

Durban Cut Make and Trim Owners claim harassment

By [Renato Palmi](#)

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A coalition of Cut Make and Trim (CMT) operators from eThekweni (Durban, KwaZulu-Natal, South Africa) has been formed to engage with the South African Clothing Bargaining Council on numerous issues.

The CMT operators are calling on the Bargaining Council to revisit rates and address unnecessary intimidation from the council for non-compliance. The CMT coalition claims that the regulations pertaining to rates is unfair and the pressure placed on CMTs to comply with these rates has placed them under severe pressure. If there is a lack of any compromise, some of the CMT owners said they might have to shutdown their operations.

Help desk

At a recent meeting held in October, 28 CMTs were present representing over 1000 workers. The coalition has created a help desk for CMT operators within the Durban vicinity. The help desk was created to support and provide advice for CMT companies being harassed by the Bargaining Council. A representative of the CMT coalition stated that 22 local CMT companies had approached the help desk to ask for assistance in arbitration issues between them and the Bargaining Council. The coalition implied that there seems to be a coordinated strategy by the council to harass and intimidate the CMTs. One female CMT owner has apparently being hospitalised due to the stress in dealing with the Bargaining Council. The spokesperson for the coalition went on to say, "There are about 42 CMT operators being harassed by the council and one owner suffered a heart attack when the council closed him down."

In response, the KZN Bargaining Council regional secretary said, "If [clothing companies] are breaking the law they cannot claim harassment." According to the regional secretary, the council is merely following its legal mandate of "enforcing the agreement" which was a collective agreement between employer and employees of the clothing industry sector. However, the CMT owners counter this argument by saying that the "collective agreement" was conducted between larger clothing companies who could afford the levies, however smaller operators within this industry sector cannot afford these hence their wish to renegotiate with the Bargaining Council.

Exemption and special dispensation

The Bargaining Council hints that the CMT owners who are complaining about harassment and the regulations are not providing adequate social benefits or wages to their staff. The regional secretary said that the Bargaining Council "has always attempted to assist companies that come forward and there is an exemption process in place and special dispensation exists for companies employing five or less employees." A representative of the CMT coalition said that in the last month six CMT companies within the Durban metro had closed with most if not all of the equipment from these factories being attached to recoup unpaid levies.

According to the statistics I have, there seems to be only 23 registered companies within KwaZulu-Natal. The regional representative for the Bargaining Council said that these were compliant companies. He stated that there are 191 clothing factories in the metro region employing approximately 9315 people with a further 157 clothing companies in the non-metro region employing 16640 people.

On-going issue

The issue of compliance between clothing companies and the Bargaining Council has been a prevailing concern for a number of years. In 2005, Andre Kriel from the Southern African Clothing and Textiles Workers Union (SACTWU) in response to a letter published in the Argus newspaper (17 March 2005) claiming that the existence of the National

Bargaining Council was the reason why jobs were being shed, said such statements were "ridiculous and unsubstantiated." Kriel says that the clothing Bargaining Council in the Western Cape has been in existence since 1935 and net employment growth between 1935 to December 2004 had grown by 858%. Kriel states that 319 exemption applications were lodged with the Bargaining Council (Western Cape) between 1 March 2004 and 28 February 2005 and 89% of the applications were approved.

Kriel makes a valid point when he says SACTWU represents more than 80% of workers in the industry and their [the workers] mandate to SACTWU is "they want an even stronger Bargaining Council." It would be a useful exercise for the Durban CMT coalition to validate their grievances with the Bargaining Council by providing space for their staff to voice their concerns to corroborate the complaints and concerns of the CMT owners. If they do not it may be interpreted that they are seeking ways to exploit their workforce.

Cheaper imports 'killing business'

In 2006, it was reported¹ that the owner of a Durban based company, Poodle Clothing and Manufacturing claimed that the Bargaining Council was "killing his business." The owner said due to cheaper imports flooding the market he was forced to stop paying monthly levies and pension fund contributions just so he could survive.

This raises the preverbal question in social economic development: Where does this leave the workers? Is it better to have job without benefits, or force employers to pay minimum wages and benefits of which the owners claim they cannot afford and therefore is forced to close their operation leaving the workers without a job?

Robbie Roberts, General Secretary of the National Bargaining Council for the clothing manufacturing industry said, "In all 91% of companies registered with the Bargaining Council are SMME's and contrary to popular believe and propaganda, this makes the clothing council highly representative of the SMME sector."²

No exemption for owner-managed businesses

In 2005, a report advised government not to grant blanket exemption to "owner-managed businesses from crippling Bargaining Council levies and enforced corporate wage packages." The compliers of the report titled "The conditions of employment and small business: coverage, compliance and exemptions" apparently did not consult a single non-party owner-managed business. The report backs Roberts claims that Bargaining Councils do represent smaller businesses.

It is imperative in this time of global economic instability and the possibility of further job losses that the two parties find mechanisms to equable solutions. The CMT sector is a vital component in the apparel value-chain. The loss of just one CMT from this sector erodes the efficiency and sustainability of the South African apparel industry resulting in a consequential negative impact not only for the owner and the staff but also for affiliated sectors such as fashion designers and larger manufacturers who outsource to CMTs.

1. 30 January 2006, *BusinessOwner*

2. 30 January 2006, *BusinessOwner*

ABOUT RENATO PALMI

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