

DRAFT Report:

A Desktop Evaluation of Existing Internal Social Dialogue Mechanisms in the Port of Durban (Durban Container Terminal)

Introduction

This report is of a desktop evaluation conducted on the existing internal social dialogue mechanisms in the Port of Durban – Durban Container Terminal. The evaluation was undertaken as part of the International Labour Organisations (ILO) Port Work Development Project. The project aims at boosting the industry competitiveness of a key industry player Transnet (Durban Container Terminal -DCT) through a combination of interventions determined by way of social dialogue and ranging from workplace improvement measures to functional and technical/vocational skills training.

In the project logical framework immediate outcome one (1) is listed as “to promote a more dialogue-driven mediation of stakeholder interests in the Port of Durban.” Whilst output 1.1 makes reference to “a firmly institutionalised social dialogue mechanism linking internal port stakeholders that is reflective of international best practise.” In line with this output specific reference is made to “a review of the existing mechanisms for both internal and external social dialogue in the Port of Durban.” It is against this project deliverable the writer reports on the desktop evaluation conducted.

The social dialogue mechanisms of the internal stakeholders at Transnet i.e. more specifically between employer and employee is recorded in the Recognition Agreement. The signatories to the recognition agreement is the Employer – Transnet Limited and the Employees represented by South African Transport and Allied Workers' Union (SATAWU), UASA The Union, United Transport and Allied Worker's Union (UTATU) and South African Railway and Harbours Workers' Union (SARWHU). The current recognition agreement was signed in November 2007.

In conducting the desktop evaluation the writer referred mainly to the recognition agreement.

Broadly the content of the recognition agreement includes the following sections:

A. introduction,

- B. recognition,
- C. shop stewards,
- D. full time shop stewards,
- E. organisational rights,
- F. negotiation and consultation
- G. disputes and
- H. general

SECTION A: INTRODUCTION

The introductory section deals with the following areas; preamble, definitions and general principles.

The following are some of the key points recorded in the preamble:

1. Transnet and the signatory unions (the parties) have entered into the agreement to promote and maintain mutually satisfactory labour relations.
2. The parties recognise and acknowledge that sound, equitable labour relations policies and practices are essential for Transnet's viability and growth, the well being of employees, and the promotion of goodwill.
3. The parties declare their commitment to:
 - 3.1 Workplace peace and stability
 - 3.2 Improved work and behaviour standards, and health, safety, fairness and justice in the workplace
 - 3.3 Improved working conditions and employee wellbeing; and
 - 3.4 Good faith application of the agreement

Further in the introduction, amongst the general principles the parties declare their commitment to:

1. Freedom of association – the right of an employee to join a union and participate in its activities, and the right of the employer to join an employers' association and participate in its activities.
2. Equal opportunities – providing equal opportunities to all employees, subject to Transnet's employment policy and any relevant legislation.

3. Non-discrimination – eliminating any work place practice which discriminates on the grounds of race, gender, sexual orientation, religion, political affiliation, colour, ethnicity, social origin, age, disability, culture or language.
4. Transnet's long-term sustainability as a world-class freight transporter – that maintains safety standards, respects the environment, recognises the dignity of work and endeavours to bring about long-term certainty and stability of employment.
5. Resolving issues as close to source as possible – issues will wherever possible, be resolved as close to the source of the problem as possible, as quickly as possible.

SECTION B: REGOCNITION

The recognition section deals with the following areas; recognition threshold and organisational rights overview.

SECTION C: SHOP STEWARDS

The shop stewards section deals with the following areas; shop steward numbers and elections, shop stewards' responsibilities and shop stewards rights and facilities and shop stewards discipline and termination of assignment.

SECTION D: FULL-TIME SHOP STEWARDS

The full-time shop stewards section deals with the following areas; full-time shop steward numbers and assignment, full-time shop stewards term of assignment, full-time shop stewards facilities, full-time shop stewards employment conditions, full-time shop stewards rights and responsibilities and full-time shop stewards termination of assignment.

SECTION E: ORGANISATIONAL RIGHTS

The organisational rights section deals with the following areas; access of trade union officials to the workplace and deduction of union subscriptions.

SECTION F: NEGOCIATION AND CONSULTATION

The negotiation and consultations section deals with the following areas; wage negotiations and consultative structures.

SECTION G: DISPUTES

The disputes section deals with the following areas; discipline, grievances and retrenchments and dispute resolution.

SECTION H: GENERAL

The general section deals with the following areas; communication, duration and amendment of this agreement, domicile and notices and status and variation.

In the Recognition agreement reference is made Annexure C3, Transnet Port Terminal Consultative structures. The consultative structures are detailed both at a National Level as well as at a Terminal Level. Further the details of the various committees is tabled providing a breakdown of representation and frequency of meetings.

ANNEXURE C3: TRANSNET PORT TERMINALS CONSULTATIVE STRUCTURES

National

Level

**Transnet Port
Terminals
National Business
Committee**

**TPT Employment
Equity/Skills
Development
Committee**

Terminal

Level

**Durban Agriport ,
MPT& MW LBC**

**Durban Car Local
Business
Committee**

**Durban Pier 1
Local Business
Committee**

**Durban DCT
Local Business
Committee**

**Richards Bay
MPT LBC**

**Richards Bay
DBT LBC**

**Cape Town CT
Local Business
Committee**

**Cape Town MPT
Local Business
Committee**

**Saldanha IOT
Local Business
Committee**

**Saldanha MPT
Local Business
Committee**

**Port Elizabeth
Local Business
Committee**

**East London
Local Business
Committee**

	LABOUR	MANAGEMENT	HOW OFTEN
TPT National Business Committee	All FTSSs 6 (SATAWU 4, UTATU 2) & Union officials (at own expense)	1 COO (Chair) 1 HR GM 1 ER Manager 1 Strategy Manager 1 CFO Any other manager/s deemed necessary	Quarterly
TPT Employment Equity/Skills Development Committee	All FTSSs 6 (SATAWU 4, UTATU 2) & Union officials (at own expense)	1 COO (Chair) 1 HR GM 1 ER Manager 1 EE Manager 1 SD Manager Any other manager/s deemed necessary	Quarterly

<p>Local Business Committees (12 terminals)</p>	<p>All shop stewards ('ss') as per allocation below:</p> <p>Durban Agriport , MPT & MW LBC –</p> <p>Durban CT LBC –</p> <p>Durban Pier 1 LBC –</p> <p>Durban Car LBC –</p> <p>Richards Bay MPT LBC –</p> <p>Richards Bay DBT LBC –</p> <p>Saldanha IOT LBC –</p> <p>Saldanha MPT LBC –</p> <p>Port Elizabeth CT LBC –</p> <p>Port Elizabeth MPT LBC –</p> <p>Ngqura CT LBC –</p> <p>East London LBC –</p> <p>Cape Town CT LBC –</p> <p>Cape Town MPT LBC–</p>	<p>1 BU Executive (Chair)</p> <p>1 HR Manager</p> <p>1 ER Manager</p> <p>1 Ops Manager</p> <p>1 Planning Manager</p> <p>1 Finance Manager</p> <p>Any other manager/s deemed necessary</p>	<p>Monthly</p>
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CLOSING REMARKS

This review is based on a desktop evaluation conducted on the existing internal social dialogue mechanisms in the Port of Durban – Durban Container Terminal. Therefore information contained herein is limited to information obtained from the various documentary sources.