

## **Workers and the Coronavirus in South Africa**

*Report issued by the General Industries Workers Union of South Africa and the Casual Workers Advice Office.*

The spread of the coronavirus and the resulting lockdown comes at a time when the workers movement is the weakest it has been in decades. As a result, workers are in the most vulnerable position than they have been since the early days of apartheid. In the face of the biggest struggle confronting the working class post-apartheid, the state's decision to close the Commission for Conciliation, Mediation and Arbitration (CCMA) and Department of Labour (DoL)'s Labour Centres and its effective banning of all workers organisations means that workers have none of the usual channels to take up their grievances. In such a context, the self-organisation of workers and communities on the ground has become an absolute necessity.

Along with healthcare workers, 'essential service workers' have been conscripted in other sectors to contribute to a defence against the COVID-19 virus. Everywhere these workers are left without the necessary protections needed to stay safe. Many of these workers have also been put in the line of fire even though they continue to make products that serve no purpose in combatting the coronavirus. In some of these factories we are already seeing wildcat strikes, stay-aways and a brewing anger from workers against both employers and the state. Outside of the factories, workers that have been laid-off are in a state of panic – not knowing where their April pay will come from (let alone pay for the coming months). This panic is likely to turn into anger very quickly as the end of the month nears, especially as the lockdown is extended.

The state's approach to combatting the coronavirus has received wide praise from certain quarters. But a closer look reveals that almost all the steps it has taken remain well within the neoliberal framework that has been so disastrous for the working class over the last 25 years. In fact, the state and its 'civil society' sycophants regard the COVID-19 virus as an excellent opportunity to grow the economy, with the working class body count as their new GDP measure. Unlike many other countries, there has been no state or private sector funds allocated to workers that have been laid off during the lockdown. Instead the Unemployment Insurance Fund (UIF) is being looted to bail capital and the state out of their responsibility to ensure that workers are paid. In other words, workers' UIF savings are being used to pay workers' wages and ultimately fund the state's lockdown. In an even more cynical turn, the state has gone so far as to effectively place the onus on employers to decide if workers should get a pay-out from the UIF's 'COVID-19 Temporary Relief Scheme'.

Out of absolute loyalty to its neoliberal mandate, the state is also yet to bring private sector companies under its control to produce the products that are so desperately needed to fight the coronavirus. Instead, it has left the supply of necessary goods and services almost wholly in the hands of the free market. It is clear that it will be up to workers to force their bosses to change production in an effort to fight the virus.

Casual Workers Advice Office (CWAO) and General Industrial Workers Union of South Africa (GIWUSA) have drafted this report to provide a broad overview of the labour landscape under the lockdown. We look in detail at how employers have responded to the lockdown, first, at companies that have remained open and, second, at companies that have closed. We also look at how workers are responding to the crisis. We hope that this goes some way to lift the veil that 'all is in order' with the state and capital's response to the pandemic. Further, we hope that it contributes towards an understanding that organising at ground level by workers and communities is the only way out of this crisis.

## **1. Employer responses to the lockdown at companies that have remained open**

### *1.1 Non-essential production continues*

A number of employers are keeping workplaces open that clearly do not meet the state's criteria of essential goods or services. For example, call centres with thousands of workers like CCI International (Umhlanga) and Merchants (Johannesburg) remained open after the lockdown despite the fact that they serve clients in countries like the USA and UK.

Many other companies have remained open because they fall under industries that have been declared essential, despite offering nothing to the cause of combatting the coronavirus. Workers at many of these companies are saying that they do not want to work, especially considering that employers across the board are not implementing the necessary health and safety requirements – such as, reorganising production to establish appropriate social distancing measures or even just providing workers with Personal Protective Equipment (PPE).

Confectionary companies like Mister Sweets and Ferrero (which makes luxury chocolates for the elite) have used their status as 'food processing' companies to continue to profit under the lockdown – forcing workers in their hundreds to work in close quarters under the threats of 'no work no pay' and dismissal if workers refuse to work. Cosmetics companies like Revlon and Loreal are using their chemical industry classification to do the same. Workers continue to risk their lives and the lives of their communities to make beauty products at a time where these companies could easily shift their production to make sanitisers and medical supplies.

### *1.2 Essential services continue to run departments that are not essential*

A number of companies are continuing to function as normal despite the fact that large departments are non-essential. Workers at these companies are calling for their departments to close and for workers to be paid. At Dis-Chem's massive distribution centre in Midrand, for example, large numbers of workers are still working in the cosmetics and other non-essential departments. Takealot is another example, where workers in their distribution centre continue to process a range of non-essential items.

### *1.3 Essential services operating under unsafe conditions*

CWAO organises workers at 42 companies that are currently still operational and GIWUSA is organised at 50 companies. Only a handful of these companies have put in place the type of stringent health and safety measures required to comply with the Occupational Health and Safety Act and decrease the risk of infection for workers. At the distribution centres of big retailers like Dis-Chem and Clicks, workers are not supplied with sanitisers or the appropriate PPE required to keep themselves and the companies' customers safe – despite the fact that these companies sell many of these items to the public! Hundreds of workers work in close quarters in these warehouses, which increases the chance of the COVID-19 virus spreading rapidly should just one worker get sick.

At a number of essential service companies, such as DSV Pharmaceutical, workers are even being forced to pay for their own sanitisers and PPE.

At the majority of GIWUSA companies, the union has noted that workers continue to take public transport despite the obvious health risks. One of the first demands that many workers made when the epidemic hit was for safe company transport.

#### *1.4 Companies remain open on reduced staff with no pay for laid-off workers*

A number of the companies that have remained open as essential services are operating on short-hours or reduced staff. Companies like Dabur (health foods and cosmetics), Nampak, Takealot, Bakers and many more have sent casual and labour broker workers home either with no pay and no UIF applications or with forced annual leave. Other companies have chosen to send home their permanents while zero-hour contract workers or labour broker workers run production, such as at Ferrero and Makro. It is not clear if these permanent workers are being paid or if they are supposed to claim money from the UIF.

## **2. Workplace struggles under the lockdown**

Struggles are brewing at a number of companies that have remained open during the lockdown – especially at those companies that workers deem to be fraudulent essential services or at those workplaces that workers deem to be unsafe. Prior to the lockdown, workers at a number of companies demanded that management, firstly, supply them with the appropriate PPE and secondly, focus on manufacturing only the products we need to fight the virus. In some of the cases where the companies continue to produce non-essentials or refuse to supply protective gear, workers have begun to take things into their own hands.

At **Mister Sweet** in Wadeville, workers waited to meet management for three days before the lockdown. Eventually, at 3pm on the afternoon before the lockdown commenced, workers brought the factory to a standstill to demand a meeting with management. The company had not implemented adequate health and safety measures and expected its almost 600 workers to simply continue producing sweets despite the grave risks. After negotiations with management, the majority of workers opted not to continue working, even though it meant that they had to accept management's offer of 'no work, no pay'. The company is now desperately looking for ways to force workers to return to work, even

going so far as to threaten worker with dismissal for supposedly engaging in an unprotected strike.

At **Ferrero** in Walkerville, hundreds of zero-hour contract workers embarked on a stay-away during the first week of lockdown. The company that produces luxury chocolates for local and overseas markets attempted to maintain its output despite the crisis. In what appears to be a major victory, these workers have managed to get the company to apply for UIF grants for them – despite the initial threats of ‘no work, no pay’.

At **Bakers** in Isando, the majority of workers also appear to have embarked on a stay-away, fearing that management’s health and safety measures are not enough to protect them from contacting the coronavirus.

Around 30 subcontracted workers at **Kelvin Power Station** did not report for duty after the lockdown because management refused to provide them with safe transport.

At **Tiger Brands**, the country's biggest food producer, workers refused to work at factories that do not produce essential goods. It is worth noting that Tiger Brands' negligence and greed led to the spread of listeriosis in 2017 and led to the deaths of over 150 people.

At **Loreal**, a company that produces high end cosmetic products, workers were left furious after it was declared an essential service by the Department of Trade and Industry for producing shampoo and roll-on. Workers continue to express their anger at having to produce non-essential products that serve no purpose in fighting COVID-19.

At **Clover SA** workers refused to work until the employer provided adequate PPE and safe transportation. Workers also won further demands including hazard pay, food hampers and sanitation.

At **Adock** (Midrand) workers refused to work after the company failed to implement any serious health and safety measures. Workers eventually won access to safe company transport, PPE and food at work. Their struggle for hazard pay continues.

### **3. Employer responses to the lockdown at companies that have closed**

#### *3.1 Workers forced to take annual leave*

A large number of companies that have closed during the lockdown are forcing workers to take annual leave. Some of these are: Golden Arrow, SA Metal Group, DHL, G4S, Sedeem, Get Savvy Health Insurance, Bidvest, Toolroom Services, Nutrico SA, Heineken, Veolia and Estee Lauder.

The Department of (Employment and) Labour has made a number of feeble requests to employers to stop this practice and either continue to pay workers or apply for the UIF’s C19 TERS fund. It is naïve to think that such a vicious and intransigent employer class is going to respect any ‘pleas’ or ‘requests’ from the Department.

Section 20(10)(b) of the Basic Conditions of Employment Act permits employers to determine the time at which their employees take annual leave but only if there is no agreement between them. It does not say that employers can force a worker to take leave days that they are yet to accrue in their current leave cycle. Despite this, employers are forcing workers to tap into their future leave days, going so far as to force workers to take leave from next year's leave cycle. Even some of the big corporate law firms are saying it is potentially illegal for employers to force workers to take their annual leave for what is, by law, a temporary lay-off.

At companies like Toolroom Services and Golden Arrow, where some workers refused to take annual leave, workers have simply been sent home without pay.

### *3.2 Workers being told 'no work, no pay'*

The day before the lockdown, CWAO began getting calls from dozens of workers complaining that employers were closing down their factories without applying for the UIF's C19 TERS grant. Workers from all over the country were being told that they would face 'no work, no pay' for the duration of the lockdown. In a number of cases in Gauteng and the Eastern Cape, workers had been sent by their employers to the Department of Labour, who turned them away. When they returned to their workplaces, they were closed and their employers were uncontactable.

Last week, CWAO [wrote to the President and the Minister of Labour](#) to demand that the COVID-19 TERS regulations be amended and that workers be offered serious protection from employer intransigence. Should they fail to do so, a court challenge will be launched.

### *3.3 Mass dismissals*

At LFP (a company that provides advice on BEE compliance), 16 workers were forced to sign resignation forms on the day before the lockdown. At RB Engineering, workers were notified that the company would be closing down for three months. These examples are effectively just mass dismissals, and indicate that employers will use this crisis to restructure and even to settle scores with workers.

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