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# Newsbits

## **The Labour Court faces rough justice**

The Labour Court is facing some turbulent times with its staff being subjected to rather desperate measures from members of the public who are angry and frustrated over delays in the setting down of cases.

An applicant, who was desperate to get his case set down in the Labour Court, held up the acting registrar at gunpoint. This is an indication of the poor state of the administration or the lack of administration in the Labour Court, an observer said. This is but one of a number of problems being highlighted by users of the court and

members of the legal fraternity with regard to the functioning of the Labour Court. Other problems raised include the quality of the judges and judgments; political infighting and the lack of effective management. The status of the Labour Court (and its predecessor the Industrial Court) is currently the subject of some discussion within the legal fraternity. There is a view that the Labour Court should amalgamate with the High Court while the Labour Appeal Court would become a division of the Appellate Division. (An in-depth report on the state of the Labour Court will be published in the next edition of the bulletin)

## **Employers slow to support sector summits**

Sector summits – as endorsed at the 1998 presidential jobs summit – gain momentum but employers appear reluctant to participate, sources close to the process said.

Although a number of sector summits have been held and more are planned, employers have not always been supportive of such processes and at times, have almost been forced into participating. Sector summits have already taken place in mining, public service and clothing and textile with varying degrees of success. Plans are now underway to organise sector

## **Inside SADC**

The Southern African Development Community (SADC) is currently in the midst of a major revamp. In 2001, the SADC Heads of State agreed to a completely new structure for SADC, including a total review of the operations of its institutions. This includes the replacement of the current sectors, within a period of two years, by four new Directorates at the SADC Office in Botswana. The four Directorates are:

- Trade, Finance, Industry and Investment;
- Infrastructure and Services;
- Food, Agriculture and Natural Resources; and
- Social and Human Development and Special Programmes.

In terms of the new operations of SADC Institutions, a Summit consisting of Heads of State will be the supreme policy making institution. A Council of Ministers

will advise the Summit and will oversee the functioning and development of SADC and the implementation of policies and the proper execution of programmes. An Integrated Committee of Ministers (ICM) – comprising at least two Ministers from each Member State – will be set up to ensure proper policy guidance, co-ordination and harmonisation of cross-sectoral activities. This committee will be responsible to the Council of Ministers. In order to provide for the principle of tripartism in the new structure, employers' and workers' bodies will be part of the structures of the ICM.

Provision has also been made for SADC National Committees comprising key stakeholders, notably government, private sector and civil society. The main function of these National Committees, that will meet on a monthly basis, is to

provide inputs at the national level in the formulation of regional policies and strategies and to oversee the implementation of programmes at the national level.

In some instances different SADC countries are still responsible for administering and driving some of the so-called sectors, such as Zambia being responsible for the Employment and Labour Sector (ELS). In other instances, the work of sectors has already been handed over to the SADC Secretariat in Botswana. Historically the ELS has had close links with the International Labour Organisation (ILO) and unlike any of the other sectors, copied the tripartite character of the ILO.

*The Bulletin is looking to increase its coverage of developments within SADC. Contributions are welcomed and can be e-mail to [salb@icon.co.za](mailto:salb@icon.co.za)*

summits in wholesale and retail; agriculture and food; finance and engineering. Meanwhile, the information communication and technology sector held its summit on 3 and 4 June 2002 (see p 36).

Union sources claim that the sector summit process can be slow and frustrating and require huge amount of resources, 'but what is the alternative'.

Such sources claim the sector summit process has been important in building capacity in the unions on industrial strategy issues. This has been positive, the source argues. The same is not however, the case amongst employers. There is a general sense that business has not been willing to engage in the sector summit process. During the recent ICT sector summit process, participation by business was seen to be very weak. Labour has argued that business has the resources to bring in capacity but has failed to do so. During the process it became unclear to what extent the business representative had been granted a proper mandate from his constituency.

A union observer said labour had to ensure the sector summit process did not ultimately result in yet another forum for collective bargaining.

### **Divisions in business emerge during ICT sector summit**

Existing tensions between different business groupings surfaced repeatedly during the recent information communication and technology sector summit.

Business South Africa (BSA) and Nafcoc represent business in Nedlac. In the past, the two organisations would caucus and emerge with one business position. However, with the recent merger talks between these groupings

and other business organisations, a uniform business position is no longer always possible. Sections of Nafcoc have merged with Sacob while BSA is in merger talks with the Black Business Council (BBC). The merger between Sacob and Nafcoc has not been well received in various quarters in white and black business.

During the ICT summit, the business representatives from BSA and Nafcoc could not agree on a common position. Aside from differing over the issues discussed at the summit, they could not agree on who the spokesperson should be and who should present the opening address from business.

### **BBC/BSA merger talks – what progress?**

A task team, set up to drive the merger talks between BSA and the BBC, has only met once over the last two months.

The previous *Labour Bulletin*, 26 (2) outlined the process around the proposed merger talks between the two umbrella business organisations. The talks between BSA and BBC are an attempt to build unity between white and black business. A business representative said however, that the 'the road ahead is longer than we thought.'

During the first meeting of the task team, it became clear to the BSA representatives that if white and black business is to merge, business will have to sing from one 'hymn sheet'. This could require white business, for example, to develop clear positions on black economic empowerment and other related issues.

Meanwhile, discussions are underway between the SA Council of Churches and the South African Foundation on possible future

engagement and cooperation. Business is increasingly looking to expand its network for cooperation while the church is seeking assistance in how it allocates funding for poverty alleviation projects. A business source said, 'business is increasingly being drawn out of its traditional roots for wider engagement.'

### **Child labour and child trafficking**

The International Labour Organisation's (ILO's) upcoming conference in Geneva will deliberate on a recent report released on the extent of child labour. As part of Cosatu's commitment to end child labour, the Western Cape office has embarked on a campaign to fight child trafficking. Cosatu's Western Cape regional coordinator Elma Geswindt explains how the federation is working closely with organisations that are campaigning against child abuse. She says the federation needs to lobby various government structures to ensure anti-child trafficking legislation is put in place. Cosatu is working with a Cape Town-based child rights organisation, Molosongolo to lobby and advocate for the rights and protection of children. Geswindt explains that child trafficking is very rife in the communities in and around the Western Cape.

'As the Western Cape we are appealing to all other regions and affiliates to take up the fight against this horrific crime against our children. It is imperative that we become involved with other organisations that are dealing with this form of abuse. We can only succeed in making a difference if we work together to fight this horrific crime in our society and only then can we truly say that we have achieved our freedom,' she says.