

## 2011 National Education, Health and Allied Workers' Union (Nehawu) Workers' Strike in One University of Technology (UoT)

Mr Teboho Pankratius Bojabotseha

Vaal University of Technology  
Private Bag x021, Vanderbijlpark, 1911, South Africa  
Telephone: (016) 950 9008, tebohog@vut.ac.za.

Prof. Kholeka Constance Moloi

Vaal University of Technology  
Private Bag x021, Vanderbijlpark, 1911, South Africa  
Telephone: (016) 950 6777, conniem@vut.ac.za

Doi:10.5901/mjss.2013.v4n13p133

### Abstract

Research shows that labour relations in South Africa are not entirely peaceful. The uneasiness manifests itself in different ways, including strikes, go-slows, overtime bans, deadlocks, disputes and disagreements (Tustin and Geldenhy's 2000: XV). This conceptual paper examines the recurrence of strikes in one university of technology (UoT) in South Africa, focusing on a strike that took place in November 2011. Numerous reasons were given for the strike, first of which was a belief amongst the National Education, Health and Allied Workers' Union (NEHAWU) that it was important as being the first legal strike in the history of the institution. Secondly, NEHAWU believed that the striking workers' demands were legitimate as a result of exploitative conditions. Thirdly, there was an over-reliance on contract workers as opposed to permanent workers, unequal income distribution pattern and numerous other anomalies. Fourthly, the strike demonstrated that labour relations in HEIs are an integral part of a capital/labour relationship characteristic of the dominant mode of production and relations of production and distribution.

**Keywords:** Strike, Nehawu, higher education institutions, labour power, capitalist mode of production.

### 1. Introduction

The relative scarcity of strike incidents by workers in HEIs has encouraged the development of a view which advocates a disjuncture between labour relations in HEIs and dominant relations of production and distribution in society. On the contrary the myriad social, economic and political relations in HEIs are engendered by the dominant relations of production and distribution characteristic of the dominant capitalist mode of production (Arshad-Ayaz 2008: 480). Rikowski (2011) presents the relationship between HEI and the capitalist mode of production as one in which HEIs are actually engaged in the social production of labour power central to its survival.

The first section of this paper provides an institutional backcloth which framed the strike and striking workers' demands. This section seeks to demonstrate that the striking workers' demands were legitimate and had, as their bases, exploitative circumstances which defined the daily lived experience of workers at the institution. The second section presents all the demands on which both NEHAWU and management at the chosen UoT could not reach an agreement, which then compelled NEHAWU workers to take to the streets. The third section details management's response to the strike. Central to this section is a contention that management's 'legal' approach actually masked attempts aimed at frustrating workers and, ultimately, de-legitimizing the strike itself. The last section concludes that the November 2011 NEHAWU strike was not a futile exercise.

### 2. The Institutional Context

Our chosen UoT is one of the 23 public HEIs in South Africa established in terms of the Higher Education Act 101 of 1997 (Vaal University of Technology Annual Review 2009: 3). It performs its functions in accordance with the Higher Education Act, and the Statutes and Institutional Rules of the University of Technology (UoT) (Statute of the Vaal

University of Technology 2007: 6). The University's vision is to produce innovative knowledge and lead in quality technology education (VUT 2011: 2). Its mission is to "produce top quality employable graduates who can make an impact to society by: adopting cutting edge technology and teaching methods, producing a scholarly environment conducive to learning and innovation and developing a curriculum that meets the needs of society in Africa and beyond" (VUT 2011: 2). This mission is realised through a commitment to quality teaching and learning, research, community engagement, technology transfer and innovation and partnerships, commercialisation of knowledge and entrepreneurialism (VUT 2010:9).

The institution consists of four faculties, namely, Applied and Computer Sciences, Engineering and Technology, Human Sciences and Management Sciences (*Mail and Guardian* 2011:7; VUT 2011: 2). There are also a number of Institutes and Centres of Excellence through which community outreach, research and innovation are driven. These institutes and centres of excellence include the Institute of Applied Electronics (IAE), Engineering Development Support Unit (EDSU), Institute of Sustainable Livelihoods (ISL), Tshepiso Centre for Entrepreneurial Excellence (TCEE), Centre for Enterprise Development (CED), Institute for Chemical and Biotechnology (ICBT), Engineering Manufacturing Centre (EMC), Iscor Innovation Centre (IIC), Tshumisano Technology Station for Materials Processing Technology (TTSMP), and Centre for Renewable Energy (CRE) (*Mail and Guardian* 2011: 5; VUT 2011: 2; VUT Annual Review 2009).

### 3. Workforce Profile

The selected UoT has a turnover of between 251-500 million rand, assets amounting to between 251-500 million rand, a market capital of between 101-450 million rand, a net profit of between 26-50 million, salary and wage scale varying from 101-200 million rand and employees numbering between 501-1000 or more (VUT 2010). It is specifically a medium-size organisation which employed 1,878 people between 2007 and 2008. A thorough examination of its workforce profile however sadly reveals that this UoT has been relying more on workers employed on a temporary or some form of contract basis than permanent workers. Its Employment Equity Report, which was submitted to the Department of Labour (DOL) on 1 October 2008 to comply with Section 21 of the Employment Equity Act 55 of 1998, indicates that out of the total some 971 workers were employed on a temporary basis and 907 on a permanent basis. The same report shows that blacks, as opposed to whites, constituted a high section of workers employed on a temporary basis. 332 black males and 289 black females were employed on a temporary basis while their white male counterparts, employed on a temporary basis, numbered only 159 and their white female counterparts, a mere 107 (DOL 2008). Between 2008 and 2009 the chosen UoT had a grand total of 1964 workers (DOL 2009). Of these, 1,008 were employed on a temporary basis and only 956 were employed on a permanent basis (DOL 2009). Blacks constituted a high section of workers employed on a temporary basis, and during this period there were 330 black males and 305 black females employed on a temporary basis – a total of 635 black workers – as opposed to 155 white males and a mere 119 white females – a total of 274 white workers (DOL 2009). Two years later, the pattern had not changed. The chosen UoT's Employment Equity Report, submitted to the DOL on 15 January 2011, indicates that out of a grand total of 1,985 workers employed, 1,005 were employed on a temporary basis while 980 were employed on a permanent basis. This pattern of temporary workers who are more than permanent workers was repeated in the workforce profiles of the Secunda and Upington campuses.

The Draft Employment Equity Plan for the chosen UoT, for the period 2010-2015, shows clearly that the Secunda campus had 44 temporary workers as opposed to 21 permanent workers. At its Upington campus, on the other hand, temporary workers numbered 10 as opposed to 8 permanent workers. It is only at the Ekurhuleni campus where the number of permanent workers exceeded that of temporary workers. The difference was, however, insignificant. There were 39 permanent workers as opposed to 36 temporary workers (VUT 2011: 46-48). Apologists are quick to point out that this is a normal Human Resource Management (HRM) practice. It is said also that the practice of employing people on a part-time basis, or what is also referred to as 'casualization', is not unique to the chosen UoT or even HEIs in South Africa. It is an international practice echoed in Europe, Australia and the United States of America (USA) (Bryson and Blackwell 2006). In the United Kingdom (UK) HEIs, for instance, some 53 percent of the 134,000 academic staff are said to have been employed on temporary contracts (IRHEPC 1999 cited in Bryson and Blackwell 2006:208). Apologists for 'casualization' conveniently forget to mention the numerous disadvantages associated with this type of employment. Suffice it to say that workers employed on temporary basis experience job insecurity, lower pay, limited development and promotional opportunities and display weaker employment relationships than workers employed on a permanent basis (Purcell et al. 1999 cited in Bryson and Blackwell 2006: 208).

#### 4. Literature Review

It is seldom that we hear of strike incidents by workers in HEIs, most affecting sectors such as manufacturing, mining and quarrying as well as the transport industry. These are also prominent in different, social and personal services, wholesale and retail trade industries (Department of Labour 2010). In this paper it is argued that HEIs are social institutions that operate within complex, contradictory environments that tend to legitimise and delegitimise some actors and their knowledge.

The idea that workers at the chosen UoT should go on strike was 'an idea whose time had come,' to paraphrase Victor Hugo (cited in Serageldon 2011). No repressive state apparatus (RSA) and/or ideological state apparatuses (ISAs) (Althusser 1971) were going to defeat it. In November 2011 more than 400 workers, organized under the NEHAWU at the chosen UoT, went on a strike which was suspended only following a conclusion of an agreement between NEHAWU and management of the selected UoT.

The strike was significant in many respects in that it demonstrated that labour relations in HEIs are an integral part of the capital/labour relationship characteristic of the dominant capitalist mode of production in South Africa (Singh, Kenway & Apple 2007:4). For example, Ford (2011) contends that China displays one of the world's most unequal wealth distributions and its Gini co-efficient in 2011 stood at 0.47 – well above the level generally thought likely to provoke social conflict. Similarly, South Africa is also a highly unequal country. The highly unequal distribution of income or wealth and poverty is considered by economists to be part of the 'structural impediments' that have led the country's poor performance as well as the socio-economic conditions perpetuating the structural impediments (du Toit and van Tonder 2009). The UoT studied here operates with similar inequalities among its employees according to different ranks and therefore disparate job benefits. The argument pursued here is that HEIs are not 'ivory towers' detached from the communities in which they are found. They reproduce social inequalities between rich and poor and between black and white (Jennings 2003: 1).

#### 5. Employee Remuneration

The *Remuneration Comparisons Based on 2009 Levels* (2010) document reveals that at the chosen UoT in 2009 the income of a worker at grade 1 ranged from a minimum of R1, 897,032. The same amount was paid at an average and maximum levels. This was opposed to the income of a worker at grade 9, which ranged from a minimum of R180, 019, an average of R256, 320 and a maximum of R326, 376. The income of a worker at grade 18 in 2009, on the other hand, ranged from a minimum of R45, 262, an average of R68, 236 and a maximum of R113, 600 per annum. A comparison of income distribution at grades 1, 9 and 18 at the chosen UoT in 2009 shows therefore that the income of a worker at grade 9 was at a minimum four times, at an average three times and at a maximum two times higher than the income of a worker at grade 18. A comparison of the income received by a worker at grades 1 and 18 shows that the income received by a worker at grade 1 in 2009 was at a minimum at least 44 times, at an average at least 27 times and at a maximum at least 16 times higher than the income paid to a worker at grade 18. The *Employment Equity Act [Form] 4* (EEA4) of the chosen UoT, submitted to the DOL on 15 January 2011, shows that the total income paid to the four top management workers was R6,197,677, compared to the R13,516,647 paid to 188 workers whose occupational level was defined as 'unskilled and defined decision making.' In other words, the top four management workers were paid almost half of what was paid to 188 workers categorised as unskilled.

Emerging from both the *Remuneration Comparisons Based on 2009 Levels* and the *Employment Equity Act 4 (Form)* was a clear indication of wide income or wealth disparities between workers, even between those in the same grade or occupational level. Although studies on income or wealth distribution patterns between whites and blacks are yet to be conducted, a case could still be made for inequality between these race groups at the chosen UoT. There is thus a clear affinity with what has been written about the gap between the remuneration paid to executive directors of companies and that paid to other employees of companies in South Africa – the 'executive pay gap.. A PricewaterhouseCoopers Report, entitled *Executive Director's Remuneration: Practices and Trends Report* (2011), shows a humongous wage disparity between top executives and entry level employees in South Africa in comparison to other developing and, in some cases, developed countries. The wage gap is as high as 300, meaning that the higher paid individual receives 300 times more than another for a day's work (PricewaterhouseCoopers 2011: 13).

The same report shows that these practices and trends are evident in economic sectors such as basic resources, financial services, industrial and service sectors. In this respect, the following example is certainly telling (Business Report 2011). The food and clothing retailer *Woolworths* is reported to have paid its Chief Executive Officer (CEO) Ian

Moir R13,6 million, including a bonus of R8,25 million, in addition to his R5,312 million normal package for a year (Business Report 2011). There is certainly a wall of inequality (Jennings 2013) which separates the poor majority from the rich minority. Indeed, Jennings' (2013: 1) assertion that the wall of inequality must be taken down if we are to make the world a decent place to live, with an economy built on values of fairness and humanity rather than injustice and greed, is poignant. It is against this institutional backcloth, defined by over-reliance on contract as opposed to permanent workers for its daily operations, unequal income or wealth distribution pattern and other institutional anomalies that those workers organised under the banner of NEHAWU took to the streets with demands aimed at bettering their material conditions of service.

## 6. The Striking Workers' Demands

When discussing reasons for strike action, Bendix (2000: 596) cautions that we should make a distinction between the overall purpose and the actual causes of a particular strike action. She identifies five purposes of strike action as follows:

- To demonstrate general or particular dissatisfaction with management;
- To demonstrate collective strength;
- To pressurize management into compromising on a particular issue or issues;
- To strengthen a union's position or reputation; and
- To display solidarity with other employees.

The purposes stated above are in line with what transpired at the UoT under study. With respect to the actual triggers or causes of strike actions, Bendix (2000: 597) acknowledges that these are numerous and encompass a wide range of issues, such as wages and working conditions, benefits, training schemes, dismissals, retrenchments, unfair treatment, insulting treatment by superiors, lack of safety precautions, refusal by an employer to recognize a union and a lack of participative management. Relatedly, NEHAWU voiced these issues on behalf of its constituents, leading to NEHAWU and the chosen UoT referring the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA) on 26 September 2011. Conciliation was called for on the following issues:

- Job evaluations;
- Inconsistent application of policies;
- Conversion of contract positions to permanent positions;
- Outsourcing of services;
- Failure to apply 'Growing Your Own Timber' principle;
- Scrapping of Peromnes levels 16A, B and C; and
- Failure to deal with discrimination in general and racial discrimination in particular (see LRA Form 7.11 Sections 135, 191(1) and 191(5A) Referring a Dispute to the CCMA for Conciliation (Including CON-ARB) 26 September 2011).

Other concerns raised by NEHAWU included Christmas groceries, addressing of salary levels, medical aid, accumulated leave, irregular senior appointments and disclosure of information on Remchannel.Com and MPL Capital Ltd (Memorandum from the Office of the VC. 2 November 2011).

It is these factors alone that led workers at the selected UoT to embark on strike action. From a cursory glance it can be seen that they were motivated by an interest in the improvement of general conditions of labour at the university. The 2011 NEHAWU strike at the selected UoT constituted what Lenin (1973) referred to as the 'economic struggle or typical trade union politics' in contrast to 'social democratic politics.' The former struggle refers to the "collective struggle of the workers against their employers for better terms *in the sale of their labour power*, for better conditions of life and labour" (Lenin 1973: 75). The economic struggle or trade union politics thus differs from social democratic politics. The latter politics, on the other hand, is not only about the struggle of the working class for better terms for the sale of labour power, but also about the "abolition of the social system which compels the property-less to sell themselves to the rich. Social democracy represents the working class not in the latter's relation to only a given group of employers, but in its relation to all classes of modern society, to the state as an organized political force" (Lenin 1973: 70). It is instructive to state that it was only after due procedure had been followed, negotiations exhausted, deadlock reached, and the dispute had been referred to the CCMA that NEHAWU considered strike action. It was a last resort to break the deadlock and reinstitute negotiations with management. Consequently, in November 2011 more than 400 NEHAWU workers went on a procedural strike. In its response to the strike, management of the selected UoT adopted a sophisticated legal approach which, unfortunately, functioned to mask attempts not only to frustrate the striking workers but, in the final analysis, also de-legitimize the strike.

## 7. Institutional Response to the Strike

The eight-day strike was guarded by several private security guards hired to reinforce standing security personnel and a substantial police presence permitted by management in the institution. While it acknowledged the legitimacy and legality of the strike, management of the selected UoT advised staff and students that the principle of 'no work, no pay' was applicable in a legal strike and the institution would implement the same. An attendance register to be signed by non-striking workers was developed to effect the implementation of the said principle (Memorandum: Management Update–NEHAWU Strike 2011). The Council of the institution, on the other hand, only issued a statement, noting with concern "the ongoing strike action and subsequent effect it had on the delivery of services as well as normal activities of the institution" and "strongly urg[ing] university management and organized labour to seek and find an amicable resolution to the impasse" (Memorandum: Council Statement on Protected Strike – NEHAWU 2011). Council's explicit intention to engage with all relevant stakeholders to ensure that 'contentious matters' at the institution were "addressed adequately and responsibly for the long term stability of the institution" did not however materialize. Management at the selected UoT invoked its legal right to lock out the striking workers. Considered to be a balance or complement to the workers' right to strike, which is an essential component of workplace democracy (Nkabinde 2009), a lockout allows employers to "... exclude employees from the workplace, with the purpose of obliging employees to comply with any demand relating to any matter of mutual interest between the employer and employees, regardless of whether the employer in the process breaches the contracts of employment of the employees" (Bendix 2000: 608; Olivier 2010: 01). A lockout notice, issued on 9 November 2011, commenced at 18h00 on 12 November 2011 and continued for the duration of the strike. It demanded that the striking workers desist from:

- obstructing and/or blocking access to and egress from the main entrance and all other entrances to the [institutions] premises;
- interfering with and/or obstructing or disrupting the [institution's] endeavours to maintain its business operations;
- interfering and/or causing damage to [the institution's] buildings, equipment and other property;
- blocking and/or hindering the movement of traffic into and from the [institution's] premises;
- intimidating, harassing or in any other way interfering with other employees endeavouring to carry out their duties in terms of their contracts of employment with the [institution];
- preventing and/or hindering members of the public, including students, employees and service providers from gaining access to or leaving the [institution's] premises; and
- Intimidating, harassing, interfering, disrupting or in any other way disrupting the students who are writing exams (Office of the Vice-Chancellor and Principal: Lock-Out Notice 9 Nov.2011).

In addition, the striking workers were required to stay outside a radius of 30 metres from the main entrance gate and all other entrances of the institution. When the lockout proved ineffective in dampening the high spirits of the striking workers, management of the selected UoT approached the Labour Court for an urgent relief interdicting and restraining workers from several acts of misconduct allegedly committed during the second day of the strike. It also sought an interdict and a restraining order preventing the striking workers from picketing or gathering within a radius of 30 metres from the main entrance and all other entrances of the university. To its amazement, the struggle had suddenly made a very legal turn and NEHAWU was consequently obliged to follow suit and pursue the struggle at the super-structural legal level. Following NEHAWU's legal intervention, the labour court order issued to the selected UoT on 10 November 2011 by the Honourable Justice Bhoola was suspended by the Honourable Acting Justice Mokoena pending finalization of NEHAWU's application for the rescission of the order (see Labour Court Case Number J2574/11 15 November 2011).

NEHAWU's application for the suspension of the operation of the court order pending the outcome of the rescission application raised a number of crucial points, the significance of which not only demonstrated flaws that characterised management's legal approach, but also led ultimately to the suspension of the court order five days after it had been granted to the University. Through its legal representatives, NEHAWU maintained that the Notice of Motion and Founding Affidavit of the chosen UoT was served neither to NEHAWU at the institution nor to any of its local or national offices. This was despite NEHAWU having been cited as the respondent in the application. The union's striking workers only became aware of the order after it had been granted by the court and brought to their attention by the police. In addition, the selected institution's Founding Affidavit did not explain where or how the founding papers had been served or why they were not served at the NEHAWU regional offices in Vereeniging. The court order was granted in the absence of the trade union and any of its members who were on strike on 10 November 2011.

NEHAWU received the selected UoT's founding papers for the first time only after its legal representatives had

visited the offices of the Registrar of Court and accessed the file. At the heart of NEHAWU's argument was the contention that management of the chosen UoT obtained the court order by default. In view of this, the institution sought to de-legitimise the lawful strike and enjoy the benefits of its unlawful conduct, thus denying NEHAWU VUT striking members the right to pursue their lawful action in pursuit of the resolution of their legitimate grievances with the institution. The selected UoT sought to achieve these objectives on the basis of an unlawfully obtained court order. In the final analysis, the lockout notice, the actual lockout, court order and the application of the 'no-work no-pay' rule combined, proved no match to the striking workers' determination to better their conditions of service. It was only after an agreement was concluded between NEHAWU and management on 22 November 2011 that the strike ended.

## 8. An Exercise in Futility

Much has been written about purposes and benefits of strikes in general which can be easily evoked in support of the 2011 NEHAWU strike. Following Bendix (2000), this strike afforded workers an opportunity to demonstrate accumulated dissatisfaction with the institution's management about their conditions of service. It allowed workers to demonstrate their collective strength and functioned also as a mechanism to pressurize management into compromising on the issues which caused the strike in the first place (Bendix 2000: 596). Joe Burns, author of *Reviving the Strike*, sees strikes as "a mechanism of raising people's consciousness about where their real source of power is in society, which is ultimately working people [because they] have the power to stop production because workers are the ones who produce things of value in society" (cited in Viveiros 2012: 1). Carol Paton, analyst in the *Business Day*, maintains that "strikes unite and mobilize workers; they build the union and send a message about the power of worker unity to the rest of society and they keep the organization vibrant and alive." Significantly, the November 2011 NEHAWU strike in one UoT served many purposes and resulted in a number of gains for workers. Key aspects of the agreement, of immediate monetary benefit to all workers (striking and non-striking workers alike), included:

- The commencement of the job evaluation process in phases whose implementation date for all posts evaluated was set for January 2013;
- The accompanying payment of a notch for post levels 5-8;
- Salary adjustments effected from 1 January 2013 to the salary scale of post levels 16-18;
- Agreement that those employees on contract against permanent positions for more than three (3) years and [who] met the requirements for the position would be appointed on a permanent basis;
- An undertaking by management to do an analysis of contract positions and to identify and make permanent workers who qualified to be made permanent (see Agreement Entered into between Management and NEHAWU 2012).

Management of the chosen UoT also agreed to deal other issues on a medium and long term basis. There would be an audit of all appointments made from 2006 until the period of the conclusion of the agreement to determine compliance with University policies, and measures would be taken to strengthen the competences of internal staff, especially with regard to succession. It can also be attributed to the strike that the chosen UoT's over-reliance on temporary as opposed to permanent workers for its operations is to some extent being addressed. The Employment Equity Report covering the period from 01 September 2011 to 31 August 2012, submitted to the DOL on 11 January 2013, shows that of the 1,752 employees of the institution, 1,017 were employed on a permanent basis and 735 were employed on a temporary basis. On another level, and of utmost importance, was a clear indication that HEIs (UoT inclusive) were solely social institutions, and that social phenomena such as inequities in the distribution of wealth and poverty, and casualization of labour were prevalent in them. Following directly from this point, and contrary to detractors, the social, economic and political relations in HEIs are actually engendered by dominant relations of production and exchange characteristic of the dominant capitalist mode of production in South Africa.

Rikowski (2000; 2004; 2007a; 2007b; 2008; 2011), contends that schools, colleges and universities in capitalist societies engage in the social production of labour power, defined by Rikowski (2007a:10) as "...this living commodity that schools and training organizations are in the business of socially producing, and it is this process of production that leads us to characterize education and training institutions today as being decisively capitalist in nature." It is specifically this role that makes them capitalist educational institutions, despite resistance in education and training institutions to the social production of labour power by students, teachers and all those involved in education and training. These social institutions, especially and increasingly HEIs, are involved in the production of a wide variety of commodities; however they are also involved in the production of labour power.

The social production of labour power also refers to "the conglomeration of the social processes involved in

producing the unique and thinking commodity" (Rikowski 1999: 75-76) and those institutional forms which are involved in it include schooling, on/off-the-job-training, further and higher education, character and attitude training and the development of abilities in the labour process (Rikowski 1999: 75-76). But what is so special about labour power under the capitalist mode of production? It is the labour power, whose formation and quality rests partly upon HEIs in contemporary capitalism, in the labour process for the production of commodities, that creates value, surplus value and ultimately profit – with value being the very 'substance of the social universe of capital' (Rikowski 2010). It is in the collection of commodities, whose form the wealth of societies in which the capitalist mode of production appears (Marx 1976: 125), that both use-value (their qualitative aspect) and exchange value (their quantitative aspect) are incorporated or embodied.

In society the dominant social division of labour consists of the working class (the have-nots, proletariat) and the capitalist class (haves, bourgeoisie). The working class consists of those people whose relations to the means of production have been dissolved. In other words, the working class does not own or control the means of production but is compelled, in order to survive, to sell its labour power for a wage to those who own and control the means of production, the capitalist class. During the labour process of production, the working class produces not only what it needs in order to survive (value) (the equivalent of its wages) but also surplus value which is appropriated by the capitalist class in the form of profit for its own use. This is why capitalist relations of production are essentially relations of exploitation. The working class experiences this exploitation in the process of production. As a result there is and will always be a constant struggle between the working class and the capitalist class or representatives of the capitalist class over the terms of the sale of labour and conditions of life and labour. It is in view of this that labour relations are conflictual in nature (Tustin and Geldenhys 2000) and render the workplace a 'contested terrain' (Edwards 1979). It is also against this background that Lenin (1973) considered strikes by the working class as collective struggles against their employers for better terms in the sale of their labour power. The November 2011 NEHAWU strike in one UoT was thus a rude awakening to the fact that labour relations in HEIs are an integral part of the capital/labour relationship which characterizes the dominant capitalist mode of production in South Africa. They are an integral part of the relations of production and exchange which characterize the dominant capitalist economic system in South Africa.

## 9. Conclusion

This paper argued that there is connection between labour relations in HEIs and the dominant capitalist mode of production, together with relations of production and distribution engendered by it. The November 2011 NEHAWU strike demonstrates this connection. and the paper argued that the strike was significant in many respects. It was not only the first legal strike in history of the chosen HEI but also the first legitimate workers' strike since the HEI became a UoT. The paper also contended that the striking workers' demands were legitimate, having as their bases exploitative conditions which defined the lived experience of workers. Management's response to the strike, on the other hand, masked attempts to frustrate workers and, ultimately, to de-legitimize the strike. These conditions constituted an institutional backcloth characterized by, amongst others, the chosen UoT's over-reliance on contract workers as opposed to permanent workers for its daily operations and an unequal income distribution pattern. The strike was not a futile exercise because there were, consequently and subsequently, significant improvements in their conditions of employment. A counter-argument would be that improvements in the workers' wages and conditions adds to inflation and therefore impacts upon the working the class, negating any benefits they think they have won.

Regardless of this, there has not been a serious consideration, at the chosen UoT, of the strike and its significance. The absence of reflection is not a deviation from or an exception to what is otherwise normal practice. There are other equally significant institutional developments which have not been seriously thought through or carefully considered. By focusing on the strike, this paper attempts to make a modest contribution to the much needed process of reflection on institutional developments.

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