



COSATU Special National Congress

Gallagher Estate, Midrand, 13-14 July 2015

Declaration

The Congress of South African Trade Unions held a historic Special National Congress from the 13th – 14th July 2015, at Gallagher Estate, Midrand, attended by 2477 delegates representing more than 1, 9 million members .

This Special National Congress was convened to confront and address the challenges of Unity and Cohesion currently facing the federation. This also included issues on leadership.

This Special National Congress took place following a successful Alliance Summit and the Special National Congress of the SACP which dealt with the challenges confronting our National Democratic Revolution.

We received inspiring messages of support from all our alliance partners including a written message of support sent by the World Federation of Trade Unions (WFTU).

We were inspired by the visit of the Cuban Five Heroes a few days ago who had been released from the jails of the United States of America because of the pressure mounted by campaigns waged by amongst others COSATU affiliates , the progressive forces of our country and all the freedom-loving international fraternal organisations.

We were also inspired by the news of the release on bail of comrade Mario Masuku, the President of PUDEMO and comrade Maxwell Dlamini – SWAYOCO Secretary General who had been jailed by the Mswati regime for leading the Swaziland National Democratic struggle towards the establishment of a democratic constitution for a democratic Swaziland. We are calling for the withdrawal of all the charges immediately.

We were however saddened by the news of the passing away of comrade Patrick Baleka, who will be remembered as one of the United Democratic Front leaders who were tried on charges of treason and certain statutory offences in the famous Delmas treason Trial which commenced on 16 October 1985 and ended on 8 December 1988. At the conclusion of the trial, Baleka was acquitted. In January 2001 the Truth and Reconciliation Commission granted him amnesty for high treason. Comrade Baleka was a staunch activist who coordinated international Solidarity campaign demanding the rights of the Saharawi people to self determination as led by the Polisario Front against occupation by Morocco.

We the 2477 delegates representing more than 1, 9 million members hereby declare that contrary to the reported threats of disruptions and intentions of splitting our federation we are committing to stand up and defending our federation.

We are doing so in this Special National Congress and we will do so continuously and into the future through visible activities on the ground!

We condemn the development, production and circulation of a document inside which was not approved by COSATU structures intended to sow divisions in our Special National Congress. We commend our affiliates who stood up and distanced themselves from this alien tendency. This is a foreign culture which we are prepared to fight and defeat starting from the Special National Congress moving forward!

We condemn the mobilisation and use of some sections of the media to undermine our federation .Whilst we value the rights of the media but they have a responsibility to report factually and accurately about the affairs of the federation and not act in a factional manner which seeks to undermine decisions of our constitutional structures and reinforce divisions.

We want to unequivocally declare that we want unity of COSATU. This federation remains a home of all workers and workers will be better organised under the leadership of COSATU. In this regard as delegates to this Special National Congress we call on all the COSATU affiliates who had decided to boycott the CEC to come back and raise their issues inside the organisation and have these subjected to democratic debate and discussions.

We want discipline within the federation and in our affiliates. We want a COSATU that is based on its constitution and founding principles of one Country – One Federation, One Union – One Industry, Paid Up Membership, Worker Control, worker Solidarity, non –racialism and Unity.

We re-affirm without any ambiguity that COSATU belongs to the Congress movement thus to the ANC–led liberation movement. We pursue the National Democratic Revolution as a direct route to Socialism.

As delegates coming from across all the sectors of our economy and across the length and breadth of our country we re-affirm the character of COSATU as a militant and radical federation of trade unions, which is class oriented and that COSATU is not a political party.

Our federation must remain occupied with broad social and political issues, as well as the immediate concerns of its members. It must continuously strive to remain a social force for transformation.

COSATU's influence on society must remain based on its organised power, its capacity to mobilise, its socio - economic programme and policies and its participation in political and social alliances.

We are saying that COSATU must remain committed to worker control and democracy, and to maintaining its independence being conscious of the dangers of being co-opted by employers and politicians.

As delegates to this Special National Congress we instruct that COSATU must remain conscious about striking a balance between the immediate concerns of its members to the need for 'stability' and 'national development' without subordinating each to the other.

COSATU must remain a worker controlled federation that is vigilant and which strive to avoid any possibility of being complacent, being bureaucratic and being controlled by technocrats and experts.

We accept that in the discussions regarding the unity and cohesion of the federation, issues related to leadership were discussed but not exhausted.

In this regard we call for honesty, integrity and collective leadership in building genuine unity and cohesion. A more systematic discussion will be taken forward leading to the ordinary National Congress to be held at the end of November this year.

We met a time when there was a heightened against the workers and working class in general at an international and national level.

All the attacks that were directed against the federation leading to the Special National Congress including the use of some section of the media for misinformation and generating perceptions which undermines the federation and its leadership, the use of courts against the federation and its leaders, the production and circulation of an unknown document during the Special Congress cannot be divorced from this offensive.

Representatives of these offensive camouflages with left wing rhetoric and yet their thinking and conduct exposes their fundamental character as being right wing.

Chairman Mao had this to say about this grouping in his instructive work titled "**Combat liberalism**": *"Liberalism stems from petty-bourgeois selfishness, it places personal interests first and the interests of the revolution second, and this gives rise to ideological, political and organizational liberalism."*

People who are liberals look upon the principles of Marxism as abstract dogma. They approve of Marxism, but are not prepared to practice it or to practice it in full; they are not prepared to replace their liberalism by Marxism. These people have their Marxism, but they have their liberalism as well—they talk Marxism but practice liberalism; they apply Marxism to others but liberalism to themselves. They keep both kinds of goods in stock and find a use for each. This is how the minds of certain people work.

Liberalism is a manifestation of opportunism and conflicts fundamentally with Marxism. It is negative and objectively has the effect of helping the enemy; that is why the enemy welcomes its preservation in our midst. Such being its nature, there should be no place for it in the ranks of the revolution.

We note the concerted offensive against the people of Greece, who have endured sustained attacks on their livelihoods as the IMF, European Union and European Central Bank were forcing the ordinary people of that country to pay for the bailout given to the private companies.

We are in an age of the highest stage of imperialism, characterised by the centralization and concentration of capital and wealth in the hands of a few; the financialisation of the economy due to the systemic and chronic stagnation of the productive sector; the systematic attack on the social functions of the State that has been achieved through struggle of the workers and peoples; the commercialization of all spheres of social life, in a logic of privatizing all that can bring higher returns to capital; the attacks on international law and sovereignty of the States; the

centralization of political power and its submission to economic power and to the strategies of militarization of international relations.

Over the past four decades, the Neoliberal regime of accumulation has failed to resolve the systemic crisis of capitalism. It has attempted to restore profitability through the destruction of the welfare state, cuts in real wages, intensification of work periods; deregulation and increase in working hours; deregulation of labour relations; widespread casual labour, particularly among the women and young workers; super-exploitation of migrant workers. Appropriation of labour productivity gains by capital; Increase in the retirement age; Cuts in pensions and retirement benefits; Increase in unemployment rates; Regression of social and labour rights; the denial of the right to bargain collectively and to strike.

This offensive seen at an international level gets translated into our country in different forms and they add to the prevailing colonial and apartheid social conditions in which the triple challenges of unemployment, poverty and inequalities continue to define South African society, 21 years into our democracy.

The right to strike, which we have won through our own struggles and secured as a constitutional right has been challenged by international capital's representatives at the International Labour Organisation (ILO). The Democratic Alliance which is the political representative of this offensive against workers introduced a Bill in Parliament in 2014 which in practice was intended to severely limit this constitutional right. Despite all the challenges that our federation has been facing since our last congress, we were able to launch a fight leading to the Parliament under the leadership of the ANC rejecting this DA Bill.

Our hard won advances secured since the democratic breakthrough continues to face threats from the judiciary which zigzags from making progressive rulings which asserts the new democratic dispensation and making ruling which clearly constitute judicial overreach and undermining the doctrine of the separation of powers. The result of this has been to undermine the majority rule and to impose setbacks on development which favour the majority of South Africans the majority of whom is the working class.

We want the Creation of the structures necessary to foster judicial independence. While accepting the principle of the independence of the judiciary, we however reject efforts to hide behind this principle to block transformation or fair criticism of judgements.

We therefore call for the building of a bench that is demographically representative of the population, appointment of judges who identify with and are dedicated to advancing the socio-economic rights of the working class and who pay allegiance to the new constitutional order.

We want an increase access to justice for all sectors of society, promoting a culture of judicial accountability. We are calling for the reorganisation of the court system to better reflect changes in the country's provincial and demographic make-up.

We call for an open debate in society on the transformation of the judiciary and the legal profession, transformation of the judiciary must include, but not limited to, achieving racial and gender parity, changing attitudes towards the aspirations and needs of the working class and the poor; progressive gender perspective; change in the language of the courts; access to and the administration of justice, and building a prosperous non-racial non-sexist and democratic South Africa that would not tolerate inequalities inherited from apartheid capitalism.

We will defend our right to collective Bargaining with everything we have! In 2013 the free market foundation launched a constitutional challenge against the right to collective bargaining. As COSATU working with our union SACTWU we oppose the constitutional challenge, launched on 5 March 2013 by the Free Market Foundation (FMF), to the extension of bargaining council agreements to non-parties. We argued that this was nothing less than a war against the entire labour relations regime built since 1994, with the aim of leaving workers defenceless against even more ruthless exploitation by employers than they suffer already and plunged into even deeper poverty.

We are angry that employers continue to seek creative ways of evading compliance with labour legislation. The 2014 Employment Equity report gives testimony to this and it shows that major beneficiaries of employment equity from the Report are not different from the major beneficiaries of apartheid. The report shows that Employment Equity Act has primarily benefited White Women.

In this regard we will develop programmes and campaigns to draw the attention of society to the challenges confronting women inside our organisations and in society generally.

Women continue to be discriminated against both in society and in the workplace, the workplace environment is constantly characterised by gender and economic discrimination, women workers conditions are least protected, economic and maternity protection remains a matter of concern. When women drop out of the labour force to bearing and raising children, they typically suffer consequences in terms of career progression and retirement/social security benefits and loose out more on their year's earnings.

We therefore instruct the first CEC should develop a programme of action on gender struggles which will deal with the following:

1. To ensure that the office matter involving the staff member and the former leader is used to popularise COSATU's gender policies. We reject the spreading of conspiracy theory which characterised this matter as political. This was about power relations in the workplace tilted against the women worker. It must be understood in the context of women's struggles in the workplace and power relations in society generally. In this regard the federation should elevate, implement and defend its gender policy and code of conduct regarding sexual harassment in the workplace and in society in general.
2. A discussion document must be developed on gender struggles focusing on the current challenges facing women in society and in the workplace.
3. Fight to reclaim the dignity of work and the rights of women workers and people living with disability
4. Organise more women and map out workplace plans to improve women job security, pay and conditions
5. Campaign for decent work , decent life for women and in particular pay equity, ratification of ILO Convention 183 on Maternity Protection
6. Heighten the campaigning against discrimination

We also met at a time when despite qualitative advances secured since the 1994 democratic breakthrough, an estimated 50% of South Africans still live in poverty and the unemployment rate stands at more than 37%.

Inequality remains deep, gendered and radicalised. This is linked to the fact that the share of wages in national income has been decreasing, from just below 55% in 1994 to 51% per cent in 2012.

The marginalisation of the working class in the economy has also been evidenced by flexible labour market in the form of actualisation, outsourcing and the use of labour brokers, the commodification of basic needs and the suppression of workers' wages below productivity gains.

As workers under the leadership of COSATU we remain resolute in our campaign for a Living wage and the fight for the total ban of Labour Brokers and for a reliable, affordable, safe and accessible public transport. We will continue to call for the scrapping of e-tolls.

We are angry against employers who continue to dismiss workers despite the high levels of unemployment in the country. All COSATU affiliates shall develop

solidarity activities to support the Communications Workers Union (CWU) in their struggle against MTN employers who are planning to retrench thousands of workers instead of accepting the demand for a living wage. We give MTN employers one week ultimatum to resolve the dispute and to return all dismissed workers. Give to workers that which belong to workers!

We note that despite interventions by the democratic government which include more than 15 million people receiving social grants, the reality of capitalism in our country has meant that there is chronic high unemployment, low paying jobs, casualisation our people do not have enough money to buy food. People who happen to be employed or who have casual jobs indicated that they are food secure in the first week after their wages are paid but are often food-insecure for the remaining three weeks in the month. Low-paid and irregular work reduces stability of access to food.”

As COSATU we have always raised these crisis features of capitalism not because we expect capitalism to be any different, but because we seek to overcome this system with a rational, human system of socialism. Indeed, in the current terrain of the national democratic revolution. We have placed on the table before the nation our New Growth Path which puts forward a comprehensive set of proposals on how the systemic triple crises of; unemployment, poverty and inequalities, can be overcome.

For its part, the South African Communist Party has placed on the table its own comprehensive proposals in its document, “*Going to the Root*”, which has been adopted by its recent Special National Congress. These proposals of COSATU and SACP mutually reinforce each other. Indeed the Alliance as a whole shares the perspective of a radical second phase. However, the Alliance must now move to the next stage of agreeing on the actual content of the radical second phase.

We recognise that our 2015 Plan is now coming to an end in this year of our 30th anniversary. We celebrated this year’s May Day pledging to reposition our federations.

In keeping with the true traditions of our federation, we will now initiate a process of introspection; we will study how affiliates and COSATU structures operate in practice. This must be with the view to subsequently elaborating and enriching the content of our *Back to Basics* perspective, as discussed by the 11th Congress and the 2013 Organising and Bargaining conference.

The development of a medium-term conjunctural political strategic perspective would then emerge, properly discussed and formulated on the basis of this process.

The federation also recognise the need to develop agreed and binding strategies of dealing with business unionism, which must include developing policies on the investment arms, retirement funds, procurement policies and fund raising.

We will work to develop a conscious response and adaptation mechanism to our present reality of capitalism that is corroding the sole of our trade union movement.

Similarly, we pledge to develop innovative modes and forms of organising workers and demarcation of organisational scopes, mergers and building super-unions in line with COSATU's principle of "*One union – One industry*". Thus, we are aiming to embark on a disciplined and well-informed process supported by research, which shall also give us answers as to why decisions on mergers have not been implemented so that we can be able to overcome the barriers.

Based on our understanding that "the character of any organization is naturally and inevitably determined by the content of its activity" we therefore instruct the first CEC after this Special National Congress to develop programmes and campaigns which will be based on existing campaigns focusing on building and defending the unity of our federation through action on the ground.

Our campaigns will include elevating the concerns we have raised some sections of the National Development. We will also be launching a campaign calling introduction of redistributive tax interventions which include progressive tax system, with an introduction of a tax category for the super rich.

We are concerned about attempts which positions Black Economic Empowerment policies in a manner that promotes individual -enrichment as opposed to genuine Collective Broad Based Black Economic Empowerment. We shall have campaigns to openly oppose this anti -transformation manoeuvres.

Elements of our campaigns will also include demands for the establishment of a state construction company and that government must convene a construction Summit which will amongst others address the challenges in the country's infrastructure development programme and confronting the conduct of construction companies which is driven by profit maximisation logic which imposes limits to the country's development imperatives.

We are going to the ground! Every shop steward, every organiser and every union leader must be at the workplace listening to workers and practically addressing their issues.

Our organisation building programmes and campaign will also include listening campaign including work place visit, campaign to protect our hard worn labour rights, mobilisation towards the National Day of Action, taking forward our living

wage campaign focusing on the National Minimum wage, confronting racism at the workplace, a campaign against labour brokers, reviewing the impact of the Youth Employment Incentives, a campaign for affordable, reliable, accessible, and safe public transport and a campaign to scrap e-tolls , etc. A more comprehensive programme is attached separately.

We emerge from this Special Congress more united, more committed and more determined than ever to achieve our objective of building a strong, militant, non-racial, non-sexist, progressive workers' federation. We are deeply conscious of the faith and hopes placed upon us by millions of workers in our country and beyond, we are unapologetic in our resolute pursuit of a better life for all workers, and we remain cognizant of our historical duty to rally workers to the cause of social, economic and political freedom.

Our rallying cry remains the Marxist call that: ***'Workers of the World unite; you have nothing to lose but your chains!'***

A proposed Programme is to be elaborated by Campaigns, Organising and Coordinating Committee.

It will include the following focus areas (next page):

1. Protection of Centralised Bargaining:

a) Focus on Free Market Foundation (FMF)

- Defend the attack on Collective Bargaining
- Hold a Picket at the Free Market Foundation Head Office
- Mobilise for demonstrations on date of Court Hearings

b) Focus on NUM and Gold Sector Agreement

- NUM to provide an update on AMCU challenge on extending collective agreement reached between NUM and the Gold sector by 24th June 2015.
- Wage negotiations and strikes support
- All affiliates to provide an update on the current wage disputes and strikes.
- COSATU to consolidate the above and circulate to all affiliates and provinces and progressive youth structures to ensure maximum solidarity.

2. National Minimum Wage (NMW):

- a) Affiliates to report on mandated amount of the National Minimum Wage. The Special CEC must enter into a discussion based on existing information.
- b) National Day of Action for a National Minimum Wage to be carried out as part of taking forward our agenda on the Decent Work. We will target the International Day for Decent work on the 7th October 2015 for action.

3. Building and defending the federation:

Defending the federation means first and foremost defending its affiliates. This will include undertaking the following activities:

- a) To take forward the programme on the recruitment and servicing of members by our affiliates.
- b) Mobilisation of resources both human and material to ensure the efficiency and effectiveness of the COSATU Head office.
- c) COSATU NOBs to continue having unity discussions with all COSATU unions and structures.
- d) Take forward recommendations in the ANC task team report and the Sizwe Ntsaluba Gobodo Report.
- e) This will include having the CEC concretising the back to basic campaign which should include holding political schools , a focus on training focusing on trade union work , capacitating shop stewards by affiliates as part preparing them for the battle if ideas and countering misinformation against the federation and their unions .

Focus on the New Labour Legislation:

- a) To have advocacy training partnering with the Department of Labour and CCMA on the following issues:-
- b) All amendments
- c) Labour brokering - (the unions will dedicate a person responsible for collecting information on our experience regarding the impact of the new labour legislation as part of monitoring compliance) . This will then allow us to provide feedback to engage government about the validity of our argument against labour brokers.
- d) Equal pay for work of equal value – to get up to date information from the CCMA
- e) Monitoring strategy : Affiliates to give progress on the implementation of the laws in their sectors and on enforcements in the workplaces

4. Socio Economic Transformation:

Focus on Eskom Tariff Increase:

- a) The intervention of the state on the situation at ESKOM to make sure that it has enough capacity to generate power for the country based on economic demands.
- b) Transformation in ESKOM (challenges of leadership and management)
- c) Oppose any attempt to privatise ESKOM or any part of it.
- d) Call for the regulated municipal electricity tariffs.
- e) Municipalities must transfer all the electricity money to ESKOM failing which such municipality must lose its electricity selling licence; or develop a system which will protect the ESKOM money from the use by municipalities
- f) ESKOM must supply electricity directly to the consumers through creation of enterprises owned by ESKOM.
- g) The state to invest on the establishment of clean energy plants and not to leave it to the IPPs.
- h) To develop policy proposals regarding nuclear energy and other sources of energy as part of a process to influence debate and policy development process on alternative energy sources.

5. Public Transport:

Focusing on the demand for a reliable, affordable, accessible and safe Public transport System and scrapping of E-tolls:

- a) Demand for revitalisation of the rail infrastructure to avoid the current rate of train accidents.
- b) Built the capacity of Transnet to be able to carry all the heavy cargo to reduce the number of trucks in the road which contribute to the high accident rate and the dilapidation of the road infrastructure.
- c) Continue with the campaign against the privatisation of public roads and the double taxing of citizens for public infrastructure; demand for the total ban of E tolls.
- d) Reject the new funding model as proposed by government. Oppose the linking of the e tolls to the license disc renewal
- e) Support the fuel levy for the funding of infrastructure improvement

6. Youth Employment Incentives:

- a) To raise the issue of 18 months testing period during the Alliance Summit.
- b) To get reports from all affiliates on specific sectors as to what has been happening since the implementation of the incentives by Government.
- c) Policy unit to develop a one pager flyer on Youth Employment Incentives outlining the following:
 - Informal Economy Formalisation - ILC Recommendation:
 - To conduct workshops on international convention recommendations.
 - These workshops should be decentralised and focal points should be on the following:
 - Role of SETAs, DOL, SEDAs and DTI
 - Accessibility to funding and training
 - Role of NDYA vs. newly established Youth Directorates.
 - Criterion used to invest in the informal sector
 - Biasness of the Government towards co-operatives.
 - Targets groups:
 - Young workers
 - Progressive youth alliance

- Informal associations /organisations
- Rural areas
- These workshops will assist in developing an informed programme of action and among others we need to ensure that the funding that comes the DOL to DTI which is workers money, does not fund or promote labour brokering.

7. National Development Plan:

- Take forward engagement in the Alliance - prepare for the Alliance Political Council after the Summit
- Convene Bilateral with the SACP
- Mobilise members on COSATU and SACP concerns

8. National Day of Action / Strike

Focus on the following Demands:

- a) Public Transport / E-Tolls
- b) National Minimum Wage
- c) Youth Employment Incentives

Tasks to be undertaken include:

- Submit section 77 notices to NEDLAC with regard to above demands and call for the national strike in September 2015 when there is no agreement . COCC to develop and provide specific demands in this regard.
- Provinces to continue and intensify the programmes which have been ongoing.
- Develop a budget linked to the programme and Strike.
- Mobilise for National Day of Action.

9. 2016 Local Government Elections

- a) Elections committee should continue with its work
- b) Develop proposals regarding the municipal boundaries and confront the emerging trend where demarcation is used to maintain apartheid boundaries which re-enforces racism and tribalism.
- c) Form COSATU election structures and deploy COSATU comrades into the ANC election structures
- d) Work together with the ANC to complete the ward profiles in the all ward
- e) Revisit issue raised by communities in the last elections with an intention to give feedback on the progress made.
- f) Encourage members of COSATU and the alliance to be part of the BET VD and street coordinators
- g) Mobilisation for the election must form part of each and every activity of the federation
- h) The tendering system must change. Government must find a way to deal with the tender system. Have quality control mechanisms. Build the capacity of the state to deliver infrastructure and not to rely on the private sector.

10. International Solidarity:

Focus - Swaziland Solidarity

- a) Convening a meeting with Swazi civil society, political parties & TUCOSWA.
- b) Provincial Task Team to be formed at KZN & Mpumalanga.
- c) To re-assess the need for Border Blockades –
- d) To consider Work to rule/Go slows as part of our campaign
- e) To conduct an impact assessment on our Swaziland Solidarity Campaign
- f) Informed by this assessment to consider amongst others delevoping a clear programme on Swaziland Global Week of Action.

Xenophobia

- a) Convene a meeting to evaluate POA.
- b) Convene an Education W/shop on Xenophobia & International relations.
- c) Campaign for establishment of Local & Provincial Migrant Desk.
- d) Involve Diaspora Organizations.
- e) Pay Special attention to Township Economy

