

The Battle of the Giants: Dissecting the inter-union rivalry within South Africa's mining industry and possible means of achieving stability

Speaker: Melanie Hart

Date: 4 March 2014

The Main Characters: NUM and AMCU

- NUM:
 - Former heavyweight
 - Government-aligned
 - Apartheid credentials
 - Criticized for comfortable relationship with employers
- AMCU
 - New player
 - Portrayed as independent
 - Recent groundswell of support

AMCU – A breakaway from the NUM

- Formed in 2001
- Leader – Joseph Mathunjwa – previously NUM chairperson
- Expelled from NUM
- Started AMCU and NUM members followed
- Initial focus on coal miners and construction workers



The changing face of NUM

- Originally represented lowest and vulnerable job categories
- Increased “white-collar” membership
- Divergent interests



NUM's mistakes / AMCU's opportunities

- Impala Platinum offer to give rock drill operators higher increase than rest of workforce
- NUM shop stewards demand split of increase across workforce
- Rock drill operators turned to AMCU
- Illegal strike for 6 weeks
- Strong foothold for AMCU

The Rise of AMCU

- 350% increase of membership from 2011 to 2012
- NUM lost approximately 44 000 members by 2013
- AMCU became majority union at world's top three platinum producers
- AMCU increased membership in gold mining sector
- AMCU now majority union at three of South Africa's biggest gold mines



Centralized Bargaining in the Gold Mining Industry

- Centralized bargaining between Chamber of Mines and recognized unions
- Centralized agreements extended to non-members of party unions
- AMCU invited to participate in negotiations over 2013 – 2015 wage agreement



AMCU's refusal to Accept Industry Wage Agreement

- NUM and other unions accepted Chamber's wage offer and concluded wage agreement
- AMCU refused to accept offer or validity of agreement
- Dispute as to meaning of "workplace" under labour legislation
- AMCU issued strike notice
- Chamber brought urgent application in Labour Court
- Labour Court granted interim interdict



AMCU's Rejection of Centralized Bargaining in Platinum Industry

- AMCU refusal to participate in centralized bargaining
- NUM and other recognized unions willing to establish bargaining council
- Potential to perpetuate income disparities
- AMCU strategy to win monopoly on a mine by mine basis



AMCU's Failure to learn from NUM's mistakes

- Agreeing to high thresholds with employees excludes minority unions
- Foundations for conflict
- Undermines stability of mining industry



Can Stability be Achieved?

- Affording greater rights to minority unions
- Respect centralized bargaining and majoritarian principle
- Avoidance of unduly high thresholds for recognition
- Interest arbitration
- Labour Court power to declare lawful strikes unlawful where demands are grossly unreasonable or strike is marred by violence



A Silver Lining?

- Government, employers and organized labour committed to resolving the problem
- Framework Agreement for a sustainable Mining Industry
- Acknowledge of importance of mining industry in South Africa's economy and shared responsibility
- Nonetheless, vibrant and democratic trade union movement



