

Covid-19 (South Africa): A precarious equilibrium: The balance between lives and livelihoods

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The Association of Mineworkers and Construction Union's (AMCU) struggle for worker safety during the scourge of Covid-19 in the South African mining sector.

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During late February when it became clear that the novel Covid-19 coronavirus was going to hit South African shores, we immediately realised that certain parts of our society would be particularly vulnerable. Due to the economic and spatial legacy of colonialism and apartheid, the large, mostly black majority of South Africans still live in cramped and poorly serviced accommodation. Most of these vulnerable citizens are unemployed, and those who have jobs have been referred to as the "working poor".

A century of exploitation and capitalist cruelty

The mining sector is a microcosm of South African society, still showing the scars of more than a century of exploitation and capitalist cruelty. When diamonds and gold were discovered in the late 1800s, there was an immediate need for cheap and unskilled labour. This led to a variety of social ills due to the migrant labour system and also acted as a precursor to apartheid.

During apartheid, black mineworkers' wages were kept low and their working conditions appalling. This made mining a very profitable business and in itself provided the impetus for apartheid to remain in force for as long as possible.

Mines are crowded places

Part of the legacy of this system was that mineworkers come from all over South Africa and its

neighbouring countries: Lesotho, Swaziland, Mozambique, Zimbabwe, Botswana and even Angola. Another part of the legacy is that the majority of mineworkers are men who leave their families behind. Mineworkers therefore almost always have two “homes” – one home where their family lives and another dwelling, anything from a dorm room to a shack to a mining house, where they work from.

At the mines, many mineworkers live in men-only hostels, where they are often cramped in sleeping dorms taking up to 50 workers. They cook in communal kitchens and eat in overcrowded eating halls and canteens. When they go to work, they are packed in buses like sardines, stand in queues to get their lamps, and then go into cage lifts taking up to 150 workers, kilometres down into the belly of the earth.

Underground conditions are damp, dusty, starved of oxygen, and hot. Very hot! It is said that one can fry an egg on the rocks at some of the deepest goldmines. Oxygen needs to be pumped in, and dirty air needs to be pumped out. Dust and noxious gases cause fatal occupational diseases such as silicosis and asbestosis.

All of these factors make the mining sector particularly vulnerable to Covid-19. The concept of social distancing is almost impossible at mines, and the fact that the workers come from all over adds to the risk of the virus entering the mine. It is a timebomb of infection!

AMCU acted immediately

The Association of Mineworkers and Construction Union (AMCU) was quick to see these risks. Already, on 5 March, AMCU wrote to all mining houses, calling for an urgent Coronavirus Summit in the mining sector. At the time, AMCU cited the particularly high risk of exposure to Covid-19 in the sector, and that stakeholders had to put in place measures to prepare, prevent and respond to the virus. It also wrote a similar letter to the State President, Honourable Cyril Ramaphosa. These letters remained unanswered.

Things quickly escalated... People became scared. We were told to wash our hands regularly and avoid large meetings. Eventually, on 15 March, the State President declared a state of disaster on national TV, followed by a national lockdown on 23 March. We were left even more scared, but we were comforted to hear that everybody must “stay home and stay safe”. Large employers were told to keep on paying their workers for the 21 days of lockdown, and, where this was not possible, the state would put in place measures such as assistance through the Unemployment Insurance Fund (UIF). This was, however, a false sense of security...

As AMCU we immediately wrote to all employers, pleading with them to adhere to the State President’s announcements and more specifically the exhortation to employers to keep on paying their employees. Some employers heeded the call, but others simply passed the economic uncertainty to their workers by declaring *force majeure* and no work, no pay. They seemingly forgot the handsome profits made on the backs of mineworkers for decades on end.

The Department changed the rules

In a parallel process the Department of Mineral Resources and Energy DMRE was starting to interpret the announcements by the State President in its own way. Where the President made the reasonable and understandable comment that (only) the mines which supply coal to Eskom would be exempted from the lockdown, the DMRE sought to systematically broaden this exemption.

At first this broadening included what seemed to be basically all coal mines, and then it moved to all opencast mines based on the premise that these were at lower risk. Not surprisingly, it eventually also allowed for gold mining to take place. A so-called consultative process with stakeholders led to this relaxation being reflected in remarks by the DMRE on 25 March, which set basically no minimum standards for the safety of those regarded as essential services. The main focus was on the exemption of operations to secure production, thereby forcing mineworkers to keep on working.

As AMCU we immediately realised that we had to respond. We were astounded by the contention that mining as a whole could be seen as an essential service. It was clear that it was not as essential to the people, as it was essential to the mining bosses. It was also clear that the DMRE had become co-opted by the Minerals Council (formerly known as the Chamber of Mines), supported by weak trade unions doing their best to remain relevant. As a militant trade union, AMCU and its submissions were side-lined, and a shocking number of 129 mines were exempted from the lockdown on the basis of being essential services.

AMCU defends workers' lives

We reminded our member of their right to refuse to work in dangerous conditions, as stipulated by section 24 of the Mine Health and Safety Act, and we urged employers to ensure the health and safety of their employees. We stressed that we were not opposed to the mines operating, but that the health and safety of workers must first be guaranteed. However, our pleas with the state and employers gained little traction, and we feared the worst.

The only viable option for AMCU was litigation, and we briefed well-known class action law firm, Richard Spoor Incorporated, to take on the fundamental issue of safety in the Labour Court.

From the outset, it was clear that AMCU had a strong case. Some employers expressed their support of AMCU's application, and even the DMRE attempted to settle the matter before going to court. AMCU enlisted the help of five progressive health experts (Professors Rodney Erlich, Jill Murray, Rajen Naidoo, David Rees and Pam Sonnenberg) to bolster its application and they made valuable recommendations as to how national minimum standards should look.

AMCU was victorious

On 1 May, Judge Van Niekerk of the Labour Court ordered the DMRE to set minimum standards in terms of section 9 of the Mine Health and Safety Act, to be gazetted by 18 May. As an extra achievement, the Court also ordered that, for the interim, a Standard Operating Procedure (SOP), which was negotiated between AMCU and the Minerals Council, would be made applicable to all employers in the mining and energy sector.

What a victory for workers on Workers Day! AMCU was able to use the judicial system to force the State to listen to the voice of workers, and not only to the capitalists they serve. This was also not only a victory for AMCU and for the mining and energy sector, but it set the example for other unions to protect their members by refusing to work before minimum standards are in place.

We demand testing, not just screening

Still, even though we were able to force the state to set minimum standards, we've unfortunately

seen substantial outbreaks of the virus in the mining sector. At the time of writing this article, there are 3209 confirmed cases in the mining sector, with a shocking 164 of these discovered at Anglo Gold Ashanti's Mponeng operations just a week ago.

Most of these cases were asymptomatic, confirming AMCU's earlier contention that screening alone is not effective. Screening is, to a large extent, a subjective process which delivers subjective results. But testing is, by its nature, a scientifically proven procedure which results in objective evidence of whether a worker is infected. This is why we have appealed to mining houses to implement a policy of universal testing, whereby all mineworkers are not only screened for Covid-19, but also tested.

We are fully cognisant of the fact that testing requires a capital outlay from employers, but we truly believe that this is the only sustainable way to manage the disease while also ensuring the continued operation of mines. It is known that the Covid-19 coronavirus takes up to five days to incubate, whereas individuals can remain asymptomatic for up to 14 days. It is specifically such asymptomatic persons who pose the greatest danger, especially in the high-risk workplaces of the mining environment.

Capital just wants profit

However, this balancing act is new to us. Capitalists only care about one thing, and that is profit. Profit at all costs. Their seeming concern for the safety and wellbeing of workers is just a facade. It is a PR exercise... This became very clear in how they dealt with Covid-19. They were put to the test and they were found to be lacking. Worker safety is not what it is about – it hasn't been their concern since the 1800s. They continue killing mineworkers every day. Just like mineworkers were forced to pay for their own mattresses and PPE in the 1800s, the same is still true today.

They also don't care about the livelihoods of workers, even though they pretend that it is about the "economy". The economy is not some abstract and separate entity that must be cared for. **The economy is made by people and it should be designed to serve the people.** The economy is only as good as the household economy of the poorest of the poor. As AMCU we will spare no resource until we have given economic emancipation to each and every worker in South Africa.

This Covid-19 coronavirus will be with us for some time, and there will most certainly be a jobs bloodbath in many industries. This will be used by capitalists to mechanise and eliminate jobs. The Labour Relations Act protects profits, and section 189 is only legislative permission to employers to take away the livelihoods of thousands for the sake of maximum profit. We must be ready! We must restructure the economy

But there must also be new opportunities. We need to look at ways and means to soften the blow on workers and society at large. This is a unique and ideal opportunity to address the gaps in our trade and industrial policy. For instance, we need to broaden our manufacturing capacity so that we can make our own equipment and PPE to manage Covid-19. Now is the time to change the structure of our economy. We need to move away from the extractive economy. We must focus on local manufacturing and beneficiation to serve the needs of our society. Obviously, this will not address all job losses, but it will go a long way.

Sometimes it seems like absolutely nothing has changed. It is still the mostly white capitalists who own the means of production and the mostly black mineworkers who must sweat and toil in the belly of the earth. It is still about our fathers, brothers and sons leaving their families behind to work for slave wages in harrowing conditions. It is still our mothers, sisters and daughters who are exploited at the workplace.

Since 1994 the only real change to the socio-economic realities faced by South African mineworkers has been brought about by AMCU.

AMCU has set the tone by providing workers with an escape route out of poverty and out of the grip of yellow trade unions who have been co-opted by the state and the mining bosses.

AMCU brought the concept of monetary value increases and moved away from CPI-based percentages.

AMCU came up with the R12,500 per month campaign.

AMCU came with the concept of staggered increases over multi-year wage agreements, of which the norm became the concept of R1,000 for every year of the wage agreement.

We need to ensure social justice for workers. We need to find the equilibrium between the lives and living conditions of workers on the one hand, and their need to earn a living and participate in the economy.

Aluta continua!

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P.S.

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