

Fighting the battles of the mine workers: The emergence of the Association of Mineworkers and Construction Union (AMCU)

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Abstract

The Association of Mineworkers and Construction Union (AMCU) was formed in post-apartheid South Africa. AMCU organises workers in the mining and construction sector. The importance and relevance of AMCU in democratic South Africa should not be de-emphasised, given the high levels of labour exploitation by mining companies. The mining sector is regarded as a crucial engine for economic growth and social development. AMCU, as the mining and construction labour movement, plays an important role in ensuring that its members are well represented, work in decent working conditions and are not exploited but are protected instead from the capitalist system in which the global economy operates. However, in the post-apartheid era, trade unions have not been forceful enough in advancing the interests of their members; instead they have been accused of being too close to employers and of having been co-opted by the new government. They are faced with the challenges of outsourcing, labour brokers and contracting-out of services by employers. Trust in trade unions has also decreased. This paper examines the emergence of AMCU and its rise in the mining sector.

Key words: trade unions, mineworkers, trust, mining industry, workers' wages and working conditions

1 Introduction

In South Africa, trade unions have been very important players in politics and labour relations. Workplace struggles have easily been translated into political struggles. During apartheid, the following issues, namely: exploitation in the workplace, issues relating to wages, humiliation in the workplace, discrimination (racial, ethnic or gender), lack of trade union rights and health and safety in the workplace prompted African workers to form trade unions. In post-apartheid South Africa, these very same issues, especially working conditions and wages, have raised the concern that trade unions are not doing enough to deal with them. However, trade unions still play an important role in politics and labour relations.

In South Africa, the majority of trade unions are affiliated to COSATU, which is in alliance with the ruling party, the African National Congress (ANC) and the South African Communist Party (SACP). In the same vein, many argue that this alliance does not benefit the workers, as many workers feel misrepresented. There has been intense

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debate around the issue of whether some unions have moved from a fighting position to one of close cooperation with and, some would argue, co-option by the new government. Other trade unions remain in fighting mode and refuse to engage constructively with the new order (Buhlungu & Tshoaedi 2012). This paper examines the emergence of the Association of Mineworkers and Construction Union (AMCU), and the main issue(s) that led to the formation of AMCU. But, firstly, it briefly documents the role of trade unions, particularly the National Union of Mineworkers (NUM), as well as the context in which South African trade unions operate and, secondly, the paper explores workers' perceptions of registered trade unions, especially the ones affiliated to COSATU. Lastly, the paper summarises challenges faced by AMCU.

2 The emergence and role of trade unions

In South Africa, trade unions emerged as a force for justice in the 1970s, especially after the wave of strikes in Durban. On 9 January 1973, workers at the Coronation Brick and Tile factory outside Durban staged a protest. Immediately afterwards, workers from small packaging, transport and ship repair companies also staged protests. By the end of March 1973, close to 100 000 workers, largely Africans employed in Durban, were involved in industrial action. South Africa's apartheid government and its white capitalist allies were shaken by what probably looked like an unstructured strike which had its beginnings in the complex mix of low wages, the humiliation of pass laws, the hardship of migrant labour, forced removals and the denial of the right to organise, based on the denial of basic human rights and racism that formed the bedrock of apartheid laws. Through songs and marches, Durban workers made their demands heard for the first time since the political "stay at home" of the 1950s. Workers exercised the power of factory-based mass action.

The strikes demonstrated the start of a turning point in the long struggle of black workers (i.e. African, Coloured and Indian workers) to build non-racial trade unions and thereby open up the possibility of embarking on a mass struggle against the apartheid regime. Trade unions were established with the emphasis on building democratic shop-floor structures around the principles of workers' control, accountability and mandating of workers' representatives (Webster 2013). Workers saw these principles as the basis for developing a working class leadership in their workplaces (Webster 2013).

Since then, trade unions have been one of the most effective social movements for the advancement of democracy and social justice (Dhliwayo 2012). Trade unions have been the first movements through which workers, who have only their labour to sell, have struggled to equalise the advantages enjoyed by the owners of capital assets in bargaining over wages and sharing new value-added activities in the workplace (Albo 2009). Trade unions have also constantly lobbied for the extension of democracy by advocating collective participation in politics, civil rights such as freedom of association, assembly, dissent, and the universalisation of social programmes to meet the basic social needs of all people (Albo 2009). Historically, these struggles for social justice were opposed by the apartheid government. In the post-apartheid era, these struggles are opposed by the advent of neoliberalism as the state's policy response is to keep trade unions under its control, while promoting corporate interests (Albo 2009).

Before the platinum belt strikes of 2012, NUM was the dominant union in the mining sector (Harvey 2013). NUM had a high membership in the mining sector. For example, NUM's membership stood at around 310 820 paid-up members in past years, which brought its monthly contribution to COSATU to R800 000, the biggest payment to the confederation (De Lange 2012b). Most of the NUM's growth in membership was in the

Pretoria, Witwatersrand and Vereeniging region, and largely in the construction and mining industries. The plus factor that contributed to NUM's growth in membership in those areas was that it was the only union organising workers. NUM was once strong in Rustenburg in the North West Province and the Highveld of Mpumalanga (Crush, Tseane, Ulicki & Van Veuren 2001).

According to a report in the *Mail & Guardian* which appeared on 19 July 2013, NUM had around 327 000 members in 2012, but the membership had dropped from 327 000 to 287 000 when official numbers were produced in May 2013 (Steyn 2013). Many of the members NUM lost are employed in the platinum sector, where most workers have joined the newly formed union, AMCU. Certainly, NUM has started feeling pressure from AMCU, which plans to supplant NUM in the gold and coal sector (Msomi 2014).

NUM also acted as an incubator for political leaders. It was reported in the *Sunday Times* of 6 July 2014 that some of NUM's former leaders hold top positions in the ANC, the government and even the corporate sector. For example, NUM's importance to the ruling party, the ANC, is confirmed by the fact that since its return from exile, the ANC has always had a former NUM leader as its General Secretary, which is arguably one of the most influential posts in the ANC. For example, Cyril Ramaphosa, now South Africa's Deputy President, moved from NUM in 1991 to become General Secretary of the ANC. Cyril Ramaphosa was succeeded by Kgalema Motlanthe, who served as the Secretary-General of NUM for 10 years before becoming General Secretary of the ANC and later its Deputy President as well as the Deputy President of the Republic of South Africa. In 1997, Kgalema Motlanthe was succeeded by Gwede Mantashe, the current ANC General Secretary (Msomi 2014).

In the private sector, NUM members such as Irene Charneley, Paul Nkuna and Kuben Pillay are occupying executive positions. NUM has an investment arm called the Mineworkers Investment Company (MIC), which has shares in Primedia, the owner of four of South Africa's radio brands: 94.7 Highveld Stereo, 94.5 K FM, Talk Radio 702 and 567 CapeTalk, as well as different companies in the financial, health and telecommunications sectors. Despite its extensive involvement in business and politics, as well as the contribution it has made to furthering workers' rights, the union has lost members because its members felt that it is too close to employers and no longer represents workers' interests. NUM became the fourth largest COSATU affiliate after the National Union of Metalworkers of South Africa (NUMSA), the National Education Health and Allied Workers Union (NEHAWU) and the South African Democratic Teachers Union (SADTU) (Harvey 2013; Steyn 2013). Nevertheless, NUMSA was expelled from COSATU in 2014 (Hunter 2014).

3 Trade unions in neoliberal South Africa

South African trade unions are operating in a democratic environment characterised by neoliberal economic policies. According to Terreblance (2012), the development agenda of the South African government has become increasingly neoliberal and the high levels of income inequality have been perpetuated during the 20 years of democracy. Neoliberalism includes a programme of liberalisation of financial and other markets in order to facilitate the free movement of commodities and money, government budget cuts, high interests rates, work restructuring, labour market flexibility, price liberalisation, public sector restructuring and a low wage system (Natrass 2014 and Van Driel 2003). South Africa's transition to neoliberal orthodoxy was cemented by the June 1996 Growth, Employment and Redistribution policy, which was exactly in line with the neoliberal policy encouraged by both the Washington-based

Bretton Woods Institutions, the World Bank (WB) and the International Monetary Fund (IMF) (Bond 2000; Shrivastava 2005).

Albo (2009) argues that one of a central forces of neoliberal policies was the wage and social restrictions imposed on workers to maintain the profitability of companies and the capacity of the state to assist in economic restructuring. These income policies were supplemented by labour market policies for flexibility and labour policies targeted at weakening trade unions in the workplace and in collective bargaining. The balance of power shifted firmly towards the employers. Trade unions became weaker in making gains in collective bargaining, in organising and defending workers, especially workers who are employed via labour brokers, casual workers, and migrant workers. Trade unions became weaker in advancing their traditional redistributive policy agenda for social justice. During the dominance of neoliberalism, developing countries have experienced an increase in insecure and marginal work and increased reliance on migrant workers with very limited rights. Neoliberalism has encouraged employers to step up their efforts against trade unions in favour of increased labour flexibility (Albo 2009).

The process of defining a clear economic, social and political role has been difficult for trade unions such as NUM, especially in view of the ANC's adopting neoliberal economic policies after it came to power and failing to meet the expectation of a better life for all (Kanyenze, Kondo & Martens 2007). Trade unions have had to define an effective strategy for influencing broader socio-economic policies in favour of their members. However, this duty has proved to be difficult in the face of neoliberal ideology (Kanyenze et al 2007).

Neoliberal globalisation has created challenges for NUM, the union that has been totally rooted in the ANC. Economic policies that have failed to alleviate unemployment have made it difficult for COSATU to keep justifying and supporting ANC policies. COSATU has also failed to be effectively strategic and independent in its relationship with the ANC and risks getting consumed and distracted from its strategic and tactical goals through dominance by the ANC government. On the other hand, there has been infighting within NUM, and workers have expressed dissatisfaction with NUM. As a result, AMCU was created. NUM lost the trust of its members, and workers came to regard NUM as a means of acquiring powerful government positions and board directorships in mining companies. From this perspective, the union's objective of fighting for better working conditions and wages for its members has been overshadowed by party political interests and material gains. The Association of Mineworkers and Construction Union (AMCU) is a workers' movement created in 2001 (Dhliwayo 2012).

4 Perceptions of workers regarding trade unions

Trust in trade unions has declined overall, even among the groups that have historically been most supportive of the nation's organised labour movements. According to the 2013 South African Social Attitudes Survey (SASAS) conducted by the Human Science Research Council of South Africa (HSRC), the majority of workers who participated in an illegal protest action in the mining sector do not trust trade unions (Gordon, Roberts & Struwig 2012). Workers in the mining sector are accusing trade union leaders of being too close to management and too willing to compromise on workers' demands (Gordon et al 2012). Furthermore, farm workers who participated in violent strikes in the Western Cape Province have voiced their dissatisfaction with their trade union, the Building and Allied Workers Union of South Africa (BAWUSA) (Gordon et al 2012).

Furthermore, the 2012 survey conducted by the National Labour and Economic Development Institute (NALEDI) revealed that one in three workers surveyed believe that there is corruption in trade unions, and that their representatives collude with bosses (Gumede 2014). Gumede (2014) argues that COSATU-affiliated trade unions' leaders have become so deeply embedded in the patronage politics of President Jacob Zuma's ANC that they appear to be unable to represent their members credibly anymore (Gumede 2014).

To demonstrate the fact that workers are losing faith in trade unions, there have been cases where workers themselves have bypassed their trade unions and taken matters into their own hands. For example, in 1998, workers who belonged to the South African Municipal Workers Union (SAMWU) took SAMWU to court to demand R5 million from it, after they had been dismissed by the Springs Municipality on the East Rand in Gauteng, following an unprotected strike by workers (Buhlungu & Tshoaedi 2012). The workers claimed that the union had not played its part in protecting workers, and that the union had failed to play an active representative role towards the workers (Buhlungu & Tshoaedi 2012). Another example was that of workers who belonged to the National Union of Metalworkers of South Africa (NUMSA) at Volkswagen in Uitenhage in the Eastern Cape, where workers went on strike against their union because they blamed NUMSA for signing what they considered a "sell-out" agreement with the company without obtaining a mandate from the workers (Buhlungu & Tshoaedi 2012).

As a result of increasing loss of trust in unions on the part of workers and the emergence of divisions within unions, new unions are being proposed. For example, in 2014, a report by the South African Press Association (SAPA 2014) revealed that expelled and suspended members of the South African Democratic Teachers' Union (SADTU) have resolved to form a trade union which will be open to all public sector workers. The splinter group's national co-ordinating committee met in Johannesburg on Friday, 18 July 2014, and resolved to form a non-aligned trade union. According to group coordinator, Paul Mbele, the proposed union will have no limitations. An individual who is employed in the public sector will be allowed to join. Mbele, a school principal, was expelled from SADTU in 2012 after being found guilty of mismanagement and misappropriation of school funds at a disciplinary hearing.

Another coordinator for the splinter group, Jihad Seonya, claimed that there was a need for a new trade union. Seonya was the deputy secretary of SADTU in the Free State prior to his suspension in 2014 for arranging a meeting that was addressed by expelled SADTU president Thobile Ntola. Ntola claimed he was removed for allowing COSATU general secretary, Zwelinzima Vavi, to speak at a union gathering in the Eastern Cape in 2013. In December 2014, a new public service union, the South African Public Service Union (SAPSU), was launched. The union was formed by former SADTU member, Thobile Ntola, as national convenor and former North West provincial secretary, Lawrence Tsajwa. The union described itself as an active, autonomous and non-aligned organisation of public service workers (Marrian 2014).

5 The formation and growth of AMCU

The Association of Mineworkers and Construction Union (AMCU) was formed in 1998 in Mpumalanga, South Africa. It was formed by a breakaway faction of the COSATU-affiliated NUM. It emerged in the South African mining sector, in which there is strong competition to attract members. AMCU was formally registered as a union in 2001.

AMCU sees itself as different from NUM in that it is “apolitical and non-communist” (Masiya 2014). The union’s core functions are recruiting and serving its members in the mining and construction sectors, and bargaining with employers over labour matters on its members’ behalf. AMCU and NUM are now the dominant unions at South African mines.

The seeds for the formation of AMCU were planted in Mpumalanga at Douglas Colliery, one of the oldest mines belonging to Ingwe Coal, now known as BHP Billiton, when a group of underground workers were involved in a wildcat strike. In September 1999, 3 000 workers at BHP Billiton protested against the dismissal by NUM of Joseph Mathunjwa, Chair of the local branch of NUM at the time. It was reported that Mathunjwa had been dismissed by NUM for misusing the R2 million made available by BHP Billiton through the Social Labour Plan to develop retrenchees, for bringing the union into disrepute and for causing division within the union (Chinguno 2013). The protest action staged by 3 000 workers at BHP Billiton was not protected and lasted for two weeks; while the action was taking place the mine’s underground section was occupied by the wildcat strikers for 10 days. Subsequently, the protest action was terminated after Mathunjwa had been reinstated. After this Mathunjwa had to face a form of disciplinary hearing by NUM for bringing the union into disrepute. These two issues resulted in the formation of AMCU (De Lange 2012a; Marais & Prinsloo 2013).

To obtain detailed information about the charges against Mathunjwa, NUM sent Archie Palane (deputy general secretary at the time) to investigate the allegation against Mathunjwa. The deputy general secretary found that Mathunjwa had done nothing wrong. Furthermore, another NUM official who had been sent to investigate the same case found that there was no reason to discipline Mathunjwa as he had not committed any offence. However, Gwede Mantashe, the NUM general secretary at the time, insisted that Mathunjwa appear before a disciplinary hearing. The hearing was set to be chaired by Mantashe himself. Mathunjwa refused to attend the hearing as he (Mathunjwa) had clashed with Mantashe over the handling of money paid by employers into a job creation fund (De Lange 2012a). Mathunjwa wanted an independent individual to be appointed to chair the hearing, instead of Gwede Mantashe (Marais & Prinsloo 2013).

Mathunjwa’s NUM membership was terminated, but he retained his job as a laboratory assistant at BHP Billiton. Importantly, Mathunjwa was very popular among the workforce at BHP Billiton. One of the reasons for Mathunjwa’s popularity and success was that he managed to persuade BHP Billiton management to implement a bonus system for underground mineworkers. He also managed to force management to take responsibility when a worker died, by making sure that management not only delivered the deceased person to the family, but also accompanied the deceased person home and explained the situation surrounding his death (De Lange 2012a).

NUM called a mass meeting to inform its members that Mathunjwa had been dismissed. At the meeting 3 000 workers resigned from NUM in solidarity with Mathunjwa. These workers started looking for unions they could join, but felt the culture and philosophy in the existing unions did not suit them. They asked Mathunjwa to form a new union and he took their advice. With the assistance of a local teacher, Jeffrey Mphahlele, he registered a new union with the Department of Labour. The union was called the Association of Mineworkers and Construction Union (AMCU). It was officially registered in 2001.

AMCU was first recognised at Douglas Colliery after the ousting of Joseph Mathunjwa from NUM. However, AMCU found it challenging to gain recognition because of suspicious employers who already had a relationship with established unions such as NUM. For example, BHP Billiton formed a bargaining forum at company level where the threshold for union recognition is 30 percent membership across the group. Despite this challenge, AMCU has managed to achieve a fairly good membership base at BHP Billiton's Douglas Colliery when workers who showed solidarity with Mathunjwa resigned from NUM. AMCU now represents workers at different mines such as coal, chrome and platinum mines in Limpopo, North West and KwaZulu-Natal. AMCU is well represented among mining contractors, as the employees of such companies are not usually bound by recognition agreements and are not protected.

In 2008, AMCU started recruiting workers in platinum mines around Rustenburg in North West. It gained access by recruiting subcontracted workers, in particular those employed by Shaft Sinkers (Chinguno 2013). It also managed to recruit Shaft Sinkers' workers who were assigned to projects in Limpopo. These workers were relocated to Brits in North West to work on a new project. Some of these workers had a problem with their employer, and NUM, their union at the time, did not give them satisfactory service. AMCU stepped in and helped the workers. Consequently, it gained around 800 members in the Brits area (Chinguno 2013). In January 2011, AMCU held a national congress at which it decided to recruit workers in the major platinum- and gold-mining operations across the country. After the congress, the union started moving towards this goal through social networks across the mines in the platinum belt and beyond (Chinguno 2013).

In June 2011, AMCU started recruiting workers at the Lonmin Karee mine following unprotected strike action over NUM's suspension of the Karee branch chairperson concerning allegations of misuse of funds. The protesting workers claimed that NUM was collaborating with Lonmin management in victimising a union representative with workers' interests at heart. Subsequently, over 9 000 workers were fired for a wildcat strike. Their union at the time, NUM, negotiated with the company to reinstate them. Lonmin agreed to reinstate 7 000 (Chinguno 2013). Nevertheless, when the workers were reinstated they refused to join NUM again. The workers heard about a new union from the Shaft Sinker workers who had been transferred to Lonmin Karee from Limpopo. They consulted AMCU and invited it to recruit members at Lonmin (Chinguno 2013). AMCU became the majority union at Lonmin Karee and gained minimum recognition in Lonmin, but NUM remained the majority union across all operations. AMCU was confident that it would spread to all major platinum mines (Chinguno 2013).

AMCU is very strong in Mpumalanga. However, it has increased its influence in North West as well. AMCU has managed to extend its recruitment base and is recruiting members in the Northern Cape, especially contract workers at iron ore and manganese mines around Kathu and Hotazel. The union recruited members at the gates of some Implats shafts in 2012. The AMCU leadership claims that the union is acting in accordance with the mandate it received from its members. NUM lost its status as the biggest representative of employees to AMCU at Impala Platinum, Anglo American Platinum, and Lonmin in 2012. AMCU has become the majority trade union in major platinum mines in South Africa. In 2012, there were roughly 30 000 mineworkers at Impala Platinum's lease area mine in Rustenburg, of whom roughly 22 000 belonged to NUM. Subsequently, NUM lost 10 813 members. AMCU managed to recruit 8 000 new members in 2012 at Impala Platinum's lease area mine in Rustenburg (Mackay 2012).

The number must have increased as AMCU has claimed 20 000 members at Implats (Mackay 2012).

At Lonmin, the London and Johannesburg-listed platinum company which is a primary producer of platinum group metals (PGMs), AMCU represents over 70% of the workers as compared to NUM's 20% representation in 2012. AMCU is officially the majority union at Lonmin. The union and Lonmin signed an employee recognition agreement in August 2013. At mines based in Limpopo, AMCU has started organising workers. For example, the union was planning to recruit at places such as Twickenham, an Anglo Platinum mine which employs thousands of workers (Sosibo 2014). In 2012, it was reported that many of these workers were not unionised and did not associate themselves with NUM. In 2014, AMCU was on its way to gaining majority status at the Dishaba, Mlanji and Tumela mines. All these mines are based in the Amandeubult region in Limpopo and are owned by Anglo Platinum (Sosibo 2014).

In the gold sector, AMCU represented about 17 percent of the unionised workers in 2014. AMCU represents workers at the following gold-mining companies: Sibanye Gold – the South African mining company with three operations: Kloof and Driefontein in the West Witwatersrand region in Johannesburg and Beatrix in the Free State, Harmony Gold – the third largest gold-mining company in South Africa and the fifth largest gold producer in the world, and AngloGold Ashanti – the other South African gold producer. AMCU is also the majority union at the Amplats and Impala platinum mines (Chinguno 2013).

The *Cape Times* reported on 12 September 2014 that Sibanye Gold's Beatrix mine was the first mining house to recognise AMCU when it signed a recognition agreement at its Driefontein operations at Carletonville in 2013. However, NUM remains the majority union in the gold-mining sector, despite opposing claims by AMCU that its representation has been understated amid thousands of unprocessed applications (Odendaal 2015).

Table 1 below shows the percentages of mineworkers represented by AMCU and NUM in the gold-mining companies.

Table 1
Percentages of workers represented by AMCU and NUM in the gold-mining sector, 2015

Mining companies in South Africa	% of workers represented by AMCU at company level	% of workers represented by NUM at company level
Sibanye Gold Beatrix	38%	44%
Harmony mine	15%	66%
AngloGold Ashanti operations	35%	47%

Source: Odendaal (2015)

Joseph Mathunjwa, the AMCU president, as quoted in the *Cape Times* of 12 September 2014, said that "The National Union of Mineworkers (NUM) cannot keep on saying they have 61 percent membership in the gold sector, we reached the threshold at Sibanye's Beatrix mine by taking members from NUM" (Faku 2014:17). On the other hand, NUM was not satisfied with the verification process carried out by the CCMA and has claimed that a total number of 350 members had been recruited to AMCU without their knowledge and had never signed membership forms to apply to join AMCU. NUM encouraged those members to bring charges against AMCU because AMCU had recruited them without their knowledge (Faku 2014). Nevertheless, NUM is still the majority union in the gold sector. The Chamber of Mines regards AMCU as an

important stakeholder in the gold sector, and the Chamber is making every effort to build a good relationship with AMCU based on the principles of trust, integrity and professionalism (Faku 2014).

Prior to the 2012 strike, wage negotiations took place between three platinum producers: Anglo American Platinum, Impala Platinum and Lonmin and NUM, the trade union that represented the majority of workers. In 2009, the bargaining councils signed a two-year wage deal, and the minimum monthly wage for underground mineworkers was increased to R3634. A second part of the deal specified a further 10% increase to R4000 in the following year. Workers in categories 4–8 received a 10% increase, while miners and artisans received 9%. In 2010, employee representatives in the bargaining councils aimed for a minimum of R4000 for the lowest paid workers. However, other workers received 7.5% and a guaranteed minimum of 7.5% (Benhura & Gwatidzo 2013). Furthermore, the platinum and diamond sectors were not included in the bargaining councils, but only the coal and gold sectors. Nevertheless, in recent years, the influence of unions in setting wages has been declining, as witnessed by the 2012 strike. Miners refused to comply with union instructions, saw that NUM does not represent workers' interests and thereafter rejected the unions. This has led to the collapse of the collective bargaining system (Benhura & Gwatidzo 2013).

6 South Africa's Marikana massacre

In 2012, rock drill operators rejected the official union, NUM, and led a wildcat strike at Marikana in North West, demanding a basic monthly salary of R12 500. On 16 August 2012, the uniformed South African Police Service (SAPS) opened fire on a crowd of striking mineworkers at Marikana (De Wet 2012; Kabemba 2014). The fateful event left 34 mineworkers dead and 78 wounded; more than 250 people were arrested (De Wet 2012; IOL 2012). The protesting mineworkers were demanding a wage increase of R12 500 at the Lonmin platinum mine. The strike at the Lonmin mine began on 10 August 2012, as more than 3 000 workers refused to work over pay in what management called an unprotected strike. The build-up to the massacre was marked by reports of intimidation and incidents of assault among the different factions of mineworkers. Two police officers and two security guards were among the 10 people who were killed as violence increased between two rival unions, NUM and AMCU (SAPA 2013; City Press 2013). However, many mineworkers had left NUM to join AMCU.

On 16 August 2013, at the commemoration marking the first anniversary of the deaths of 34 mineworkers who were shot and killed by uniformed SAPS officials during a wage strike at Lonmin near Rustenburg, Joseph Mathunjwa, the President of AMCU, argued that mineworkers have not benefited from the country's economic gains since 1994 (SAPA 2013). The mining companies have been consistent in paying mineworkers slave wages of, for example, of R3 300 a month. From AMCU's perspective, NUM has made no attempt to protect and promote mineworkers' interests. AMCU resents the fact that NUM has not played a more effective role in alleviating the exploitation of mineworkers. Thousands of workers who abandoned NUM to join AMCU have accused NUM of being too soft towards employers and too close to the State because of its alliance with the ruling party, the ANC (Musgrave 2014). AMCU accused NUM of claiming to speak on behalf of mineworkers, when it is in fact doing nothing of the kind. AMCU further accused NUM of positioning itself as the union that represents workers, when in fact it is too close to management and too willing to compromise on workers' demands. It has attempted to introduce strategies of controlling the workers

whereby poor and marginalised South Africans mineworkers are once again subjected to autocratic and undemocratic control (Musgrave 2014).

On 23 August 2012, the Marikana Commission of Inquiry (Commission) was established by the President of the Republic of South Africa, Jacob Zuma. A retired judge of the Supreme Court of Appeal, Ian Gordon Farlam, was appointed the Chairperson of the Commission. The Commission investigated the people responsible for the killings, both police and strikers, as well as Lonmin's failure to protect the workers. The report of the Marikana Commission of Inquiry was released on 25 June 2015, and the report had the following to say:

The report cleared the key political figures accused of having a hand in the events leading to the Marikana massacre. Concerning the responsibility of Deputy President Cyril Ramaphosa, who was a non-executive director at Lonmin, and former minister of police Nathi Mthethwa (now the minister of art and culture) and former minister of mining, Susan Shabangu, for increasing policing of the strike, the Commission found that given the deaths that had already occurred, Mthethwa's intervention did not cause the increase in the number of police officers on site, nor did he know that the operation would take place on 16 August 2012. The Commission is of the view that it cannot be said that Cyril Ramaphosa was the cause of the massacre as there is no basis for the Commission to find even on a prima facie basis that Cyril Ramaphosa is guilty of the crimes he is alleged to have committed.

The Commission's report was unclear about what part Nathi Mthethwa played at the time in his capacity as minister of police. The decision to disperse and disarm mineworkers was not taken by Mr Mthethwa, but by the extraordinary meeting of the police National Management Forum (NMF). No action was taken against Nathi Mthethwa. The former minister of mineral resources was also found innocent of allegations of corruption and perjury, and it was found that she did not influence the police response. The Commission's report found that the employer, Lonmin, did not adequately try to engage with workers on ending the strike or protecting its workers. NUM and AMCU were found to have lacked full control over their members, and it was found that NUM had incorrectly advised workers on their ability to negotiate and encouraged members to work regardless of the risk that they might be killed.

The Commission made a number of recommendations. It recommended that the National Prosecuting Authority (NPA) should investigate and possibly prosecute, focusing on those who committed the killings rather than on those in charge. Regarding the killing of two security staff members, two assaults, and the killing of a non-striking worker, Lonmin should be investigated for knowing the risks but failing to protect employees. The police should be investigated for firing shots at the strikers that may have exceeded the bounds of self and private defence and for the shooting of strikers by various members of the South African Police Service. The Commission also recommended that the strikers carrying weapons in contravention of the Dangerous Weapons Act and the Regulation of Gatherings Act should be investigated.

The Commission recommended that a team, headed by a senior state advocate, should be appointed, together with independent experts in the reconstruction of crime scenes, expert ballistic and forensic pathologist practitioners and senior investigators from the Independent Police Investigative Directorate (IPID). The Commission recommended a full investigation, under the direction of the Director of Public Prosecutions, with a view to discovering criminal liability on the part of all members of the Police Service who were involved in the events.

7 Challenges faced by AMCU

The main challenges that face AMCU in the mining sector are therefore to negotiate wages in favour of its members, protect its members from retrenchment and defend and maintain its majority status. AMCU's dramatic rise since 2012 to its present position of holding a clear majority at the world's three largest platinum producers, namely Lonmin, Impala Platinum and Anglo American Platinum, allows it to set the agenda in the wage negotiations. However, wage negotiations have not favoured AMCU and its members. The union has tabled wage demands ranging from R9 000 to R12 000 for entry-level workers, who currently earn slightly more than R5 000 a month. AMCU's rival union, NUM, has tabled a wage demand of R10 000 for entry-level workers. Members of AMCU rejected a wage offer from gold producers of increases of up to 17%. The gold mines Sibanye Gold and Anglo-Gold Ashanti offered an additional R1 000 a month to entry-level workers, while Harmony Gold offered R500 a month. AMCU said that the offer was too low to be acceptable to the members. AMCU is demanding that wages be more than doubled but gold-mining companies have said they cannot afford such increases as they are facing falling commodity prices and rising costs. Therefore, AMCU did not get the wage offer it tabled (Mathews 2015).

Nevertheless, AMCU is now faced with another challenge, namely whether it is still the majority union on the gold and platinum mines. Recent reports have revealed that the Chamber of Mines commissioned an independent audit of membership applications submitted by AMCU, and the audit revealed that more than 6 000 of 6 510 applications were invalid. At the recent wage talks in the gold-mining sector which included both AMCU and NUM, NUM was found to represent the majority of the workers. It was reported that some of the workers had returned to NUM and that others were unemployed. In the gold-mining wage talks, one of AMCU's first moves was to challenge its recorded membership numbers. It claimed to represent over 40 000 of the 94 433 unionised workers in the gold-mining sector. But after the audit, the Chamber of Mines announced that the correct figures were: 49 125 members or 52% belonged to NUM, 28 256 or 30% belonged to AMCU, and the remaining 18% were either members of the United Association of SA (UASA) or Solidarity or did not belong to any union. These figures are for AngloGold Ashanti, Harmony Gold, Sibanye Gold, Village Main Reef and Evander. At Sibanye Gold, NUM and AMCU's membership figures stood at 44% and 38% respectively. There, 4 618 stop order applications out of 5 011 were found to be invalid, mostly because those people had left the company or submissions had been duplicated (England 2015).

The audit also raised questions about AMCU's representation on the platinum belt, and NUM requested an audit of those membership figures as well. AMCU had concerns about the membership figures and the union was planning to ask the Chamber of Mines for full information because AMCU claimed majority membership at these mines. There is no formal relationship between AMCU and NUM, and they differ on many things, but they have a common interest in the welfare of workers (England 2015).

The retrenchments and work restructuring currently taking place in the mining sector are another challenge faced by AMCU. South Africa's mining industry shed over 35 000 jobs in 2012 and 2013. The majority of the job losses took place between 2012 and 2014 and occurred in the gold and platinum sectors, where the workforces of those sectors decreased by about 23 100 and 10 800 respectively. A further 1 600 jobs have been cut in iron ore mining between 2012 and 2014. Lonmin became the latest company to announce retrenchments in May 2015 when it said that it was looking at a

possible 3 500 job cuts in an attempt to reduce labour costs by 10 percent. In May 2015, 1 355 workers were retrenched. The job cuts included contractors and staff who took voluntary redundancy packages. In July 2015, Lonmin announced that it would cut another approximately 6 000 jobs across the board so that the company could cope with the small production base. Lonmin reported that its objective in cutting jobs was to create a sustainable business by taking urgent action and maximising liquidity to protect its business. The mining sector has been hit by labour unrest, rising costs and weak commodity prices. AMCU has not been able to protect its members from retrenchment (Mathews 2015).

AMCU has been criticised for being dominated by its president, Joseph Mathunjwa, and many have questioned the union's democratic claims given the absence of provincial structures in AMCU. There are no regional structures or regional office-bearers. There are branches at shafts on the three big mines in the platinum sector and three big gold mines, where AMCU holds a majority in Carletonville. Decision-making depends on one man, the union's president, Joseph Mathunjwa (Paton 2014).

The absence of democracy in the union has prompted claims by small groups of mineworkers at Anglo American Platinum (Amplats) and Impala Platinum (Implats) that Mathunjwa is abusing his power and will be unable to deliver on workers' demands (Paton 2014). The workers' committees that were set up by mineworkers on the platinum mines to oppose NUM and the employers were dissolved by AMCU. The workers' committees were replaced by shop stewards; however, this move was seen by many as an indication that AMCU was not democratic. In the same vein, these observations have prompted much argument that AMCU and NUM are two sides of the same coin, and sooner or later AMCU members are likely to encounter the same problems they experienced with their former union, NUM (Paton 2014).

8 Conclusion

Some South African trade unions are being increasingly seen by ordinary workers as unresponsive, unaccountable or possibly no longer relevant. Because these supposedly democratic trade unions do not appear to be responsive, accountable or democratic, workers are increasingly looking to new unions, including populist ones, or are seeking answers in protest action, as happened at Marikana or on the Western Cape wine farms in 2012. The governing ANC, the SACP and COSATU and its affiliates are among the "legitimate" institutions facing crises of credibility. These structural crises in society – their impact on the trade union movement, and the trade union movement's apparent inability to deal with it effectively – are among the reasons for the current deep divisions at national and affiliate level within COSATU. COSATU and its affiliates face a number of stark choices such as whether they should stay relevant, remain current and grow new members and avoid being overtaken by new trade unions and political formations, or splinter into a myriad of smaller unions. AMCU is now pushing for worker control and mandating workers' representatives at plant level. Whether AMCU has emerged as an alternative to mining unions affiliated to COSATU remains to be seen. Currently, AMCU is faced with the major challenges of upholding members' interests and dealing with job losses in the mining sector. AMCU has been criticised for being dominated by Mathunjwa, and the union's claim to be democratic has been questioned.

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