

## **Statement on the CCMA budget cuts**

### **The bosses' government intensifies its attack on the working class**

The ANC government has cut the budget of the CCMA by R600 million for the next few years. Non-unionised workers occupying the least secure and lowest paying jobs who depend on the CCMA for their workplace rights will be most affected.

The government's decision to cut funds to the CCMA is not simply a financial matter of budgets. It is yet another political attack on the working class under the pandemic. It is consistent with cutting the 2021 health budget, freezing public sector wages for the next four years and breaking wage agreements across the public sector. At the same time, the government offers big business billions of rands in relief and security. Together, these moves ultimately serve to open new avenues for private wealth accumulation and deepen capital's cheap labour regime.

The CCMA budget cuts are the political actions of a government determined to use Covid-19 to increase bosses' profits and further entrench the power of the ruling class.

### **CCMA responses affect only workers**

The CCMA has responded to the budget cuts by shutting down its walk-in dispute referral facility, which is how more than 60% of all its disputes are referred. Workers must now refer their disputes online. How many workers will be able to do this?

The use of part-time commissioners has also been suspended until March 2021. Only full-time commissioners will continue to hear disputes. But the majority (60%) of the commissioners the CCMA employs are part time and they hear 80% of all CCMA arbitrations. The CCMA will be unable to function. Already our organisations have experienced the following issues:

- Cases are taking as long as 4 months before being heard.
- Retrenchment disputes referred during lockdown were simply not conciliated, a necessary step before their referral to the Labour Court.
- There is no response to the online system.
- Commissioners are pressuring workers to settle disputes, in some instances for as little as R250.

A further concern is that the Parliamentary Portfolio Committee on Employment and Labour recently agreed in principle for the CCMA to begin to charge fees for its services, including for disputes on the National Minimum Wage!

### **Cuts to make CCMA even more anti-worker**

The CCMA has for some time become an openly anti-worker organisation. The organisation actively prevents over 70% of the country's workers from representation at its hearings by insisting that only workers who are members of registered trade unions can be represented. Workers with money can hire lawyers to represent them in certain kinds of cases. Very few workers can afford that. Workers face a difficult and arbitrary process when they apply for 'alternative representation'.

The CCMA incentivises its commissioners to 'settle' as many disputes as possible, especially at conciliation. What the settlement figures hide is the bullying and lying workers are subjected to by commissioners in order to 'settle', with no regard for the 'social justice' the organisation is obliged to pursue. Some of these developments are the result of the CCMA having to take on more of the functions of the thoroughly dysfunctional Department of Employment and Labour, like the national minimum wage, without a concomitant increase in its budget.

At the same time, the organisation has become overly legalistic, despite its mandate to resolve disputes quickly and cheaply. Commissioners often make no attempt to assist workers with resolving disputes. Instead they behave like judges and allow the big corporate law firms to make increasingly absurd technical points to delay matters, making a mockery of the principle of expeditious dispute resolution.

The changed social base of CCMA officials has greatly intensified the organisation's abusive treatment of workers, from case managers through to commissioners themselves – many of whom are now lawyers and 'professionals' with little or no contact with or sympathy for the working class.

The reliance on part-time commissioners, many of whom operate private law firms that take briefs from employers, acts as a structural inducement for such commissioners to be seen to be 'pro-employer'.

Workers constantly relate experiences of corrupt commissioners (both permanent and part-time) who take kick-backs from employers or who offer to settle workers' disputes for a 'fee'.

The CCMA has become so anti-worker that its full-time and part-time commissioners no longer apply the law in their rulings and awards, openly substituting their ideological and political prejudices instead. In this, it is no different to the Labour Court and the Labour Appeal Court, where some acting judges from big corporate law firms sit on the Labour Court 'bench' the one day then appear for employers the next, where they use the very judgments they themselves have handed down.

The struggle to transform the CCMA into an organisation that respects workers and is guided by social justice instead of protecting the bosses' profits must begin now. Too many workers depend on it for us to leave the CCMA in the hands of the bosses.

### **Attacking vulnerable workers with the support of organized labour**

It is no surprise that the state and big business, who sit on the CCMA governing body, have voiced no opposition to the treasury budget cuts. The state representatives are acting in furtherance of a national government decision. Big business, as the biggest violator of worker rights, benefits most from a limping CCMA. But the agreement by the three trade union federations on the CCMA governing body to suspend walk-in referrals and the use of part-time commissioners needs far more explanation. Why did they not resist? Why did they not cause an internal crisis within the CCMA by refusing to go along with these anti-worker

measures? The answer is that these are sweetheart organisations whose job is to further the class interests of the bosses. It is time to build a new workers movement.

**We demand:**

1. The immediate full reopening of the CCMA, including walk-in facilities and part-time commissioners hearing cases, with all the necessary Covid-19 health protocols in place to prevent the spread of the coronavirus.
2. An increase in the budget of the CCMA to meet its growing caseload.
3. The immediate appointment of more full-time commissioners, even if this means cutting the R4 million annual salary of the CCMA director.
4. A complete ban on part-time commissioners acting for employers during the period of transition towards the employment of more full-time commissioners.
5. The creation of a mechanism allowing workers and communities to report corrupt commissioners, anti-worker commissioners and hold to account disrespectful staff.
6. Scrapping Rule 25 and giving all workers the right to representation at the CCMA, regardless of whether they are members of registered trade unions or not.
7. The immediate closure of NEDLAC – 56% of whose R40 million annual budget goes to salaries, where the average salary is R800 901 and where the working class is routinely sold out by ‘organised labour’ and self-styled, unaccountable ‘community representatives’.
8. The immediate closure of Productivity SA – whose budget is over R80 million per year and whose sole purpose is to find ways to intensify the daily exploitation of workers.
9. The redirecting to the CCMA of the existing DEL funding to Productivity SA and NEDLAC.
10. The resignation from the CCMA governing body of the three labour federations. Bheki Ntshalintshali, a paid employee of Cosatu, to pay back the R206 157 he received for attending governing body meetings in 2019 and Narius Moloto, a paid employee of Nactu, to pay back the R174 312 he received. Geoffrey Esitang of Fedusa was paid also paid, R52 293.
11. A restructured DEL that includes an increased budget, increased inspectorate that can assume enforcement functions currently and inappropriately entrusted to the CCMA, dismissal of staff responsible for corruption in the UIF and Compensation Fund, and a weeding out of staff who are nothing more than outriders for employer interests, including directors and chief directors.

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