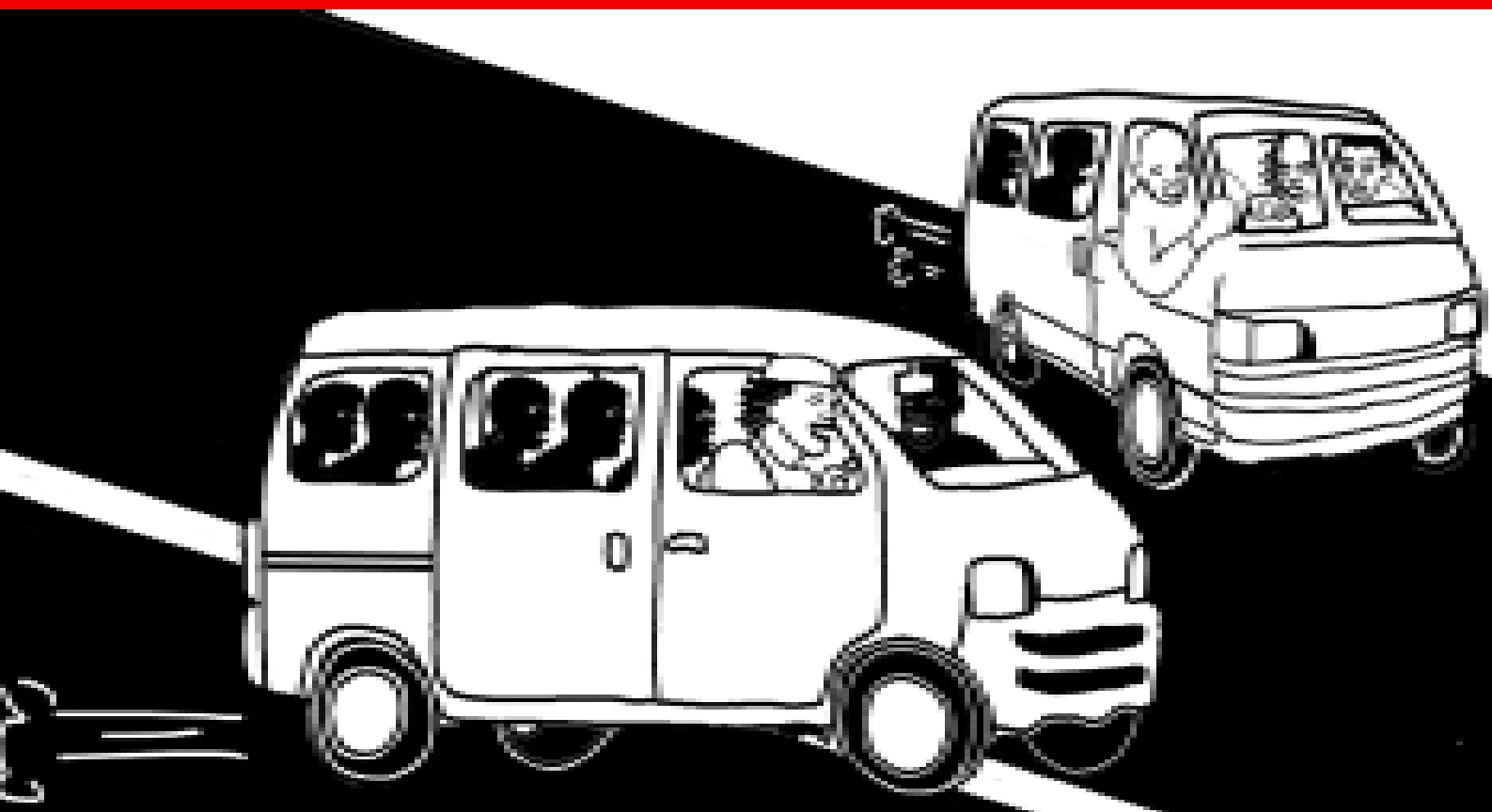


Organising in the taxi industry: The South African experience



CASE



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A message from the International Labour Organisation

The International Labour Organisation (ILO) was formed in 1919. Today, it is part of the United Nations family of organisations. Most of the countries of the world are members of the ILO. In each member country, the ILO encourages the government and the social partners – employers and workers – to come together to find ways to promote decent work.

Decent work is work which gives enough money for the working person and their family to live decently. Decent work is work which is done freely, and with dignity. It is work where all people – women and men, black and white, young and old – have equal opportunities.

In the last ten years, the ILO's work has become part of the larger human rights movement to end poverty, find work for everyone who wants to work, and build a better society.

To take forward its mission, the ILO has developed labour standards for governments to adopt and apply in their countries. The ILO Declaration on Fundamental Principles and Rights at Work in 1998 said that all member countries must promote and respect the principles and rights contained in the eight ILO fundamental Conventions. (See the back of the booklet for more details.) These eight Conventions cover the following principles and rights:

- *freedom of association and the right to collective bargaining;*
- *the elimination of forced or compulsory labour;*
- *the abolition of child labour; and*
- *the elimination of discrimination in employment and occupation.*

These principles and rights will help people claim their fair share of the wealth that they help to create. They will also help people reach their full human potential.

The right to freedom of association is especially important because it allows workers and employers to fight for the other rights at work. By getting organised into democratic organisations, workers can fight for their work-related interests and influence policy.

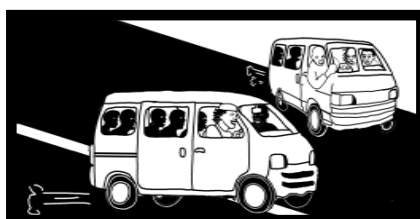
However, many workers in the informal economy do not have this right. Sometimes there are problems with the law. Sometimes there are problems because the law is not properly enforced. The lack of strong organisations for workers and small entrepreneurs to fight for their rights is one of the reasons that people who work in the informal economy are often among the poorest and most exploited.

This booklet describes how workers and employers have started organising in South Africa's kombi (mini van) taxi industry, which is still today mainly in the

informal economy. The booklet is based on research done by the South African Transport and Allied Workers' Union (SATAWU) in 2001. The SATAWU research was part of a bigger ILO research project on the informal economy in different parts of the world.

The booklet is intended as an educational tool for trade union organisers and taxi workers. We hope it will help workers build and use strong organisations to fight for their rights.

Many people helped make this booklet happen. Jane Barrett of SATAWU did the research. Debbie Budlender of Community Agency for Social Enquiry (CASE) wrote the booklet. Linda Cooper designed the teaching activities at the end of each section. Stacey Stent did the drawings. Gaby Cheminais did the layout. From the ILO headquarters in Geneva, Giovanna Rossignotti and Manuela Tomei gave support in many ways throughout the process. The Royal Government of the Netherlands provided the money for the research and booklet. Finally, we must thank the ILO Office in Pretoria and all the other South Africans who contributed time and information to make it all possible.



Suggestions on how to use this booklet

There are different ways in which you can use this booklet. Firstly, you can read it on your own and think about the different issues. Secondly, you can use the booklet as a resource for a workshop on organising in the kombi taxi industry. Here we give some suggestions for the facilitator of the workshop if you decide to use the booklet in the second way.

Each session of the workshop covers one section of the booklet. Most sessions should last approximately 90 minutes to two hours. But Session 4 which has a role play, will take about three and a half hours. The workshop can be run continuously over two and a half days, or in shorter sessions spread over a number of days or weeks.

Before the workshop, the facilitator should read the booklet carefully in order to understand the contents and the suggested learning activities. In the workshop, each participant should, if possible, have a copy of the booklet.

The facilitator must make sure that all participants understand each section of the booklet. This can be done in one of the following ways:

- (a) the facilitator can verbally summarise the main points covered in that section; **OR***
- (b) the facilitator can ask participants to read through each section of the booklet on their own; **OR***
- (c) the facilitator can divide participants into groups, and ask them to read through each section of the booklet together in their group.*

If participants read through a section of the booklet on their own or in groups, the facilitator must give them enough time to do this properly.

*At the end of each section of the booklet, there is a suggested **group activity**. These activities help participants to understand the issues raised in that section, add their own knowledge to the information, and debate the way forward.*

Participants should do this activity immediately after going through that section of the booklet. During the group work parts of the workshop, the facilitator should:

- *check whether participants have any questions after going through that section of the booklet;*
- *divide participants into groups of 4-5 people to ensure good participation. (Put participants in groups with others that they don't know already. If possible, have a mix of women and men in each group);*
- *carefully go through the activity with participants, ensuring that each group understands what it must do;*
- *make clear how much time the group activity will take;*
- *explain how groups must report back after the activity;*
- *ask each group to choose a chairperson to guide the discussion, someone to keep notes on what is discussed, and someone to report back after the activity;*
- *go around to groups while they are busy with the activity, checking that they are on the right track;*
- *remind groups how much time they have left for their activity;*
- *organise and record the report-backs from the groups at the end of the group work.*

Introduction

Strong organisation is important so that people can influence the policies that affect their lives. Clause 17 of the South African Constitution says that everyone has the right to ‘freedom of association’, which means the right to join organisations and organise. The ILO Convention that talks about this right is the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). This Convention says that all workers and employers have the right to establish and join organisations of their choice.

The right to organise helps workers and employers to exercise other rights at work. For example, having a trade union helps workers to bargain around wages and working conditions. It helps workers to make their voices heard by government, business people and other institutions on issues like economic policy and labour law. Without a trade union, ordinary workers usually have very little say about how things happen in their workplaces or in society. The right to organise helps development happen in a fair and democratic way.

This booklet describes how workers and employers have started organising in South Africa’s kombi taxi industry. The booklet is based on research done in South Africa in 2001 as part of a multi-country ILO project on organising in the informal economy. In South Africa, researchers looked at four sectors: clothing, construction, street trading and kombi taxis.

The kombi taxi industry was chosen because:

- It is a large employer and has grown a lot in the last 15 years.
- The kombi taxi is the most common form of public transport. It is especially important for commuters from poor black communities.
- The industry is going through big changes that will affect all taxi workers’ jobs.

This booklet has six sections. Each section includes an exercise to help you think about the lessons for organising. The exercises encourage discussion so that you can add your own knowledge to what you read in the booklet. The six sections are:

1	Working in the taxi industry	pages 5 - 7
2	History and economics of kombi taxis	pages 8 - 11
3	Who’s who in the taxi industry	pages 12 - 19
4	Taxi recapitalisation	pages 20 - 23
5	Minimum wages and conditions	pages 24 - 27
6	SATAWU’s strategies for organising taxi workers	pages 28 - 31

1 Working in the taxi industry

About 185 000 people work in the kombi taxi industry in South Africa. These workers provide the main form of public transport in the country. The largest group of workers is drivers. In addition to drivers, there are queue marshals, car washers and administrative workers. In some parts of the country there are also fare collectors.

About 95% of workers in the taxi industry are African. Less than 2% are women. Many of the women do administrative work for the taxi associations.

Very few drivers are self-employed. Most work for a taxi owner and are paid wages. However, very few taxi workers have a formal written contract of employment. At the time of writing, there are no national standards for conditions of work in the taxi industry, and no minimum wages.

Wage-employed drivers are paid in four different ways:



- Some drivers receive no basic wage. These drivers pay a fixed percentage of the week's takings to the owner, and keep the rest.
- Some drivers are paid according to the 'wage plus system'. These drivers receive a basic wage, and then they pay a percentage of the takings to the owner, and keep the rest.
- Some drivers hand all the takings to the owner and receive a regular wage.
- Some drivers keep the takings of one day in the week, and give the takings from all other days to the owner.

Some taxi owners say that drivers steal a large percentage of the takings. They say that this is the reason that they pay low wages. Some drivers say that low wages force them to cheat.

In 2002, SATAWU organisers and workers said that the average wage for a driver in Pretoria or Johannesburg was R300 per week. But some drivers earned only R160 a week, while others earned R500. Drivers work long hours to earn this money. A typical driver's workday is from 5am in the morning to 7pm in the evening. And there is no paid leave.

These wages are only a small proportion of the takings. Drivers say that they collect about R600 a day in fares if they do eleven trips between Johannesburg and Soweto. They pay half of this to the owner. Most of the rest is spent on petrol.

In addition, when the vehicle breaks down, the owner deducts money from the driver's pay to pay for repairs. Drivers must also pay traffic fines even if the fine is because the vehicle is in a bad condition.

Long hours, low wages, no benefits, harassment by traffic officials, and pressure from passengers make taxi driving a stressful job. Driving fast in overloaded vehicles to increase take-home pay adds to the stress.

The South African National Taxi Council (SANTACO) is the national organisation of taxi owners. SANTACO says that drivers exaggerate the stress of the work:

“There is plenty of down-time during the day, when little or no driving takes place ... there is no excuse to drive like maniacs and be rude to passengers. The problem is made worse by the modern macho culture of young men.”



Queue marshals and administrative workers are employed by local taxi owner associations. The queue marshals are responsible for saying which taxi takes the next passengers at the rank, for checking the tyres of the taxis, and for taking complaints of passengers. The administrative workers do the paper work of the taxi associations. Queue marshals and administrative workers receive a fixed wage.

Vehicle washers are employed on a casual basis by drivers. The taxi owners do not pay vehicle washers because they say that taxi drivers should do this work themselves.

Queue marshals in Gauteng earned about R250 per week in 2002. They receive a pay slip. There are no deductions for unemployment insurance or benefits. But queue marshals do get three weeks' paid leave a year. Queue marshals work outside, but do not receive protective clothing.

Occasionally passengers will not take a taxi because it has a woman driver. Sometimes, drunk men passengers make rude comments about women drivers. But many passengers prefer women drivers because they say they drive more safely.

ACTIVITY 1:

Exploring working conditions in the taxi industry

Aim:

This activity will help participants to:

- get to know one another better;
- add their own knowledge to the information contained in the booklet;
- debate and reach a shared understanding of the working conditions and key problems they face as workers in the taxi industry.

Time:

Approximately 90 minutes.

Method:

Participants should go through Section 1 of the booklet.
(20 minutes)

1. Ask each member of the group to introduce themselves and to say:
 - How long have you worked in the taxi industry?
 - Where did you work previously? What is your current job in the taxi industry?(10 minutes)
2. Discuss the following questions in groups:
 - Does the information contained in Section 1 of the booklet accurately describe the working conditions that you - as workers in the taxi industry - experience?
 - What additional information (about working conditions and problems faced by workers in the taxi industry) is important?(20 minutes)
3. Prepare a report back to plenary on the answers to the questions in 2.
(5 minutes)
4. Report back and plenary discussion.
(30 minutes)

2 History and economics of kombi taxis

During apartheid it was almost impossible for an African person to get a permit to operate a taxi. Public transport was dominated by government-owned trains and by bus companies that received subsidies from government.

African people needed public transport more badly than other groups. Firstly, most black people were too poor to own private motor cars. Secondly, starting in the 1960s, the apartheid government moved black people away from the commercial and industrial centres of the country's cities. So black people worked far away from the best work opportunities. But public transport was not convenient. It was expensive. It also operated only at peak times and along set routes.

The kombi taxi industry started in the late 1970s to meet the demand of people for transport. Some of the new operators tried to use a loophole in the Road Transportation Act which allowed them to operate if they left one seat empty. But it was difficult to get the permits, so many operators worked illegally without permits. They were punished through fines or by having their vehicles confiscated. Local government also made life difficult for the operators, for example by closing taxi ranks.



A taxi driver explained how they organised in the 1980s against the government restrictions:

“They kept closing the taxi ranks. Eventually, those of us who were not long out of school decided to apply what we’d learnt as student activists. We organised a



work stoppage and a blockade of the ranks. Police were brought in and drivers, including myself, were arrested. We were released on warnings, and then the senior traffic officials called the drivers and the owners to negotiations.

No taxi service was operated while the negotiations proceeded. The committee of drivers and owners met with business representatives to explain the non-operation of services. The ranks were eventually re-opened and services were resumed with certain conditions agreed. The conditions included an agreed limit on the number of taxis to be ranked at any one time.”

Pressure to allow kombi taxis came both from black commuters, and from white business which wanted their workers to be able to travel to work cheaply and more easily. After a number of investigations, in 1986 government made it legal to operate 16-seater taxis, although they restricted the number of permits. By 1989, around 50 000 kombi taxis were operating nationally.

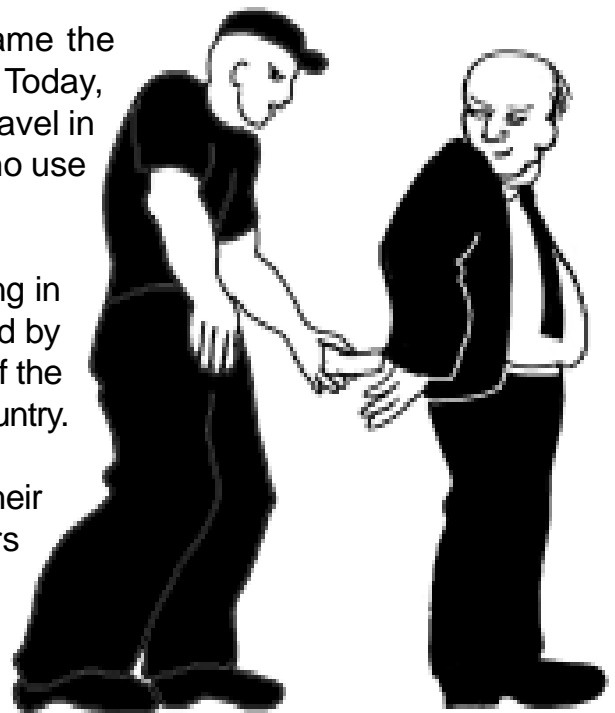
Very soon a new problem emerged. Because there were so few other opportunities for black business people, too many wanted to operate taxis. In 1990 taxi “wars” began in which different taxi owner associations fought over taxi routes. These wars resulted in the deaths of hundreds – maybe thousands – of owners, drivers and commuters over the following years.

The taxi wars were not the only problem. Many operators worked illegally because the number of permits was limited. They often had to bribe government officials to be able to operate.

Despite these problems, the kombi taxi became the most commonly used form of public transport. Today, about two-thirds of all public transport users travel in kombi taxis, compared to about one in five who use buses and one in seven who use trains.

Today there are about 127 000 kombis operating in the country. About 90 percent of taxis are owned by black people – mostly men. This makes it one of the most important forms of black ownership in the country.

Some of the taxi owners have registered with their provincial transport departments. Many others are still operating illegally. In 2002, the Gauteng Department of Transport estimated that there were 16 000 unregistered taxis in the province.



Most taxi owners are also not registered as tax payers. This makes it difficult to estimate the total value of the industry. However, using passenger numbers, we can estimate that kombi taxi turnover is probably around R11 million per day – and over R12 billion a year.

Today, kombi taxis are mainly part of the informal economy in South Africa. The informal economy is the part of the economy where businesses are not registered or where workers do not have secure contracts and benefits. Most workers in the informal economy work in businesses that are not registered. But there also workers in formal, registered businesses who do not have proper working conditions and rights. They are also part of the informal economy.

To have decent working conditions, taxi workers must become part of the formal economy. As taxi owners start registering with the transport departments and with the South African Revenue Service, and as they start registering workers with the Unemployment Insurance Fund, they are becoming part of the formal economy.

Taxi owners complain, however, that they cannot afford higher wages and better conditions because their profit levels are low. One reason for low profits is that most passengers are poor and cannot afford high fares. Another reason is the long distances between where people live and work or shop. This keeps profits low because running costs are high but kombi taxis can't charge higher fares. One result of low profits is that taxi owners continue to use vehicles even when they are old and dangerous. Many people describe kombi taxis as “coffins on wheels”.



Overloading of taxis increases the dangers. Overloading happens because many drivers are paid according to the number of passengers they carry.

Employers rarely report accidents involving their employees to the Department of Labour, despite the fact that occupational safety laws say they must.

ACTIVITY 2:

Memories and current problems in the industry

Aim:

This activity helps participants to:

- think critically about the information in Section 2 of the booklet;
- draw on their own experiences to add to our knowledge about the *history and economics of kombi taxis*;
- develop a shared understanding on the main problems facing the kombi taxi industry today.

Time:

Approximately 90 minutes.

Method:

Participants should go through Section 2 of the booklet.
(20 minutes)

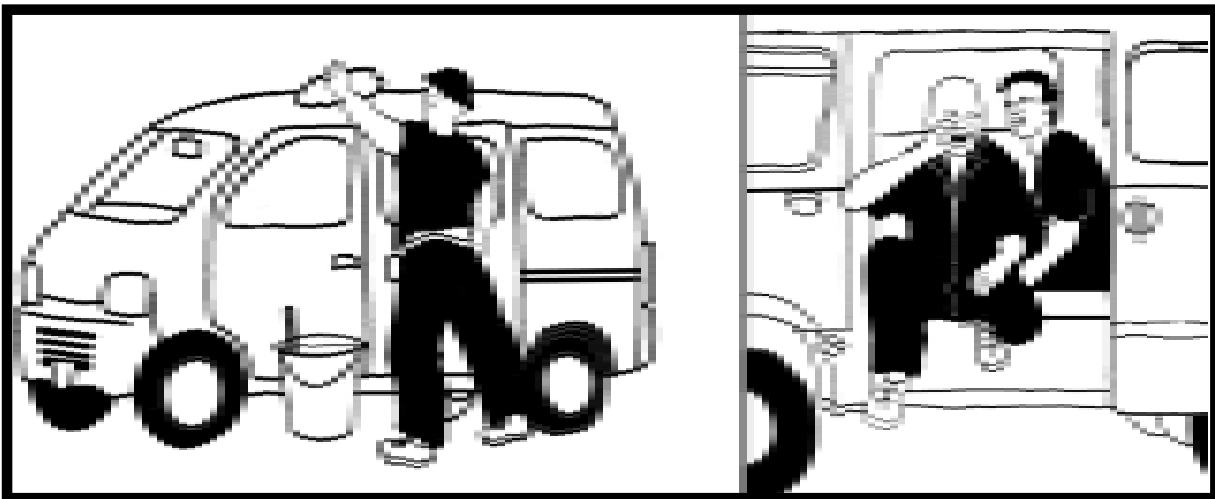
1. In groups, discuss the following questions:
 - a. Does anybody remember the days before taxis? How did your community experience the growth of the taxi industry?
 - b. What has it meant for buses and trains in your area?
 - c. What memories do you have of taxi struggles during the apartheid years? Or of taxi violence during the 1990s?
 - d. What are some of the main problems facing the industry today?
 - e. What do you think are the main causes of the current problems?
(25 minutes)
2. Prepare a report back. Your report should summarise only a few, main points that emerged in response to questions a to c, and should focus on responses to questions d and e.
(10 minutes)
3. Report back and plenary discussion.
(25 minutes)

3 Who's who in the taxi industry?

Workers' organisations

There are two national trade unions that organise taxi workers – the South African Transport and Allied Workers' Union (SATAWU) and the National Taxi Drivers' Organisation (NATDO). In 2002, the two unions together claimed 35 000 members. This is only equal to one in every five taxi workers. And many of these members are not paid-up.

SATAWU was established in May 2000. It brought together all the unions in the Congress of South African Trade Unions (COSATU) which organised transport, security and cleaning workers.



In 2002, SATAWU had 100 000 members, and was the seventh largest affiliate of COSATU. 95 percent of its members are black. 15 per cent of its members are women, but most of the women are in contract cleaning, not in taxis. Most of SATAWU's members work in the formal economy. Taxi workers are the exception. In 2002, SATAWU had about 10 000 members in the taxi industry, of whom 2,500 were paid-up.

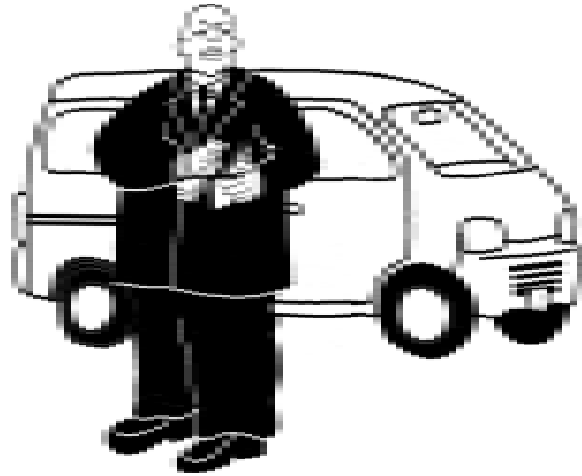
Chapter 6 looks in more detail at SATAWU's strategies for organising taxi workers.

In November 2001 NATDO claimed to have 25 000 members, mostly in Gauteng. NATDO is not a member of any federation.

NATDO is also not registered as a trade union, so it does not have all the rights granted by the Labour Relations Act (LRA). But it can negotiate with employers. NATDO organises only drivers, not queue marshals and administrative workers.

Owners' organisations

Taxi owners started organising in the 1970s to fight against government restrictions. Later some of the taxi associations also fought with each other over routes.



Local associations of taxi owners still play an important role in permit allocation today. When operators join the local association, they must pay a joining fee, as well as an amount for a permit. They must also pay a weekly fee to the association to pay for the administrative office, queue marshals, and executive members of the association. In 2002, the joining fee in Gauteng was R15 000, the permit cost R4 000, and the weekly fee was R50.

The South African Black Taxi Association (SABTA) was the first national organisation of taxi owners. It was established in 1979, and brought together hundreds of local taxi associations. In the early 1980s, a separate association for long-distance taxi operators was established. Its name was the South African Long Distance Taxi Association (SALDTA). Other rival national organisations to SABTA were also established.

Towards the end of the 1990s, the national Department of Transport started encouraging taxi owners to form united provincial taxi owner associations. In September 2001, the provincial associations came together in the South African National Taxi Council (SANTACO). SANTACO has national and provincial structures, each with elected leadership. Local associations affiliate to the provincial associations, but they set their own membership fees and elect their own leaders. The head office of SANTACO is in Pretoria.

Government encouraged the formation of provincial associations and SANTACO because these associations give government someone to speak to and negotiate with. SANTACO is also important for trade union organisation. In the past, national owner organisations focused on routes and permits. They did not see themselves either as business organisations or as employer organisations. SANTACO is different, because it sees itself as a business organisation and as an organisation of employers.

As a business organisation, SANTACO plans to help members in negotiations on service, maintenance and supply of vehicles, fuel, tyres and oil. It also plans

to invest in other industries which are suppliers and customers to the taxi industry. As an employer organisation, SANTACO will give organised workers a united body to negotiate and bargain with. SANTACO's guideline for local taxi associations also defines local bodies as employer associations. This will assist with negotiations and bargaining at local level.



SANTACO spokesperson:

“We take labour issues very seriously. We are aware that workers in the industry are being organised. We want workers to be organised and we want to see conditions improve through collective bargaining. Better conditions and better returns for owners go hand in hand.”

SATAWU organiser:

“The owners now enjoy the status of being a boss. That doesn't mean that they are friendly to the idea of a union. A lot of them respond by employing family members, because they think that that will keep the union out. But they won't succeed. I started in the industry working for my father, but it never disguised the overall exploitation.”

SANTACO is not the only taxi association. Top Six also claims membership of taxi associations in several provinces. Top Six and SANTACO do not always agree on important issues. For example, SANTACO has supported taxi recapitalisation, but Top Six is against it.

Section 4 of this booklet discusses taxi recapitalisation.

Government

Several different parts of government are important for the taxi industry. The national Department of Transport is responsible for making transport policy – both in general and for different types of transport. The Department developed the idea of the taxi recapitalisation policy which is discussed in Section 4. The Department of Trade and Industry (dti) is now in charge of implementing the policy.

The provincial Departments of Transport are important because taxi owners must register with them and get a permit to operate from them. The Department of Labour is important because it is responsible for labour law. Local government is important because the municipalities control the taxi ranks.

The information in this booklet is based mainly on research in Pretoria and Johannesburg. Both of these cities are in Gauteng province, but there are differences in the history of the taxi sector in the two cities. Over the years, government authorities in Pretoria were very tough on the taxi industry and imposed many restrictions. As a result, both workers and owners united to fight for the industry's survival. In Johannesburg, the authorities were not as tough. This allowed workers to focus more on improving working conditions.

Consumers' organisations

Consumers are not organised strongly in South Africa. There have, however, always been good reasons for users to organise around public transport. In 1998, people in Soweto set up the Soweto Daily Passengers Committee to help them complain about problems with Putco buses. Later this organisation became the South African Commuters' Organisation (SACO).

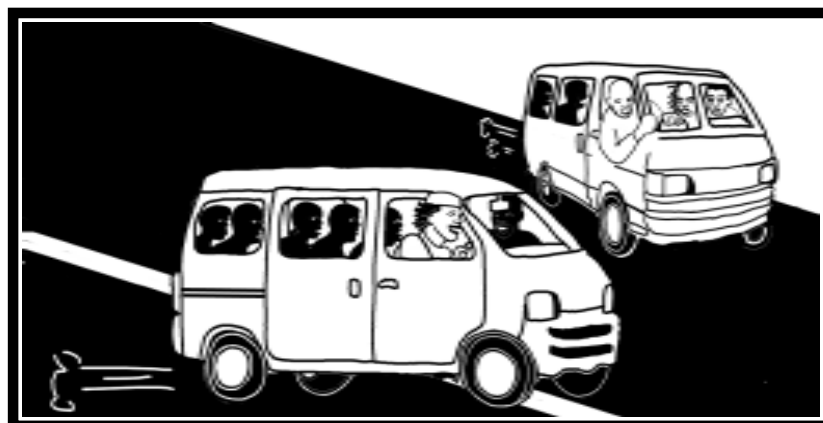


Until 2000, SACO was a non-profit lobbying organisation. It did not have signed-up members. In 2000, SACO realised that its voice would be stronger with government, employers and the media if it had members and a proper structure. So it changed its constitution to allow individual membership and branch structures. By 2002, it had 3 000 paid-up members. Membership fees were R12 per year.

SACO sees public transport as a right and not a privilege. It speaks on behalf of people – including workers – who have limited money. In the first years it lobbied for subsidies for taxis like the subsidies for buses and railways. Now it focuses more on educating consumers about their rights, and assisting them in claiming their rights.

SACO says that many taxi drivers treat passengers badly. Drivers reply that most passengers are *“not positive... They are always putting pressure on you as a driver because they are late for work or something. But drivers are not naturally rude.”*

Consumers and drivers have many common interests. Both will benefit from safe and reliable vehicles, competent drivers, and better facilities at taxi ranks. SATAWU argues that improved wages and conditions will be good for commuters because workers will be happier, more stable and more skilled.



ACTIVITY 3A:

Who's who in the taxi industry

Aim:

This activity helps participants to:

- become familiar with the many names and acronyms (shortened form of the names) of important organisations in the kombi taxi industry;
- understand how the different organisations relate to one another.

Time:

At least 90 minutes, including 15 minutes for a “gallery walk”.

Method:

Participants should go through Section 3 of the booklet (20 minutes).

Participants should work in groups of 4-5 people. Each group should be given a large piece of paper to work on, and a koki pen to write with. Each group must do the following tasks:

1. In the list of organisations below, some are listed as *acronyms* (short form of names). Write out the full name of the organisation next to each acronym.

SABTA

Department of Trade and Industry

NATDO

SACO

Department of Transport

SATAWU

SANTACO

COSATU

Department of Labour

2. Discuss who each of these organisations represent, and what their functions are. Group the organisations into clusters of those with similar functions or constituencies.
3. On the newsprint, draw a diagram which groups together all the organisations with similar functions and/or constituencies, and which *shows their relationship to one another*. For example, you can draw lines to show how one or more organisations are

members of a larger, umbrella organisation, or to show how one organisation changed later into another organisation.

4. At the end of this exercise, your group will stick its piece of newsprint on a wall, alongside those of other groups. This will create a “gallery” of diagrams. Instead of a formal report back, participants will look at the diagrams of other groups, and ask questions where necessary.

NOTE TO FACILITATORS:

This exercise can also be done using cards. You will need to prepare one set of cards for each group with the names of each of the organisations listed above (one name per card) on the cards. For task number 3, instead of drawing the diagram, the groups arrange the cards in a pattern on the newsprint, and draw lines connecting them where necessary. Working with cards allows groups to experiment more with different ways of putting them together before agreeing on a final pattern.

ACTIVITY 3B:

Who can work together with whom in the taxi industry?

Aim:

Section 3 of the booklet looks at four different interest groups in the kombi taxi industry: owners, workers, consumers and government. This activity helps participants to:

- debate which interests these groups have in common, and where they differ or even conflict;
- develop a deeper understanding of the different players so that they can strategise how to organise around their needs and demands.

Time:

Approximately 2 hours.

Method:

Participants should go through Section 4 of the booklet (30 minutes)

Participants should then do the following activities in groups:

1. Draw on the information you have shared about “*Who’s who in the taxi industry*”, and discuss what you think are the main concerns of each of the groups in the kombi taxi industry. Try to list between two and four concerns for each.
(20 minutes)

Owners:	1.
	2.
	3.
	4.
Workers:	1.
	2.
	3.
	4.
Commuters:	1.
	2.
	3.
	4.
Government:	1.
	2.
	3.
	4.

2. Now discuss:
 - What concerns do these four groups have in common with each other?
 - In what ways are their interests different – or even conflicting?
3. Summarise your answers by filling in the table below.
(30 minutes)

Interest groups	Common interests	Different/conflicting interests

4. Report back to plenary and discussion.
(30 minutes)

4 Taxi recapitalisation

In November 1994, the Minister of Transport established a National Taxi Task Team (NTTT, or “N Triple T”). He asked the NTTT to investigate all the problems in the kombi taxi industry and suggest solutions.

In the beginning, the NTTT was made up of nine provincial representatives of owners in the taxi industry, nine government representatives, and nine specialist advisors. Later T&GWU (now SATAWU) joined to represent organised workers.

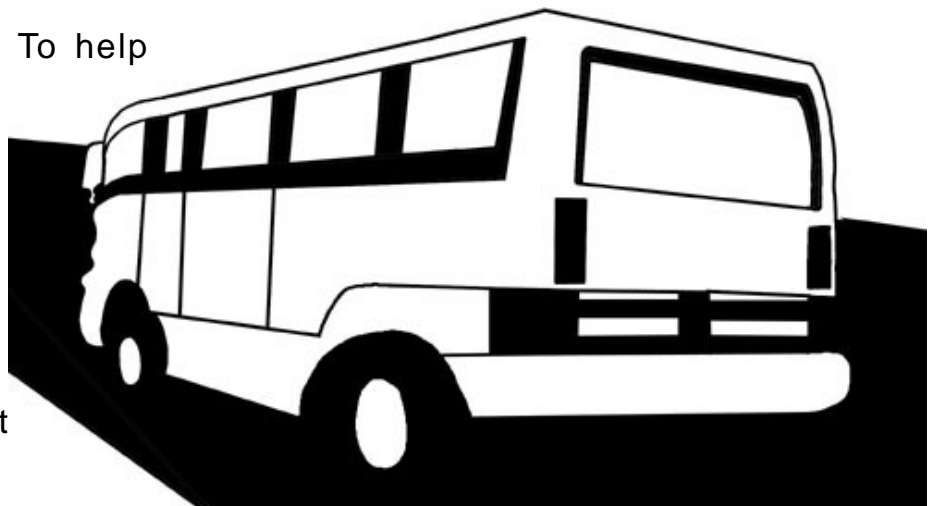
In 1996 the NTTT submitted a 300-page report to the Minister of Transport. The report listed many problems. On labour, the NTTT said that conditions were so bad that they went against South Africa’s Constitution which says that all workers have the right to fair labour practices and to organise and bargain collectively.

The NTTT made recommendations about three things:

- Regulation and control, for example through measures such as permits, minimum labour standards, safety controls, and taxation.
- Institutional structures, especially a single national association of owners/employers, and a training body.
- Economic assistance to the industry.

Government’s main plan for economic assistance is taxi recapitalisation. Government wants the taxi industry to use new, safer and larger vehicles. The new taxis will take 18 or 35 people instead of 16. They will have electronic systems that will record fares. This will help owners to know how much the fares and incomes are. It will also help the South African Revenue Service collect taxes.

Taxis are expensive. To help owners buy new taxis, government plans to give a “scrapping allowance” to owners who hand in their old vehicles. They can use this allowance either to buy one of the new vehicles, or to start another business.



Owners will only be able to get the scrapping allowance if they have a permit to operate, are registered with the provincial Department of Transport, and belong to a recognised taxi association. This rule will help to make the industry more formal because there will be an official record of all owners.

Government has been speaking about recapitalisation for many years, but at the time we are writing this booklet the process has not yet started. One delay was that government was waiting for taxi owners to form a national association. Another delay is deciding which companies will get the contracts to make the vehicles and to make the computers which keep a record of the takings. One reason for this second delay is that taxi owners want to be part of the decision-making. Another reason is that they want companies which bid for the contracts to give more information about how they will take forward black economic empowerment. A third delay is that taxi owners are arguing with government about the size of the scrapping allowance. SANTACO says that if the allowances are too small, many taxi owners in the townships will not be able to afford new vehicles.

Recapitalisation should have the following results:

- payment of income tax by owners
- safer vehicles on the road
- registration of workers
- better information about the taxi industry.

SATAWU supports taxi recapitalisation, although it disagrees with some of the details about how government plans to do it. NATDO opposes recapitalisation because of the jobs that will be lost if many owners shift to 35-seaters. SATAWU thinks that most owners will choose 18-seater vehicles. It says that jobs will be created in other industries, for example the industries that make the vehicles and supply parts. SATAWU also hopes that making the industry more formal through registration of owners and workers will make it easier to bargain and to enforce legislation.

SANTACO supports recapitalisation. It likes the idea of getting money to help buy new taxis. It also likes the idea of an electronic fee-monitoring system. SANTACO says that the electronic system *“will reveal our real turnover for the first time. And drivers will miss the benefits attached to little or no monitoring of the fares income! This is the root of the NATDO objection to recapitalisation – not job losses”*.



Recapitalisation will probably mean that there are fewer jobs in the taxi industry because each taxi will carry more passengers. The size of the job loss depends on how many owners choose 35-seaters and how many choose 18-seaters. In 2000 government planned to do research to estimate how many jobs would be lost. But taxi owners threatened the research team and the research was stopped.

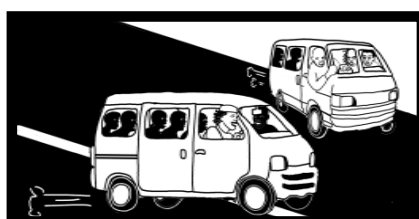
SATAWU is lobbying government to restart the research about job losses. SATAWU also wants a social plan for workers who lose their jobs. As part of this social plan, the taxi chamber of the Transport Education and Training Authority (TETA) could provide training to workers to do other jobs.

TETA is one of the 25 sector education and training authorities (SETAs) set up by the Minister of Labour in March 2000. The SETAs are part of government's skills development strategy. Each SETA brings together employers, workers and government departments who work in an industry. The main task of the SETA is to see that skills development happens in its sector. Each SETA must:

- make sector skills plans which say who is employed where in the sector, and what the strengths, weaknesses and opportunities in the industry are;
- see where learnerships are needed, design the learnerships, market them, and register them;
- set standards and qualifications in the sector;
- pay out the National Skills Development Levy money;
- give information about the industry to services which help place people in jobs.

TETA will also help with training for the drivers. At present there are no serious tests for taxi drivers besides an ordinary driver's licence. But drivers will need a Code 10 licence to drive the new 18- and 35-seaters.

At present taxi owners do not pay levies to TETA like other employers. This could change when taxi owners are registered for tax. In the meantime, the provincial governments of Gauteng, KwaZulu-Natal and Eastern Cape have given the TETA more than R4 million for training of taxi drivers.



ACTIVITY 4:

Role play

Aim:

This activity is a role play. A role play asks participants to step into the role of others, so that they can think through and feel what people in that role are likely to experience. This activity helps participants to:

- understand how recapitalisation might affect each of the interest groups within the kombi taxi industry;
- think through how each of the groups might react to recapitalisation;
- understand how negotiating and building alliances around recapitalisation might happen;
- think about strategies that organised workers and the union can use around recapitalisation.

Time:

Approximately three hours, with a lunch or tea break in the middle.

Method:

- 1 Participants should be divided into four equal-sized groups, namely: government, commuters, workers, and owners.
2. Each group is first given a chance to caucus and prepare a presentation on whether they support recapitalisation or not, and why. (15 minutes)
3. Each group presents their position to plenary. Other groups should take notes, and ask questions at the end of each presentation if something is not clear. (4 x 10 minutes = 40 minutes).
4. Groups return to caucus. They should discuss which other group(s) they think they can bring on board as their ally. They must send a representative to this other group (or other groups) to negotiate an alliance around a common position on recapitalisation. (At least 45 minutes)
5. Each group reports again to plenary on what agreements they have been able to reach with other constituencies. (4 x 10 minutes = 40 minutes)
6. All participants should have at least a 10 minute break, to step out of their role. This is a good time for tea or lunch.
7. Participants meet again in plenary. The facilitator should stress that participants must now return to their real role as workers – they are NO LONGER representatives of interest groups! The facilitator asks participants to think about what they have learnt through this exercise. (20 minutes)

5 Minimum wages and conditions

The Labour Relations Act (LRA) gives workers in South Africa rights around organisation. It says that workers have the right to belong to trade unions and employers can belong to employer associations. The LRA also says that workers can use the Commission for Conciliation, Mediation and Arbitration (CCMA) if they have complaints against employers. Any worker can use the CCMA, even if they are not a union member.

The LRA says that organised workers and employers can set up a national bargaining council for an industry if both sides are well organised enough. This is not the case in the kombi taxi industry at present. To fill the gap, provincial Departments of Transport have tried to set up provincial labour relations forums between the provincial taxi councils and trade unions. These forums have organised workshops for owners on minimum standards for workers.

SANTACO says:

“The introduction of minimum standards will need to proceed slowly, but our members are now prepared.... We want workers to be organised and we want them to have better conditions, because better conditions for the workers means better returns for us as owners in the long run.”

Organisation of both employers and workers in the taxi industry is still weak. There have been some small successes, but many failures. For example, in 2000 SATAWU reached an agreement with an association of taxi owners in the Vaal Triangle. Employers agreed that the union could hold regular meetings with members. The agreement included proper disciplinary procedures and a basic guaranteed wage. But the union struggled to get other associations to sign similar agreements. By 2002 employers in the Vaal Triangle were ignoring the agreement and the union was not strong enough to enforce it. So it seems that at this stage the kombi taxi owners are not yet prepared to have bargaining councils and the union has not yet got enough power to convince them.

The Basic Conditions of Employment Act (BCEA) sets out minimum employment conditions for all employees. The BCEA does not set minimum wages. But the law says that the Minister can make sectoral determinations for different industries that set out both minimum wages and special conditions to suit that industry. The Minister only makes these determinations for industries where workers and employers are not well organised enough to have a national bargaining council.



Before making a sectoral determination, the Minister must ask the advice of the Employment Conditions Commission (ECC). This is a five-person committee that includes one person nominated by organised workers, one nominated by organised business, and three people nominated by government. Before giving advice to the Minister, the ECC discusses information about the industry which the Department of Labour collects for it.



At present, taxi workers employed by owners who have more than ten vehicles are covered by the sectoral determination for the road passenger transport industry. But there are very few employers who have more than ten vehicles. So most workers are not covered. And even the employers who are covered often ignore the determination.

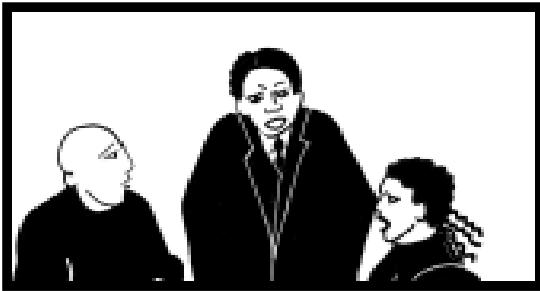
In 1998 SATAWU started lobbying government to set minimum standards for the taxi industry. SATAWU says that having minimum standards will help it recruit new members and grow strong enough to set up local, provincial and then national bargaining forums with employers.

In September 1999, the Minister of Labour published a government notice inviting the public to send in comments on employment conditions in the taxi industry. The government asked for comments on three issues:

- conditions of employment, including a minimum wage;
- the definition of small, medium and large enterprises in the industry, because some sectoral determinations set special conditions for small businesses;
- pension, provident fund and other benefits.

The process moved very slowly after that. During 2000 officials of the Department of Labour met with employers and workers at the national, provincial and local level to discuss the idea of minimum employment conditions. In early 2001, the Department issued a discussion document based on its consultations. It then organised formal hearings for employers and workers in every province.

Some employers were angry about the idea of minimum conditions and wages. But employers in all provinces except KwaZulu-Natal sent in detailed documents explaining their views. In KwaZulu-Natal hearings were cancelled twice because employers were fighting among themselves.

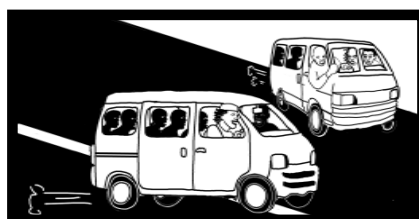


At the worker hearings, a SATAWU official first described the union's position. After that, individual workers spoke about their problems. SATAWU was the only trade union that made a written submission to government.

In 2003, the Department of Labour organised a survey in Gauteng, Limpopo and KwaZulu-Natal to get the experience and opinions of workers and employers. The ECC will study the research report and then make a recommendation to the Minister. The taxi industry should have its first sectoral determination before the end of 2003. The sectoral determination will lay down wages as well as hours of work, overtime payments, deductions, annual leave, sick leave, and lunch breaks. The determination will probably cover drivers, queue marshals and administrative staff. But it will probably not cover vehicle washers as they are employed by drivers, not owners.

Having a sectoral determination is not enough. There will be no improvement for workers unless the determination is enforced. There could be several problems in enforcing the taxi determination:

- Employers may argue that they cannot implement the minimum standards until they have received the scrapping allowance from the recapitalisation process and until they have the electronic payment systems in their vehicles.
- The Department of Labour does not have enough inspectors.



ACTIVITY 5:

Organisational rights and minimum working conditions

Aim:

This activity helps participants to:

- be clear about the main demands that the union is putting forward about organisational rights, wages and conditions in the taxi industry;
- strategise around ways of enforcing agreements on wages and conditions.

Time:

90 minutes.

Method:

Participants should go through Section 5 of the booklet.
(30 minutes)

1. In groups, participants should discuss the following questions
(30 minutes):

How can organised workers ensure that the following things are implemented in the industry?

- that employers agree to set up a national bargaining council for the industry;
 - that employers sign and implement agreements giving workers and their unions organisational rights (to hold meetings, have proper disciplinary procedures, etc.);
 - that employers implement the wages and conditions of the sectoral determination which should come into effect before the end of 2003.
2. Report back and plenary discussion.
(30 minutes)

6 SATAWU's strategies for organising taxi workers

As we saw earlier, SATAWU organises in all parts of the transport industry as well as in cleaning and security. In most sectors, SATAWU collects member subscriptions through automatic stop-order deductions from wages arranged through the employers. In the taxi industry, members pay their monthly subscription of R10 in cash to rank stewards. The rank steward gives the member a receipt. The steward later pays over the lump sum at the SATAWU office when the numbered receipt book is full. This method of collecting subs is hard work and slow. And some members do not pay regularly. SATAWU uses some of the money from stop orders in the other sectors to subsidise its organising of taxi workers.

Besides money, there are other difficulties in organising taxi workers:

- Many taxi drivers previously belonged to unions in other industries. Many became taxi drivers after they were retrenched. These workers may feel angry with unions because they feel unions did not protect them when they lost their previous job.
- Some taxi owners previously belonged to unions. Some who were retrenched used their retrenchment packages to buy vehicles and become employers. These employers may fear unions because they understand the strength of organised workers.
- Some hope that one day they can save enough money to buy a vehicle and become an owner.

But taxi driver wages are low, so very few are likely to become taxi owners. A taxi driver says:

“The only way to become an owner is to win the lotto or the horses.”

SATAWU has recruited former taxi drivers to organise taxi workers. One SATAWU organiser argues the taxi sector is

“scary to organise if you don't know it, but it's a walkover if you do...”

The union has five organisers who work only in the taxi sector – two in Gauteng, and one each in the Western Cape, Mpumalanga and North West Province. In other areas, taxi workers do the recruitment because the non-taxi organisers are not keen to work in the sector.

The dedicated taxi organisers also rely on ordinary taxi workers. One describes how this works in Johannesburg:

“I have a team of taxi workers called the Scorpions. They are my instruments for solving problems. We say, let's face the problem first by investigating and tackling

the problem at the shop floor. We don't like to take cases to the Commission for Conciliation, Mediation and Arbitration (CCMA) because that takes too much time, and in any event a worker going to the CCMA has to take time off the job and then their wages are deducted.... We take up most cases directly with the employer.”

Johannesburg's 6-person taxi team (four men and two women) meets once every month to discuss routine issues. It has special meetings if there is an emergency. The worker-organisers give their time freely to the union. Sometime they lose pay because they take time off during normal working hours.

In 2002, the team recruited more than 1 000 members in five months. The team tells workers that SATAWU will help them if they are disciplined or treated unfairly. The team does not promise immediate improvements in pay, working conditions or benefits.

The team concentrates on one taxi rank at a time. When they have recruited most of the drivers at a rank, they organise the election of rank stewards. When they have organised most of the workers under a particular owners' association, they write to the association and ask for a meeting to discuss recognition of the union and deduction of stop-orders. In 2002, SATAWU was negotiating recognition with five different associations in different parts of the country.

COSATU supports SATAWU's work with taxi workers. In 2002 COSATU organised a three-month national recruitment campaign for informal and "vulnerable" workers in all industries. The campaign targeted domestic workers, agricultural workers, workers in isolated areas (for example, petrol attendants, shop workers, and clothing workers), home-based workers, hospitality workers, and workers in the entertainment industry as well as taxi workers.

Rank stewards participate in the cross-sectoral local shop stewards' council in their area. In these meetings they learn lessons from the experience of cleaning, security and other transport workers.

The rank stewards also sit on the regional taxi sector council. At these meetings they discuss strategy and specific experiences of organising in the taxi sector.

The regional taxi sector council elects office bearers who represent taxi workers within the Regional Executive Committee (REC) of the union. The REC elects representatives to the Central Executive Committee (CEC). These elections are not sector-based. But there is a CEC seat for every sector national chairperson in the union, including the taxi sector. And one of the five national office bearers of SATAWU is responsible for overseeing the union's activities in the taxi industry. There is also a national taxi sector council, with representatives of the regional taxi sector councils. The national taxi sector council does not meet often because

the union does not have enough money for many meetings.

To summarise

There are many difficulties in organising taxi workers, but the process is well on its way.

We can sum up SATAWU's organising strategy as follows:

- Relying on former taxi drivers to recruit and organise.
- Recruiting in a targeted way – focusing on one owner association at a time.
- Recruiting where the work happens – on the streets.
- Involving taxi workers in the activities of the union.
- Having democratic structures to represent taxi workers.
- Using media such as radio to improve the public image of taxi workers and win public support.
- Working together with other organisations, such as COSATU and SACO.
- Liaising with employer representatives.
- Cooperating with government.



ACTIVITY 6:

Strengthening SATAWU's strategies for organising taxi workers

Aim:

This activity aims to bring together participants' own experiences of organising and being organised with the information contained in the booklet, so that they can:

- reach a shared understanding of the main challenges facing the organisation of workers in the taxi industry;
- come up with ideas on how to strengthen SATAWU's strategies for organising taxi workers.

Time:

At least two hours.

Method:

Participants should go through Section 6 of the booklet. (30 minutes)

1. Groups should discuss the following questions: (45 minutes)

- Drawing on your own experience, as well as the information in Section 6 of the booklet, what are the main challenges facing SATAWU in organising workers in the taxi industry?
- Look at the summary of SATAWU's organising strategy on page 30 Which of these strategies do you think are working well? Which strategies are less successful? How could these organising strategies be strengthened?
- What role(s) should COSATU play to support the organising of taxi workers? How can the recruitment and organising of taxi workers work together with organising vulnerable workers in other parts of the economy?

2. Your group must come up with a strong and challenging *slogan* for organising workers in the taxi industry.

3. Report back and plenary discussion (including choosing the best slogan!).
(45 minutes)

ILO fundamental labour Conventions

The ILO's eight fundamental labour Conventions are also known as the "core" Conventions. These Conventions apply to all workers, no matter where they work and what sort of work they do, and no matter what form of contract they have.

The Conventions cover four categories of principles and rights at work:

- (1) freedom of association and the right to collective bargaining:
 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and
 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (2) the elimination of all forms of forced or compulsory labour:
 - Forced Labour Convention, 1930 (No. 29), and
 - Abolition of Forced Labour Convention, 1957 (No. 105);
- (3) the abolition of child labour:
 - Minimum Age Convention, 1973 (No. 138), and
 - Worst Forms of Child Labour Convention, 1999 (No. 182);
- (4) the elimination of discrimination in employment and occupation:
 - Equal Remuneration Convention, 1951 (No. 100), and
 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

