the world over are being expanded.

In Ghana, modern railway lines for Ghana Railway Company Ltd will be built in the next few years following a US\$6 billion contract signed by the Ghana Railway Development Authority with China National Machinery Import and Export Corporation (CMC).

New rail lines will connect Nsawam, near the capital Accra, with Paga, close to the border with Burkina Faso, and Tamale with Yendi, in the northeast. Ghana News Link quoted Mike Hammah, the Transport Minister of Ghana, who stressed 'the need for the development of railway infrastructure in the country as a means of accelerating economic growth and opening up the country.'

State-owned CMC has been engaged in several railway projects in China, Turkey, Pakistan, Sri Lanka and Thailand.

The Indian government has released the amount of INR100 million (US\$2.2 million) to start the construction of a 70 km rail line towards its neighbour, Nepal. Indian Railways will implement the INR4.7 billion (US\$103 million) project, which includes gauge conversion on a 30 km line linking Jai Nagar (India) and Janakpur (Nepal), and a new 40 km railway between Janakpur and Bardivas.

The European Bank for Reconstruction and Development (EBRD) has approved a US\$200 million loan for Kaztemirtrans (KTT), a freight subsidiary of Kazakhstan Temir Zholy (Kazakh Railways or KTZ).

EBRD's eight-year financing is to support the state-owned railway to implement the restructuring of KTT and to review the railway regulatory system in Kazakhstan. In addition, KTT will purchase more than 3 000 freight wagons.

KTZ operates one of the world's largest railway networks, with a length of 14,205 km which includes a 1,507 km stretch of the Trans-Siberian Railway

State-owned Union Railway, the developer and operator of the national railway of the United Arab Emirates (UAE), has awarded a railway management consultancy project to a joint vencontinue the struggle for container weight safety after what it described as a missed opportunity to reduce the risk of harm to transport workers and members of the public.

The organisation was speaking out following a decision by the IMO (International Maritime Organisation) sub-committee on dangerous goods, solid cargoes and containers to accept an alternative mode of verification to the mandatory weighing of packed shipping containers.

The proposed amendment to the Safety of Life at Sea Convention (SOLAS) by the ITF received its final consideration by the sub-committee this week. The sub-committee opted for a compromise position, which allows governments to either choose the gold standard of mandatory weighing or the lesser measure of certifying containers based on an unformulated process of verifying the weight by adding together the different constituent parts of a container load at unspecified times and places along the transport route.

#### Fatigue and road safety

Far too many professional drivers are killed or seriously injured worldwide each year due to accidents in which fatigue has played a part. In this age of globalisation workers' conditions are getting worse. As employers try to cut costs to outbid their competitors, truck drivers are forced to queue longer and work excessive hours to be in the right place at the right time. Bus deregulation has forced tighter schedules with less time for rest breaks. Taxi deregulation has worsened taxi drivers' employment conditions in many countries.

All transport workers have a right to decent wages, safe working conditions and proper rest. Collective action through the union is the best way to make this a reality. Since 1997, road transport workers have joined together every year to mark the Road Transport Action Week. The message 'Fatigue Kills!' has united workers around the world. In many countries, campaign activities have helped unions to change laws and have resulted in them winning improved conditions for their members.

Britain's TUC protests

# Tread carefully when handling shop stewards

anagers need to have a full understanding of the rights of unions says Ivan Israelstam (Labour Law Management Consulting).

The trade union movement in South Africa is extremely powerful. This is not only because of the high number of unionised employees and the extremely strong legislation supporting unionisation, but also because of the political alliance between the biggest union federation and the ruling party.

In view of the above, trade unionism can mean problems for any employer. However, employers who understand the rights of trade unions, union officials, union office bearers and union members are most likely to be able to deal with trade unions successfully.

This is especially so of employers vho also know the limits of union rights, because such employers will not be prone to allowing unions and unionised employees to do whatever they wish. Due to their uncertainty on where the rights of unions start and end, many employers lose out because they give to unions rights that they are not legally required to give them. And employers lose out because they fail to accord to unions rights that have been conferred by law. The LRA gives employees the right, under certain circumstances, to elect union representatives (shop stewards) from among themselves. Section 14 of the LRA gives shop stewards the right to:

Monitor and report any of the employer's contraventions of the law to the appropriate authorities.

Take reasonable time off with pay during working hours in order to perform these duties.

Where a manager is aware of the risk of losing a contract due to union action, he/she may become nervous and overreact towards shop stewards. He/she may see shop stewards as invaders trying to ruin or take control of the business. Managers then tend to see shop stewards as the enemy and plot to get even with or get rid of them. Such an approach is clearly counterproductive because it is very likely to cause industrial action.

The law sees shop stewards in a different light

Instead of becoming negative towards shop steward, managers, supervisors and foremen need to: Be given a full understanding of should not be instituted before the employer has first consulted with the trade union.

It's thus clear that the law sees shop stewards in a different light to other employees.

In Dunn vs Telkom SA, a shop steward was dismissed for insubordination. The CCMA found that he had justifiably been found guilty of serious misconduct meriting dismissal.

However, the arbitrator found the dismissal to be unfair because the employer had not consulted the applicant's union before disciplining the shop steward.

In another unreported CCMA case, the chief shop steward was dismissed for misconduct related to his duties as a shop steward. Despite this, the CCMA found that the

dismissal was fair in all respects. This was because the employer able to convince the CCMA arbitrator that the shop steward's status as a union representative did not exempt him from adhering to the employer's rules. Because the dividing line between acceptable and unacceptable discipline of shop stewards is so thin, no employer should implement such discipline without the full involvement of a reputable labour law expert. The power of unionisation in South Africa, combined with our pro union legislation, means that employers need to be very careful how they treat shop stewards and other employees, and should never underestimate the resolve and resources of the unions.

Assist employees in disciplinary and grievance hearing.

what the shop stewards' rights are and where they are limited.

Learn to keep their tempers and act rationally in the face of pressure.

Know when and how to take legitimate action against shop stewards who exceed their powers.

Be empowered to keep control of the workforce regardless of the presence of shop stewards.

Managers do have the right to discipline shop stewards, but this must be done for fair reasons and in a fair manner. Ignoring legal procedures is dangerous; to do so in the case of a shop steward can cause irreparable damage.

Item 4(2) of the LRA's Code Of Good Practice: Dismissal states that discipline against a shop steward ture formed of US-based Parsons and France's Systra.

The Parsons-Systra joint venture will be in charge of the first phase of US\$11 billion contract (preliminary designs, testing and commissioning) to build a 1500 km freight and passenger rail network across the UAE, starting with a railway linking the gas fields of Shah and Habshan to Ruwais.

The whole network will connect the main cities and industrial centres. It will also form part of the GCC (Gulf Co-operation Council).

#### Struggle for container weights safety continues

The ITF (International Transport Workers' Federation) has pledged to

#### withdrawal of UN employee rights

Frances O'Grady, the general secretary of Britain's Trade Union Council, has written to the UN Secretary General, Ban Ki-moon, protesting at his unilateral decision to withdraw union rights from staff in UN bodies, and urging him to rescind the withdrawal forthwith.

Her letter is a response to a request for intervention by the staff unions of the UN, and backs a similar call from the General Secretary of the International Trade Union Confederation (ITUC), Sharan Burrow. A similar appeal for support for the rights of the UN workforce has been made to UK Foreign Secretary William Hague.

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## UTATU SARWHU INFO GUIDE

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#### Hidden name competition

In every issue of *Labour Report*, UTATU SARWHU publishes the latest SAP/employee numbers of ten members from the membership lists – drawn at random.

Each latest SAP/employee number appears somewhere in the newspaper. If yours is one of the lucky latest SAP/employee numbers published and you can find it, claim your prize by writing to:

#### **UTATU SARWHU Hidden Name Competition** PO Box 31100, Braamfontein, 2017

Give your name, latest SAP/employee number and address and you will be sent R100.

#### Phone numbers to know

Voetplaatpark – Tel 039 681 3325 Transmed Call Centre: 0800 450 010 Housing: FNB Home Loans -0860 33 44 55 FNB Smart Bond -0860 644 644 Transnet Pension/Retirement Fund (Metropolitan Life) 011 774 5444 Call Centres for: Transnet Second Defined Benefit Fund - 011 587 8000 (select option 1) Transnet Retirement Fund – 011 587 8000 (select option 2) Transnet Pension Fund – 011 587 8000 (select option 3) Aon Consulting – Tel: Jhb 011 944 7000 website: www.aon.co.za 20008303

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Area 7 – Gauteng North (P	POSITION	NAME	TEL	FAX	E-MAIL	CELL
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habazimbi	Chairman Secretary	C.M Mogatwe T.T Ntuku	-	Ξ	_ thabo.ntuku@yahoo.com	072 427 7862 072 635 0986
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shwane	Chairman Treasurer	William Mogamisi Suping Seathlolo	012 521 9452 012 315 8237	012 521 9497 012 315 8279	mogamisim@webmail.co.za s.seatlholo@yahoo.com	082 569 8315 078 442 4581
Vaterval-Boven	Chairman Secretary	VACANT Paul Stemmit	013 257 0507	-	-	082 622 9641
Vitbank	Chairman Secretary	VACANT VACANT				

### LEDE

### Fedusa celebrates Women's Month

ugust was Women's month and FEDUSA celebrated the event with a campaign entitled 'My Body, My Rights.'The Federation spotlighted violence against women, their entrapment in poverty and the denial of their right to information about, and access to, basic health care.

Explaining the Federation's 'My Body, My Rights' campaign, Martle Keyter, FEDUSA's Vice President for Gender, said: "We see on a daily basis that women across the world - and across our country - are subjected to violations of their human rights. Their bodies are often the site of these gross violations. We decided to highlight this problem to encourage and empower women workers to claim their bodies back.

"Our campaign should also help them to claim back their universal human rights to choice, dignity and health.

"The campaign is focused on women's rights which include their sexual and reproductive health rights, their basic health rights and their right to choice, equality and dignity. Many of these rights are not accorded the majority of South African women on a daily basis.

"Working alongside well-established gender rights organisations such as Tshwaranang Legal Advocacy Centre, Government Departments such as the Gauteng Department of Community Safety and labour specialists such as Solidarity Centre and the Labour Research Service,

we are hoping to convince women to realise their rights can be achieved."

Martle continued: "We are encouraging women to wear their rights proudly - as they would a beautiful piece of jewellery - and to not allow anyone or anything to strip them of the adornments that are rightfully theirs."

#### Woman of the Month

Zonke Cele, UTATU SARWHU Executive Committee member, was recognised by 1KZN TV's magazine show 'Lifestyle with Dumie' as one of two Women of the Month for her significant contribution to her community.

Zonke participates as a member of the FEDUSA Equity Forum, contributing to the social development and



policy focus areas of the Federation. In her spare time Zonke plays a part in youth development in her community through the medium of performing art, and gives them the exposure they need in order to pursue their talents. On Mandela Day this year, Zonke, her group of performing artists and 1KZN TV visited a local correctional service to perform for the prisoners with the aim of giving them hope for their lives after their release. Later in the day, they performed at an old age home where they celebrated the birthday of Madiba and three of the residents.

Zonke says it was a great honour to be recognised. But her youth development work remains more important to her than being accorded personal honours. **11599** 

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**MEMBERS** 

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### \_ETTERS

## **MEMBERS**

#### 101 jaar Spoordiens tot 'n einde

Hiermee dien ek my bedanking in as Voorsitter van die Wes-tak en Randfontein-tak, asook as lid van UTATU SARWHU. Daar is 'n tyd om te kom en te gaan. Daar het 'n geleentheid op my pad gekom waarvoor ek nie kon nee sê nie. Ek bedank die vakbond vir die waardevolle kennis wat ek tydens my dienstydperk kon opdoen en ook die vriende en kollegas se insette en vriendskap. In my tweede loopbaan sal die kennis altyd tot my voordeel strek.

Dit is met hartseer dat ek 'n era van 101 jaar eindig. My oupa, PSN van

#### Winkel, het op die destydse Spoorweg begin op 8 Mei 1912 as 'n arbeider hy het hom gekwalifiseer as 'n treindrywer. Sy datum van diensuittrede was 18 Julie 1952. My pa, JA van Winkel, het by Spoorweg begin werk as 'n passer en draaier op 23 Februarie 1949 en sy diensuittrede was 22 Februarie 1984. Ekself het begin by die Spoorweg op 14 September 1979 en verlaat die diens op 30 September 2013. Ek wens die vakbond alle voorspoed toe en mag julle van krag tot krag gaan. Groete

Stephen van Winkel

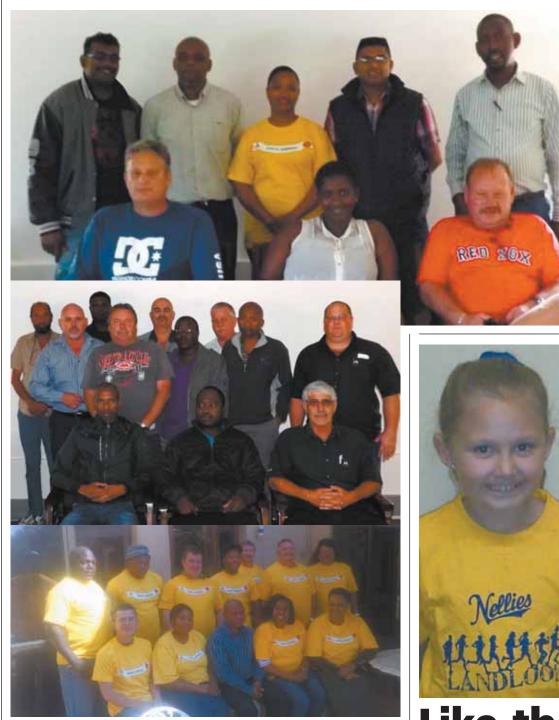
### Twin achievements



Annemarie Vosloo, the personal assistant to UTATU SARWHU's general secretary, Steve Harris, has reason to be proud of her twin boys, Matthew and Jason Vosloo. Both are members of the Under-11 cricket team of Laerskool MW De Wet Primary in Edenvale which won the South East Rand 2013 Cricket School League Finals. The top photograph shows the whole team celebrating its success. In the bottom photograph Matthew (left) and Jason are seen with their headmaster, Mr J Kloppers.



# **TUR training for all**



TATU SARWHU Trade Union Representatives (TURs) across the country are presently undergoing intensive training. Deputy general secretary, Eddie de Klerk, the man in charge of the union's training, says that the union plans to complete the process by the end of October.

"Because in 2014 the delegates at UTATU SARWHU's congress will be responsible for electing office bearers for the next term, the purpose of this round of training has been to up-date our shop stewards on our Constitution and the different clauses, especially with regard to

elections," Eddie explains. The Durban trainees pictured are: T Unworth, Lungile Thabethe, F Staunton and, behind them: S Rapersad, Sifiso Nzimanise, Christene Vertuin, H Tikum, and VK Ndlovo.

The other team of trainees from Durban are: Bheki Ndumo, Amos Nzama, Dawid Brand and, behind them: Roelf Kock, Des Demmer, Ralf Nqodi, Sihle Nsibande and A Smit. In the back row are R Johns, Reagan Govender, RJT Heymans and Gunther Jenshen.

22458

The third team is from



### Like the wind

Jan and Driekie van de Venter could not be prouder of their granddaughter, Nadine van de Venter. She might be small, but she's fast! She participated in the cross country event for girls under nine and was not only awarded colours for Mpumalanga, but was also chosen to participate in the

14

Johannesburg.

SA championships.

#### **Pioneers re-unite**

The first Indian group of Pupil Train Drivers was employed in the then-SARS back in August 1988. The group recently celebrated their 25 years in rail with a reunion at Voetplaat Park. Pictured at the reunion were: C Valaithum (train driver: Metrorail), P Naicker (610 manager: TFR), B Kista (section manager: TFR), J Jynn (109 manager: TFR), P Govender (section manager: TFR), K Gounden (109 manager: TFR) and G Kistan (section manager: Metrorail). Seated in front were: S Govender (train driver: Metrorail), R Naidoo (section manager: Metrorail), A Ramchand (section manager: TFR) and C Rathnam (section manager: TFR). We're happy to be able to report that all of these pioneers are still committed UTATU SARWHU members.





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#### Adapting cultural differences en route to a great partnership

#### Continued from page 4

**NEWS** 

cines like Imodium tablets, etc. Visitors need to be advised not to drink the local water and to wash

their hands often. TE also needs to ensure that employees who are going to CSR for training should have all necessary protective clothing and safety gear with them.

#### **Different Methodology**

This information gleaned from the TE team's report highlights the different methodologies employed by CSR:

Training system: China Southern Rail does not have a documented training system, nor does it have a training school or training facilities. CSR employs an on-the-job training system. Standard Operating Procedures are used as the training documents and the curriculum for each operation.

Minimum entry requirement: The minimum entry requirement to CSR jobs is a Level 4 certificate (Level one is the top - Level 5, the bottom). The Chinese school system is very different to the one we have in South Africa. The pupils attend normal schooling until the equivalent of grade 9 in South Africa. Then they go on to what they call college for three years. This is in a technical environment. Those who aspire to jobs in management will go to college for five years.

The training and curriculum used for the 3 to 5 year students is employment direct education. The students need to make a career choice prior to starting their college education. For example, on the technical side they have a career choice like assembler, welder, component connector, locomotive or Metro commissioner, machine operator, etc.

After the students make their choice they are trained in their specific area of choice. The Zhuzhou College co-belongs to CSR. The students who choose a technical career will receive technical training with CSR's product line as the curriculum. Practical training is provided in the CSR workshops. During their college training, CSIR identifies the students to whom they will offer employment. After their college training the new employees will have knowledge of the production lines and basic skills. The only training that CSR will provide will be induction training and the safety awareness provided by the company's HR department.

Duration of training: (This information was not provided voluntarily). It became clear from informal interviews conducted as the team walked the shop floor asking indirect questions and from their examination of the notice boards, that employees have the right to be assessed once every two years. After assessment, promotion to a higher job is not guaranteed. The assessment only assists with obtaining a better subsidy from the government. CSR does not pay for competency applications but the government subsidy makes provision for the competencies obtained.

Salary progression – subsidies for levels 1, 2 and 3: The team was informed that each employee receives a Government subsidy. With regard to the salary structure, a CSR employee's salary is divided into three segments. The first part is a basic salary which is the same for all employees irrespective of their grade levels. The second part is a government subsidy where low level employees will receive 800 RMD, second level

1 000 RMD and those in the top level 1 200 RMD. The third part of the salary – which seems to be the biggest portion of the employee's salary – is the production output bonus. Each employee/team receives a production target for the month.

An employee can only move to the next level when he has obtained all the necessary competencies and when there is a vacancy. They also make use of the extended squad principle with a slight difference; the team leader does not earn more than the team. The team leader volunteers to lead the team and agrees to take on the additional responsibility without extra remuneration.

Confidential information: Arising from their discussions with the local union leader and HR director, the TE team learned that no - or very little collective bargaining takes place. The CSR business consists of four legs:

The Communist Party, which is responsible for overseeing that the party's rules and ideology are promoted.

The Young Communist Party, which is responsible for ensuring that the youth are happy and are being looked after and for identifying young talent.

The Union, whose responsibilities include employment relations and ensuring that weekly competitions are held between the different workshops on safety and production targets; and for ensuring that the workforce writes different tests on job related issues in their different production areas. The union is also responsible for entertainment, for instance for organising soccer and other sports matches after work. The company has a big sports field and CSR funds the union-run entertainments.

CSR's management comprises the fourth leg and is responsible for managing the company's day-to-day business. Management sets the company rules, production targets and policies for a three-year period and ensures that the ruling party's rules and ideologies are met.

Discipline: The main disciplinary code comes from the ruling party. CSR adds rules that they feel are important for their business, then each production area develops an additional set of disciplinary rules that is applicable only to their area and carries their own fines and sanctions. They work according to a system of fines: when you are late you will pay a fine, no excuse, no hearing – you know the rules and the sanction for your transgression. The fine will be automatically deducted from your salary and will go into a pool. HR will manage the pool of money. The money is paid out to the team as a bonus annually. No questions are asked and there is no audit on the money.

Other information: The TE team

gathered a range of other useful information governing training modules and assessments; recognition of prior learning; subsidies for the disabled and for military veterans; outsourcing and workshop structures.

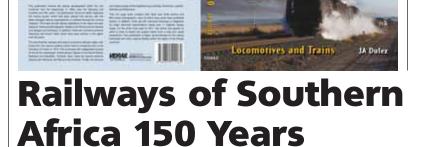
RAILWAYS

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SOUTHERN

AFRICA

YEARS



s the title implies, this book deals not only with the motive power and trains on the South African network - namely the South African Railways or SAR - but also those of specific neighbouring countries - Swaziland, Lesotho, Namibia and Botswana, all of which have experienced various periods of SAR administration. In addition, some private railway systems are featured, which include special sections on the provincial Gautrain and Kei Rail systems. The book documents in detail all the various designs and classes of steam locomotives to have been placed in service between the years 1860 and 1968, as well as the electric locomotive series (from 1925) and diesel locomotives range from 1938. The author, Jean Dulez, railway photographer since 1964 and also video producer since the early 1980s, has left no stone unturned in coverage of all the relevant subject matter. In total, over ten years of research, accumulation of photographic material and information has been amassed, with the assistance of prominent authorities within various areas of the topics of Southern African motive power and railways.

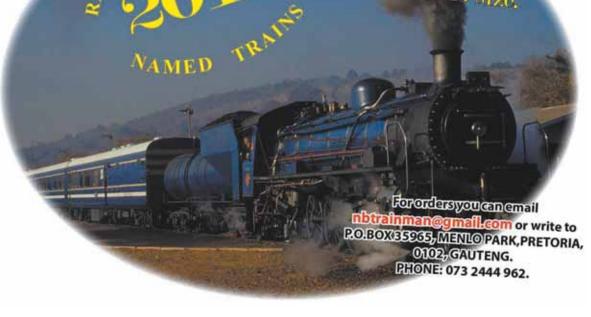
The DVD programme: South African Railways 150 Years

For those who cannot spend the time reading or who would like to see some action of the type of scenes statically depicted in our hard copy publication, Vidrail have released a twin DVD disc 450 minute mega programme. This presentation, therefore, complements the book 'Railways of Southern Africa 150' but may also be viewed entirely on "





### NEWS



SAR 150th Anniversary Postage Stamps and First Day Covers

The author was privileged to have worked on this 2010 stamp issue design and artwork in conjunction with the late Boon Boonzaaier and the well-known SA Post Office stamp design artist, Hein Botha. Some of the images in the book were, in fact, employed as subjects for the final locomotive and train scenes. Railway Postcards We have stock of approximately 40

different Vidrail and other SAR/NRZ (Zimbabwe) postcards. Please send enquiries and requests for order forms to: Email: enquiries@vidrail.co.za Website www.vidrail.co.za Telephone: 083 441 5488 ■