

MCH 91-20-1-1

Fax (021) 222626
Tel (021) 222424

1002 NBS Waldorf
80 St George's Mall
P O Box 3684
CAPE TOWN 8000

FAX COVER SHEET

DATE : 31 AUGUST 1993

TO : SACTWU
FAX NO : 478515

ATTENTION : EBRAHIM PATEL

SUBJECT : CONFERENCE - WORKER RIGHTS IN A NEW SA

FROM : ALBIE SACHS

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 7

Later, my brother and I would go to the Leamont Workers Union office in Progress House and slide on the marble floor

put forward the ANC's perspective on worker Rights in a Bill of Rights. So I'd like you to welcome Albie Sachs.

MR ALBIE SACHS: This is quite an emotional moment for me. I think I can say I was literally born into the Union Movement, ~~and I think~~ when my mother was giving birth to me at the Florence Nightingale Maternity Hospital in Johannesburg my father was involved in a strike and didn't have ^{as} much time ^{as he would have liked} to come around to check on his first-born child.

And I remember ^{as I was} growing up as a child and there'd be great excitement, ^{in the household as we cooked soup for pickets} posters would be painted. ^{people rushed in and out.} ~~Silk would be~~ And I mention this not just to give my personal background, but to emphasise how long the struggle for workers' Rights has been in this country, ^{how much longer} and in the world.

The question of establishing workers' Rights as fundamental human Rights in a constitution is ^{on the agenda} now for the first time in South Africa. The question of ^{the} workers' ^{to} ~~have~~ Rights has been out there for a long long time. ^{and} what we are going to put into the constitution won't be something that we have sucked out of our heads because we're clever, ~~and~~ we've read lots of documents and we've travelled around the world.

We will be putting into words what you and your mothers and your fathers and your grandparents have ^{long} been fighting for, ~~and~~ we will be enshrining them in this constitution and we will be establishing them as principles ^{le} that people have worked hard for, ~~and struggled hard for~~ and been to jail for, ~~and~~ been tortured for, ^{been} and banned for, ~~and~~ been in exile for and been blown up for.

These ^{fundamental rights that all workers will have} will be in the constitution and we will be saying ^{that} no government in future can take these Rights away. ~~So we're~~

~~not afraid of this concept of fundamental human Rights for all South Africans and in particular for working people. And when we say no government we mean no government.~~

I repeat:

And speaking in my capacity as a member of the NEC of the ANC, I'm stating ~~and~~ ^{that when} we say no government can take these Rights away, ~~we~~ ^{we} mean no government, including an ANC government or an ANC led government can take away these Rights, ~~the workers have fought for so hard. They belong to the~~

~~workers, that are~~ ^{They are the rights born out of struggle,} the birth right of the working people in this country.

10

~~What~~ ^{What} are these fundamental Rights that are so important that not even a majority in Parliament can override ~~these rights.~~ ^{them?} I think we can distinguish between two groups. The key, absolutely fundamental Rights, are those Rights that enable the working people to fight for and defend their ~~own~~ ^{rights.} interests.

~~Perhaps these are the most important Rights. That is~~ ^{They are threefold,} the right to establish Trade Unions, the Rights of collective bargaining and the right to strike. These are the three pillars of the autonomy of the working people, of their capacity to defend all the ^{is} other Rights.

20

The other Rights would include ^{such rights as} the right to a clean and safe environment, equal pay for work of equal value. There are all sorts of detail ^{ed} Rights, a number of which are in the document which you have before you, which we feel ~~are~~ ~~fundamental and which~~ all workers are entitled to, ~~at all~~ stages.

But the most important Rights are those Rights that enable working people to stand up for themselves and to defend those Rights that they've already won and to expand the floor of Rights that ~~workers have.~~ ^{they already possess}

30

I'd like to say a few words about this idea of expanding Rights. ~~The Union~~ ^{of the Union} when my dad was the general secretary up north, had a different complexion from the Union today, ~~and~~ ^{fit} the basic struggle then was ~~simply~~ over working conditions, over pay, establishing industrial councils, procedures for settling disputes, a provident fund, medical aid.

Now these are fundamental to any Union anywhere in the world, but workers today want more and are entitled to more.

10

~~It's not just the ordinary citizenship Rights which workers need more than anybody else. The right to vote, the freedom of speech, the right to articulate your demands, the right~~

*In South Africa, they want
Workers more than anyone else need*

to health, the right to movement, the right to travel, ~~but~~ ^{and} workers also have a right to learn to advance their skills, to become somebody, ^{and} Not just be a unit of production.

Yet workers are entitled to far more. They

right in our country, people on the shop floor are demanding the

to have a personality, an inner life, ^{and} ~~The rights of the~~ ^{in particular} personality not to be interfered with, ^{and} for women not to be messed around. ^{All workers wish} For everybody to be able to advance,

to overcome all these barriers that we've created ^{by apartheid} in South Africa that diminish ~~the~~ respect for human beings ^{and their capabilities.}

20

~~And these are all aspects of fundamental rights that workers must fight for in relation to all the different elements of the clauses. Workers are primarily interested of course in their rights as workers, but they're also interested in their rights as human beings.~~

~~And~~ ^{had to} it's the working people who've suffered the most general oppression in this country, the most racial discrimination, the most poverty and malnutrition, ^{the most} ^{who have} battling to get decent lives for their children, to have security, not to be ^wracked by crime and threats to their physical integrity all the time.

30

So I would ~~say~~ ^{urge} the organisers of this conference ^{that} in concentrating on the question of fundamental rights for workers as workers, ^{you} don't ignore the general rights that everybody is entitled to and don't ~~say~~ compartmentalise ~~you only into workers~~ ^{from the general demand for human rights.} You are citizens, you are human beings, you are people, you are South Africans, you are men and women, sons and daughters of the soil and you must be interested in every aspect of the Bill of Rights in its full dimensions.

10

~~Lastly~~ We are fighting now to establish certain principles that will be in the Bill of Rights ^{this will not be the whole story.} but that is ~~starting the flag as it were that flies over our fundamental rights in future.~~ ^{The clause on workers' rights in the Bill of Rights will simply be the flag that leads the fleet.} ~~There's a vast amount of~~ ^{additional} legalisation

that ~~will be~~ necessary to secure rights already won and to serve as a platform for advancing the rights of the working people ^{in future.} ~~So we must look carefully at the~~

~~In addition to an Interim Bill of Rights, and then a permanent Bill of Rights that will be established by the Constituent Assembly and I might mention that we should also~~

20

^{as well as} ~~at the general constitutional principles that will be binding on the Constituent Assembly.~~ ^{Yes we must see further.}

Not just the - what Halton has referred to the Interim Bill of Rights that will take effect fairly soon but these general principles will be permanently enshrined in the future constitution and we must look at them and see what impact they will have on workers' rights as workers and as human beings and as citizens.

We must start looking towards a future ^{comprehensive} charter of workers' rights, ^{This could take many forms.} whatever form it takes, whether it's simply ^{it could be} a declaration of principles and standards that workers can aspire to, ~~whether it takes the form of a Code of~~

30

a Labour Code A SACHS

Legislation, a labour code which I would support, that is, one comprehensive document sets out so that people can pick up and find out what workers's rights are with different chapters dealing with different sections of the workers and different areas that impact on the workers' rights.

And then of course we're going to have to have a series of particular agreements that have legal force that apply to workers in particular sectors and in particular industries. So that's also something that has to be looked forward to.

however; ~~to~~ workers won't simply be sitting at the places of production or coming to conferences like this. We look forward to ~~for the first time~~ the working people, who are the majority of the people in this country, constituting the majority of the representatives in the Constituent Assembly.

Why not? Why should that be seen as something remarkable or extraordinary? *well qualified* ~~That~~ we have shop stewards, we have Trade Union organisers, we have people from every nook and cranny of this country who have struggled for rights, who know what oppression is, who know the importance of discipline, of orderly procedures, who are in touch with their people, who speak all the different languages of this country, who come from all the different groups of this country.

to respond to a mandate, listen to others, or conduct yourself with dignity -

Why shouldn't they be in Parliament? Why shouldn't they be the majority in Parliament, *if* because they are the majority outside of Parliament. *This is* And so it's going to be extremely important when we establish the lists and it might be worthwhile if somebody can sneak in a few minutes *for elections by*

Proportional Representation (it would could)

to the Conference explaining how the list system will work because this is going to be upon us quite soon, *in the* April the 27th elections next year,

~~You have to have lists.~~ You won't have single members standing for a constituency such as we have at the moment. You will have national lists and regional lists and getting on the list and where you're placed on the list is going to determine whether or not you get into Parliament.

And each party should be compelled to ensure that workers and workers' representatives and people who fought for the Unions and of for the rights of workers, are well placed on those lists. ~~We~~ ^{in the A.R.C} want to see workers in Parliament. We want to see workers in Government. We want to see ~~that~~ ^{the} direct natural, contact ~~to be~~ established between the working people and Government which democracy really requires.

10

~~And of course~~ ^{we} expect to see workers in the Cabinet, working people expressing the ^{many} voices of the workers in the most direct form possible in a new South African Government. ^{Uyet} ~~But~~ however many people we have up there, however many ^{MP's} there might be from the working population, however many peoples with Trade Union background ^{5/} might be in the new Cabinet, there's nothing - and I end where I started - there's ~~nothing~~ ^{no} substitute for workers defending themselves, being able to articulate their own demands in their own voice, in their own way.

20

And the ~~fundamental~~ ^{the} most fundamental of fundamental rights for the working people, I repeat, the right of establishing Trade Unions, ^{Secondly,} must be in any Constitution. ^{(these must also be the} The rights of collective bargaining, so that your common interests can be articulated in the struggle for your ^{detailed} rights, ^{thirdly,} you must have a guarantee of ^{to} withhold your labour, the right to strike, which ^{is} the only real meaningful weapon in the last ^{analysis} resort that working people have. I thank you.

30

Head Offices:

Natal JAMES BOLTON BLDG 127 Gale Street Durban, 4001 Tel: (031) 301-11351 Fax: (031) 301-7050 Postal: P.O.Box 18359 Dalbridge, 4014	Cape INDUSTRIA HOUSE 350 Victoria Road Salt River, 7925 Tel: (021) 47-4570 Fax: (021) 47-8515 Tlx: 52-2504 Postal: P.O.Box 194 Salt River, 7925
---	---

*workers take the lead***SACTWU***south african clothing and textile workers' union*

16 August 1993

**Professor Albie Sachs
Constitutional Committee
AFRICAN NATIONAL CONGRESS**

Fax No: 222-626

Dear Albie

**PUBLICATION OF CONFERENCE PROCEEDINGS: WORKER RIGHTS IN A
DEMOCRATIC SOUTH AFRICA**

The first set of papers delivered at the Conference on Worker Rights held in June 1993 is due to be published in September under the title "Engine of Development? - South Africa's National Economic Forum". I am now preparing the second set of papers for publication. It will deal more generally with worker rights in a democratic South Africa.

Kindly find herewith the raw transcript of your speech. Would you be so kind to knock these into a form acceptable to you, for publication? If you are unable to, I am prepared to do a first draft for your consideration. Please advise soonest.

Sincerely
SACTWU

**EBRAHIM PATEL
DEPUTY GENERAL SECRETARY**

Regional Offices:

W.Cape: Industria House, 350 Victoria Road, Salt River, 7925 (P.O. Box 194, Salt River, 7925)	Tel: (021) 47-4570, Tlx: 52-2504, Fax: (021) 47-8515
Natal: James Bolton Bldg, 127 Gale Street, Durban, 4001 (P.O. Box 18359, Dalbridge, 4014)	Tel: (031) 301-1351 Fax: (031) 301-7050
E.Cape: 8 Cromwell Street, Market Square, East London, 5201 (P.O. Box 14106, Westbank, 5201)	Tel: (0431) 43-4581/2 Fax: (0431) 43-4181
Transvaal: Garment Centre, 75 End Street, Johannesburg, 2001	Tel: (011) 402-2744 Fax: (011) 402-8212