



Numsa Media Monitor

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A daily compilation of local, national and international articles dealing with labour related issues

Numsa/New Federation

Motor sector strike looms

Roy Cokayne, Business Report, 20 July 2016

Johannesburg - A strike in the retail motor industry has moved a step closer after the failure of a resolution dispute meeting.

Jakkie Olivier, the chief executive of the Retail Motor Industry Organisation (RMI), which represents 19 000 businesses that collectively employ 300 000 people, confirmed on Monday that the dispute remained unresolved after a dispute meeting held last week with the National Union of Metalworkers of SA (Numsa).

Olivier said neither of the parties made any movement on that day on the core issues that led to the dispute.

These issues are Numsa's demand for a mega bargaining council, comprising the vehicle manufacturers, oil refineries and retail motor industry, and a one-year rather than a three-year agreement.

Bargaining

However, Olivier said the parties agreed to mediation of the dispute by the Commission for Conciliation, Mediation and Arbitration (CCMA), with two sessions confirmed for next month.

Olivier said the logical next step if the mediator came to the conclusion that there was no chance of resolving the dispute was to issue a certificate of non-resolution. This would allow Numsa to give employers 48 hours notice of strike action.

But Olivier was still optimistic the dispute could be resolved without strike action, stressing the time available before the mediation would provide the parties with sufficient time to consult with their members on these critical issues.

“From my experience, mediation provides a better possibility to find a solution and that a solution is possible,” he said.

“Hopefully we will be in a position to convince Numsa that a one-year agreement with national negotiations is not good for our industry and the economy and show them the difference between the business model of our members and big listed companies and that we simply cannot be in the same forum as we have different objectives.

“Obviously if we can get beyond these two issues, which will be in the interests of both workers and businesses, the rest of the demands and proposals on the table will be easier to negotiate.

“These two issues meant making any progress was not possible as long as the two parties stuck to their positions. But there’s plenty of time and everyone is taking stock.”

Numsa’s demands also include a 20 percent wage increase, a R5 000 a month housing allowance and medical benefits to be paid on the basis of 80 percent by employers, 20 percent by employees. Attempts to obtain comment from Numsa were unsuccessful.

The dispute meeting followed Numsa’s decision at the end of June to declare a dispute in negotiations for a new agreement for the industry.

The negotiations involve three employer organisation in the RMI, Fuel Retailers Association (FRA), National Employers Association of SA (Neasa) and two unions, Numsa and Motor Industry Staff Association (Misa).

The current agreement expires on August 31 and covers a number of sectors, including automotive component manufacturers, vehicle body builders, service and repair workshops, fuel service stations, vehicle dealers and automotive parts and accessories retailers.

<http://www.iol.co.za/business/news/motor-sector-strike-looms-2047244>

Fawu to leave Cosatu when congress gives green light

Natasha Marrian, Business Day, 20 July 2016

THE Food and Allied Workers Union (Fawu) is set to cut ties with labour federation Cosatu at its national conference in August.

Fawu, one of Cosatu’s 18 affiliates and a founding union, will be the first affiliate deliberately to move out of the federation after the bitter factional fight that culminated in the expulsion of Cosatu’s then biggest affiliate, the National Union of Metalworkers of SA (Numsa) and its 360,000 members.

Fawu organises retail and farm workers in the food sector and has a membership of 129,000.

It is among the Cosatu unions that supported Numsa during its fight to remain in the federation. Eight other unions were also aggrieved at Numsa's expulsion, but none has taken any drastic steps — Fawu will be the first.

Six of Fawu's eight structures held special provincial congresses recently at which they ratified a decision to leave Cosatu.

The Western Cape was the only province that did not endorse the decision. KwaZulu-Natal has not yet held its congress because of divisions over whether to stay or go. Gauteng, Limpopo, the Eastern Cape, Mpumalanga, the North West and the sixth region comprising both the Northern Cape and the Free State have all agreed that the union should leave the federation.

Sources in Fawu told Business Day that there was little chance of the trade union remaining in Cosatu as the decision was discussed, debated and now "mandated" within its structures.

Fawu's national congress has been delayed twice due to the internal fight over whether it should cut ties with Cosatu. The congress is now set to take place between August 10 and August 13.

While the six structures agree that the union should leave Cosatu, they are cautious about whether Fawu should affiliate to a new federation whose formation Numsa and axed Cosatu general secretary Zwelinzima Vavi are leading.

On Tuesday, Cosatu president Sdumo Dlamini said Fawu remained an affiliate until a congress decided otherwise.

He said Cosatu was assured in a meeting with the union leadership earlier in 2016 that Fawu remained an affiliate even though it was in arrears with its monthly subscriptions and was currently "not in good standing" with the federation.

He said that while regions could opt to leave the federation, the national congress took the "ultimate decision".

It was possible for the matter to be debated on the conference floor, with a different decision emerging at the end.

"We trust that the delegates and members of Fawu will mandate their union to remain within Cosatu," he said.

<http://www.bdlive.co.za/national/labour/2016/07/20/fawu-to-leave-cosatu-when-congress-gives-green-light>

Eskom appeases

ESI Africa, 20 July 2016

South African unions currently engaged in wage increase negotiations with state-owned power utility Eskom, are willing to accept the power company's offer that it tabled on Friday.

South African trade union Solidarity is asking other trade unions in the bargaining unit, including the National Union of Metalworkers of South Africa (Numsa) and the

National Union of Mineworkers, to settle on what has been offered, Engineering News reported.

Eskom tables close offer

Solidarity energy industry deputy general secretary, Deon Reyneke, said on Monday that the parastatal's decision was evident of an increase.

"However, the other trade unions stand firm on their unaffordable demands and are, therefore, unwilling to negotiate any further," Reyneke said.

Reyneke added that the power company's offer of 7-9% for year one comes close to matching the union's demand of 8.75%, adding that the trade union is willing to enter into further negotiations with the employer, media reported.

"Eskom's offer involves a salary increase on a sliding scale of between 7% and 9% for year one, and a salary increase equal to the inflation rate plus one percentage point for year two.

"Part of our demand, however, includes a salary increase of 8.75% across the board for both years, as well as an increase in members' housing offer," Reyneke said.

Offer extends beyond wages

Media reported that according to Solidarity, the parastatal's offer extends to included improvements in employees' conditions of employment, which includes five months' fully paid maternity leave and six months' maternity leave at 30% remuneration.

Reyneke explained: "In general, we are satisfied with Eskom's wage offer and we would like to iron out the last minor differences in order to reach an agreement as soon as possible.

"We believe it is crucial that all role-players should now try to reach a favourable agreement around the negotiation table that will assure the sustainability of Eskom and ensure stability in power supply."

<http://www.esi-africa.com/news/sa-trade-union-ready-accept-eskom-wage-increase-proposal/>

South African workers

Platinum industry wage negotiations underway

SABC, 19 July 2016

The Association of Mineworkers and Construction Union (Amcu) has formally tabled its traditional demand of R12 500 a month to Lonmin and Impala.

This follows as wage negotiations are now underway in the platinum mining industry.

Talks with Anglo Platinum will kick off next week.

Two year ago Amcu went on a five months wage strike.

Lonmin will meet Amcu again on Thursday to table its opening wage offer.

The union met Impala Platinum management for the first time on Tuesday and formally tabled its R12 500 wage demand.

Mining companies across the spectrum have been shedding jobs for many years now mainly due to the global slump in demand for commodities.

Around 47 000 mineworkers are said to have been retrenched over the past four years.

Nevertheless, Amcu maintains that its R12 500 wage demand is still justified.

There's no centralised bargaining in the platinum mining industry, so the big platinum companies are negotiating with Amcu separately.

<http://www.sabc.co.za/news/a/a27f2d004d8db712838ac74bb456f37b/Platinum-industry-wage-negotiations-underway--20160719>

Stephen Grootes quizzes Patrick Craven at the launch of *The Battle For Cosatu: An Insider's View*

Nicola van Rooyen, BooksLive, 19 July 2016

There were many contentious and interesting discussions at the launch of former Congress of South African Trade Unions (Cosatu) spokesperson Patrick Craven's book *The Battle for Cosatu* at Exclusive Books in Rosebank recently.

Stephen Grootes was the suitable choice to interview Craven, as what was clearly visible from the get go was the deep admiration and respect between the two men, despite the fact that they have different worldviews on what the best economic system is.

As Grootes explained, "This is where [Craven] and I differ: I believe in well-regulated capitalism I see capitalism as the only way to get people out of poverty."

He continued: "Patrick Craven, why am I wrong?"

Craven replied that there has never been a better time in history to show how capitalism has failed.

In the book, Craven writes about the last five tumultuous years of Cosatu, leading up to the expulsion of Numsa and Zwelinzima Vavi.

Grootes asked many other hard-hitting questions, including "What happened to Cosatu?" and "Why did you resign?", which Craven tackled with honesty and forthrightness.

Specifically of interest was Craven's political analysis of what is going to happen in the local elections. "Sadly," he said, "there will be no fundamental shift."

South Africa

Recession risk looms large for SA

Arabile Gumede, Business Report/Bloomberg, 20 July 2016

Johannesburg - South Africa's rate-hiking cycle may be coming to an end amid the threat of the country's first recession in seven years.

After increasing the benchmark rate six times since the start of 2014, policy-makers in Africa's only G20 economy are poised to keep it unchanged this week as a stronger currency gives them room to focus on the risks to growth. Those headwinds include weak export demand, the worst drought in more than a century, low commodity prices, and most recently, the UK's vote to quit the European Union.

"I think it's the end of the hiking cycle," Lesiba Mothata, chief economist at Investment Solutions in Johannesburg, said by phone on Monday. "I think the conversation in the committee should be that of pausing and a concerted effort and time to be given in the discussion around easing."

The economy will probably expand 0.1 percent this year, the least since a contraction in 2009, and the risks of a recession are significant, the International Monetary Fund said this month. The South African Reserve Bank, which has consistently said it's in a policy-tightening cycle, kept the rate at 7 percent at the last meeting after increasing it 25 basis points in March.

While inflation has exceeded the bank's 3 percent to 6 percent target band since the start of the year, price increases have generally been less than estimated since March, helped by a stronger rand.

Recession risk

All 24 economists in a Bloomberg survey said the Monetary Policy Committee will keep its benchmark repurchase rate unchanged on Thursday after tightening borrowing costs by 125 basis points since last July. Forward-rate agreements starting in five months, used to speculate on borrowing costs over the period, show traders are pricing in a 68 percent probability that the MPC will increase borrowing costs by another 25 basis points by the end of the year.

The five-year break-even rate, a measure of bond investors' inflation expectations, fell 72 basis points since the last MPC meeting on May 19 to 6.73 percent, as the rand gained 10 percent against the dollar. That compares with a 39 basis point increase in emerging-market peer Mexico. A government report on Wednesday will probably show inflation quickened to 6.3 percent last month from 6.1 percent in May, according to the median of 22 economist estimates compiled by Bloomberg.

"You have the rand which is trading surprisingly stable, post-Brexit, and we also have a couple of inflation prints that have undershot expectations and we have evidence that domestic demand is very weak and faltering," Peter Worthington, an economist at Barclays, said by phone from Cape Town on Monday. "There's a growing risk that rates may have actually peaked."

Central banks in three key African economies have followed divergent policy paths since the start of the year. The Bank of Ghana left rates unchanged at 26 percent for a fourth consecutive meeting on Monday. In Kenya, the central bank cut its benchmark rate by 100 basis points to 10.5 percent in May and will probably keep rates unchanged on July 25, according to a Bloomberg survey. The Central Bank of

Nigeria kept its key rate at 12 percent two months ago and three of nine economists surveyed forecast it will increase borrowing costs on July 26.

Inflation target

The MPC projects inflation will return to its target by the third quarter of next year. Price-growth expectations remain uncomfortably high and the risks to the outlook include the rand, which is sensitive to domestic political developments and changes in US monetary policy, Deputy Governor Daniel Mminele said on July 7.

The rand weakened 0.9 percent to 14.3747 per dollar by 6.25pm in Johannesburg on Tuesday. Yields on rand-denominated government bonds due December 2026 fell two basis points to 8.82 percent.

"The rand is fairly behaved," Colen Garrow, chief economist at Lefika Securities in Johannesburg, said by phone on Tuesday. "We are probably going through a sideways movement on interest rates now, and the next move may in fact be lower."

<http://www.iol.co.za/business/news/recession-risk-looms-large-for-sa-2047319>

SABC

SABC's lawyer says the broadcaster will abide by Icasa's ruling

Genevieve Quintal & Franny Rabkin, Business Day, 20 July 2016

THE SABC on Wednesday backtracked on its decision to take on review the Independent Communications Authority's (Icasa's) order that it withdraw the decision to ban footage of violent protests where public property was being burnt.

The public broadcaster's attorney, Titus Mchunu, said the SABC had had an opportunity to study the Icasa order, and he was instructed that his client would now abide by it.

This was confirmed by Icasa spokesperson Paseka Maleka.

"The SABC has informed Icasa that it will abide by the order of (Icasa's) council with immediate effect," he said.

This was despite the SABC's writing to Icasa on Tuesday, asking for an extension to the deadline to respond to the order.

The SABC had been given seven calendar days to respond to Icasa, in writing, informing it of compliance with the order. That deadline was Tuesday.

The SABC claimed that the order was only forwarded to it on Monday, and before then it was not aware that the decision taken by Icasa's complaints and compliance committee had been unanimously accepted by the Icasa council, as required by law.

"Under the circumstances, our instructions are to request Icasa to undertake that it will not enforce its order as yet but will allow the SABC a fair opportunity until Monday, July 25 2016 to consider the contents of the order and allow the chairperson of the SABC board to communicate formally to the council..." Mchunu had said in the letter behalf of the SABC.

"The SABC has only now been provided with the order of the council of Icasa."

The SABC, however, capitulated in court earlier on Wednesday and agreed to withdraw its decision not to broadcast the footage.

There is, however, still part B of an application by the Helen Suzman Foundation, in which it wants the decision set aside as unlawful and unconstitutional.

It was not clear how this affected the seven of the eight suspended SABC employees, who were fired this week for questioning the editorial decision.

Four of the journalists — Foeta Krige, Suna Venter, Jacques Steenkamp and Krivani Pillay — were expected to approach the Labour Court on Thursday in a bid to have their dismissals overturned.

They were informed on Monday that they had been fired. The remaining three — Busisiwe Ntuli, Thandeka Gqubule and Lukhanyo Calata — were axed on Tuesday.

<http://www.sabc.co.za/news/a/a27f2d004d8db712838ac74bb456f37b/Platinum-industry-wage-negotiations-underway--20160719>

Fired SABC journalists want jobs back

Franny Rabkin & Genevieve Quintal, 21 July 2016

LAWYERS for seven fired SABC journalists have demanded that the broadcaster withdraw their termination notices in light of its unexpected turnaround on its ban to air violent protests.

SABC attorney Titus Mchunu said on Wednesday that the broadcaster would abide by the Independent Communications Authority of SA's (Icasa's) order to withdraw the ban and would not be launching a court review.

The SABC has been fending off legal attacks from all sides over its decision to ban the broadcast of footage where public property is damaged during protests. While it has backtracked on its decision, it is unclear whether it will continue to defend its summary dismissal of seven journalists who objected to the policy.

Icasa spokesman Paseka Maleka confirmed the SABC's position, saying the broadcaster had told Icasa that "it will abide by the order of council with immediate effect".

The SABC has also capitulated in its urgent, interim battle in the high court with the Helen Suzman Foundation over the policy, agreeing to the interdict to stop implementation of the policy.

In a letter, law firm Norton Rose Fulbright, which represents the seven fired journalists who objected to the policy, called on the SABC urgently to "withdraw the termination notices that had been addressed to our clients. Please also let us know when our clients can return to work," the letter said.

The fired journalists — Foeta Krige, Thandeka Gqubule, Suna Venter, Busisiwe Ntuli, Krivani Pillay, Lukhanyo Calata and Jacques Steenkamp — were joined by

SABC contractor Vuyo Mvoko in filing new court papers in the Constitutional Court on Wednesday.

In the papers, they said their dismissal — in the face of pending legal action both in the Labour Court and the Constitutional Court — amounted to contempt of court by the SABC. Last week, they directly and urgently approached the highest court, saying the protest policy and the disciplinary action against them were unlawful and unconstitutional.

Krige, Venter, Pillay and Steenkamp also went to the Labour Court to put their disciplinary proceedings on hold pending a decision by the Constitutional Court. Their case will be heard on Thursday.

But instead, the SABC summarily fired all of them — except Mvoko, who was on contract.

In an affidavit, Gqubule said once litigation was launched, the SABC was under a duty "not to impede or frustrate the ability of opposing parties to obtain effective relief". Their dismissals appeared "calculated to frustrate and impede" the court cases, she said.

"It is difficult to imagine how the SABC could have shown less respect for this court and our rights," Gqubule said.

Given what had happened so far, the eight were "deeply pessimistic" that they would get effective relief from the Labour Court, she said. The SABC's conduct had confirmed their fears that the broadcaster would act to silence dissent — "even where this amounts to undermining the authority of the courts". This was why it was necessary for the case to be heard urgently by the highest court, she said.

Parliament's communications portfolio committee chairman Humphrey Maxegwana said on Wednesday the committee was "deeply concerned" by recent developments at the SABC.

<http://www.bdlive.co.za/national/media/2016/07/21/fired-sabc-journalists-want-jobs-back>

'Dedicated liar' Hlaudi Motsoeneng must resign, SACP says

Bekezela Phakathi, Day, 20 July 2016

EMBATTLED SABC chief operating officer Hlaudi Motsoeneng on Wednesday faced fresh calls to resign amid allegations that he was the main cause behind the latest crisis to rock the troubled public broadcaster.

The South African Communist Party (SACP), a key ally of the ruling ANC, on Wednesday picketed outside the offices of the SABC in Cape Town, and handed over a memorandum of demands.

The SACP in the Western Cape called for the immediate dismissal of Motsoeneng saying the courts had ruled that he was illegally, irrationally and improperly appointed.

"(We demand) the removal of Motsoeneng as chief operating officer, to which our courts have found that he was illegally, improperly and irrationally appointed," part of the SACP's memorandum read.

"In addition he is a dedicated liar who sows division by misappropriating as a personality cult local content broadcasting, whereas in the first place he was all along at the SABC when our protest actions demanding more space and time for progressive local content based on a sound modelling, were blacked out."

The SACP also demanded the immediate reinstatement of the so-called SABC 8, seven of whom were sacked this week after objecting to the public broadcaster's controversial editorial policy to ban the broadcast of violent protests.

Earlier in July, the ANC appeared to question the management of the SABC, saying the broadcaster was "lacking at the highest managerial level" and hence it continued to lurch from one crisis to another.

However, Motsoeneng has survived several attempts to remove him from his position, and despite a string of court judgments against him, he continues to keep his job.

The DA, which has been leading the charge to remove Motsoeneng, recently filed an affidavit urging the Supreme Court of Appeal (SCA) to deny the SABC board, Communications Minister Faith Muthambi and Motsoeneng's petitions for leave to appeal an earlier ruling by the High Court in Cape Town, which in effect set aside his permanent appointment as chief operating officer.

The DA brought the case based on Public Protector Thuli Madonsela's findings against Motsoeneng in her 2014 report, When Governance and Ethics Fail. Madonsela found that Motsoeneng had fabricated his matric qualification and had irregularly increased his salary from R1.5m to R2.4m in one year.

Judge Dennis Davis, presiding over the case, said the information before Muthambi at the time of Motsoeneng's promotion was "muddled and unclear", and put her "in no position to exercise a rational decision to elevate him". In May, Davis dismissed the SABC and Motsoeneng's application for leave to appeal that court's ruling.

On Wednesday the DA welcomed the court decision against the SABC's censorship of protest-related violence.

Parliament's portfolio committee on communications also said it had noted the judgment passed by the High Court in Pretoria on Wednesday and hoped that the SABC would abide by the judgement.

Earlier in July, the Helen Suzman Foundation went to court to apply for an interim interdict to stop the SABC from implementing or enforcing the censorship decision taken to partially cover some protest action.

On Wednesday, the SABC conceded to the bulk of the application by the foundation.

The SABC and the foundation drafted an agreement, which was made an order of the court by Judge John Murphy.

The court order interdicted the SABC, pending a final determination of the dispute, from implementing a censorship decision that amounted to a refusal to cover violent protests or demonstrations.

The DA said while this was a victory for the Constitution and the freedom of the media, on its own it would not stop the rot at the public broadcaster.

<http://www.bdlive.co.za/national/media/2016/07/20/dedicated-liar-hlaudi-motsoeneng-must-resign-sacp-says>

International

Uber faces court battle with drivers over employment status

The Guardian [UK], 19 July 2016

Employment law's 'case of the year' will assess claim by 19 drivers that they are not technically self-employed.

Uber is facing a legal challenge from drivers who say that they should be recognised officially as workers at the company, as calls grow for new rights for the UK's burgeoning army of self-employed individuals.

In a tribunal hearing described as "the case of the year in UK employment law", lawyers working for a group of Uber drivers will argue that the terms and conditions of their work with the company mean that they are not technically self-employed and should be entitled to a range of benefits that they currently do not receive.

The case, which begins on Wednesday, underlines the growth of the so-called "gig economy", where companies use self-employed workers rather than keeping people on their books. On Monday, the Guardian highlighted the case of Hermes, where the 10,500 couriers working for the parcel delivery company are self-employed. This perfectly legal arrangement means that they are not entitled to the "national living wage", pension contributions, or holiday or sick pay.

In the case of Hermes, one employee told the Guardian that they had earned as little as £5.50 an hour over some periods, although the company said its network of couriers received the equivalent of £9.80 an hour on average. "We believe all Hermes couriers will receive parcel delivery and collection rates that will give them the ability to earn at a level that is at least equal to the national living wage," the company said.

The case against Uber is being taken by 19 drivers, with two test cases starting on 20 July. The ride-hailing app has about 30,000 drivers in London, all of whom are designated as self-employed.

Annie Powell, a solicitor at law firm Leigh Day who will represent the drivers, said the case hinged on two things: the nature of Uber's business and the control it had over drivers. "Uber is arguing that it is a technology company and that it does not provide a transport service to customers, it just puts them in touch with drivers," she said.

Powell said the hearing would seek to prove that this was not the case, and that because drivers were subject to ratings and were not told where customers needed to be dropped off, they were not operating as self-employed businesses. "We are

arguing that they are workers ... Workers have fewer rights than employees, but are entitled to the national minimum wage, holiday pay, the right not to be discriminated against and the right not to have deductions made from their salary," she said.

Uber, which has its European headquarters in the Netherlands, was seeking to argue that drivers in the UK can only seek a remedy in the Dutch courts, Powell said.

If the drivers were successful, she said, other businesses might face similar claims. There was a "creeping erosion of employment rights as companies misclassify their workers as self-employed", Powell said, adding that new technology was making it easier for companies to have more remote relationships with workers. "This has changed how work looks and might give rise to the argument that people are not employees."

Jo Bertram, the regional general manager for Uber UK, said more than 30,000 drivers in London used the app "and this case only involves a very small number".

"The main reason people choose to partner with Uber is so they can become their own boss, pick their own hours and work completely flexibly. Many partner-drivers have left other lines of work and chosen to partner with Uber for this very reason."

Sean Nesbitt, a partner in the employment team at law firm Taylor Wessing, said the scheduled five-day hearing was "the case of the year in UK employment law" for three reasons.

"First, Uber is battling a wave of litigation around the world. A US class action settlement worth \$84m-\$100m (£64m-£76m) is having trouble getting judicial approval, with criticism that it is too cheap a price. The UK case will further fuel litigation in other industries, and other countries," he said.

Nesbitt said the UK had a useful "third way between costly employee status and low rights self-employment status". The label of "worker" gives basic protections on working time and pay, and includes the right to litigate, which Uber tries to avoid with arbitration clauses.

Thirdly, he said, the case, which is being supported by the GMB union, highlighted the opportunities for unions to regroup and represent workers in the gig economy.

Similar cases due to begin from later this year will see four cycle couriers taking separate tribunal cases against Excel, City Sprint, Addison Lee and eCourier, arguing that they are not truly self-employed, as the companies currently describe them. They work up to 50 hours a week for a single companies, receiving £2 or £3 for each parcel that they deliver. The first case will be heard in November and the other three will follow at the start of 2017.

"The real battleground is the extent to which they are really in business on their own account," said the couriers' barrister, Jason Galbraith-Marten. "The law says that if you are an employee, you have to deliver a personal service; you have to turn up and do the work yourself. If you're running a business, you can send someone else ... The idea that a courier would have other people to send is fanciful."

Galbraith-Marten said the cases would explore whether the companies were obliged to provide the couriers with work and whether they could work for someone else at

the same time – the couriers will argue that they are not able to do deliveries for more than one company.

In one case, he said, the company had argued that a courier had been able to take time off, proving that he was not obliged to work, but it had emerged that this was the result of an accident, which meant that he could not ride his bike. During that time, he was not entitled to sick pay from the company.

While the hearings were measuring individual cases against existing law, if the couriers and the Uber drivers were successful, the rules around employment law may have to evolve, he said. “As more and more of these cases come to the fore, it has a cumulative effect in terms of changing people’s attitude to the nature of employment,” Galbraith-Marten said. “We may well want things, including services, to be cheap, but how is this funded? Does it come out of the companies’ profits or from having people on these types of contracts where it’s the couriers who are suffering to keep the service cheap?”

<https://www.theguardian.com/technology/2016/jul/19/uber-drivers-court-tribunal-self-employed-uk-employment-law>

Comment & Opinion

Seize the gaps politicians make as they vie for office to create change

Steven Friedman, Business Day, 20 July 2016

MILLIONS of South Africans are probably alive today partly because a president who many respect was replaced by one who many despise. This shows that politics matters more, and politicians matter less, than we are currently led to believe.

This week’s HIV/AIDS conference in Durban inevitably invites comparisons with the last Durban international HIV/AIDS conference 16 years ago. The previous meeting brought to a head a clash between the then government and AIDS activists, which lasted several years.

The government refused to provide treatment for people living with the virus: instead, it retreated behind a wall of denial, rejecting the clear link between HIV and AIDS, which medical science had established.

It is likely that many people whose lives could have been saved died because the government refused to take the virus seriously.

As delegates meet this week, more than three-million people are receiving the antiretroviral therapy that the government then resisted — this country’s is the biggest treatment programme in the world. A government that once resisted fighting HIV/AIDS now misses no chance to point out how much it is doing to battle the virus. Millions who are alive today might not be, had the government’s response to HIV/AIDS not shifted.

One reason it changed is an effective campaign by citizens who demanded that the government and pharmaceutical companies take HIV/AIDS seriously. The Treatment Action Campaign led the fight — medical scientists, doctors and key public figures supported it.

But a change in the politics of the ANC was also important. The source of the AIDS denialism that denied people treatment was then president Thabo Mbeki — when he lost the ANC presidency to Jacob Zuma, the new leadership, eager to show its difference from the old, endorsed the fight against HIV/AIDS and turned the Department of Health from a fortress of denialism to an instrument in the fight against the virus.

This happened not because the good guys beat the bad ones but because a division in the ANC gave politicians a reason to champion people living with the virus. This would not have been possible if the activist campaign had not highlighted HIV. But, once it did, the ANC's factional battle also made change in policy possible.

This was not the only time political competition helped the fight against HIV/AIDS. When the national government was in denial, activists found that governments in provinces where there was competition between the parties were more likely to fight the virus than those where the governing party did not have to worry about re-election. Party competition gave provincial governments a reason to take voters seriously and this made them more likely to tackle HIV/AIDS.

This history is important today, when politics is often reduced to the personalities of politicians. If HIV/AIDS activists had placed their hopes on finding a sympathetic leader, the government may never have shifted: instead, they took politics seriously by building a coalition that isolated those in and outside the government who denied the need to fight the virus.

They helped to create a new political reality but also made use of political shifts, which they did not cause but from which the campaign could benefit.

Given current attitudes to Zuma, there would be little support for the idea that the government took HIV/AIDS more seriously because a better leader took over. It was the rivalry between factions and parties, not the identity of the political contestants, that created opportunities for change.

These points are crucial today when increased competition — within the ANC and between parties — is a growing political reality. Instead of taking advantage of this, finding ways to make sure that political contest forces the issues that concern them onto the agenda, citizen groups seem concerned only with opposing some leaders and supporting others: people who press for change seem interested in politicians, not politics. They rely on the goodwill of political leaders, not on citizens working for change. In the process, the openings political competition offers are lost.

The lesson applies not only to the fight for a better society but to the battle against HIV/AIDS. The fight against the virus has changed, but has not ended: the rate of new infections in Southern Africa remains high mainly because HIV is prevalent among young women.

While some will insist that the problem is a lack of education, this does not explain why the virus affects women so much more than men living in similar circumstances. The likeliest explanation is that HIV is a symptom of the conditions in which many young women live — a poverty and powerlessness that forces them into sexual relationships that endanger them.

This can be changed not by education campaigns but by protecting young women from that which places them at risk. And this needs more of the activism that won treatment for people living with HIV/AIDS.

This task will also need a return to the approach behind that activism; one that relies not on the personalities of those in power, but on using the openings created as politicians compete for office to ensure that citizens get what they want from politics.

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<http://www.bdlive.co.za/opinion/columnists/2016/07/20/seize-the-gaps-politicians-make-as-they-vie-for-office-to-create-change>