

Review Article

Johnny Copelyn (2016) *Maverick Insider: a struggle for union independence in a time of national liberation*. Johannesburg: Picador Africa

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At the center of the idea of a trade union is the concept of collective solidarity. Solidarity is often used more rhetorically than analytically. It is possible to distinguish between two interpretations of the concept. The first is value-based, defining solidarity as a ‘moral imperative that ... is a fundamental value in all the major religions of the world: do to the other what you would like her to do to you. Love your neighbor as yourself’ (Lindberg 2014:136).

The second, a union approach to solidarity, is different as it ‘has a constitutive element of mutual self-interest’. Solidarity in a union context means moving from an individual self-interest, or the self-interest of a smaller group, to a broader self-interest – for example, of all metalworkers in Sweden, or all dockworkers in Europe – and perhaps eventually to the mutual self-interest of a global working class. But even so, union solidarity will always have an element of shared self-interest. ‘Unions are interest-based organizations’ (Lindberg 2014:136).

But Lindberg goes on to add a third element to his definition of solidarity – identity. Solidarity has, he says, an element of identification that is typically based on a shared position in the organisation of production. Identity as a worker, being part of the working class, is a vital element in union solidarity: ‘[Solidarity] is expressed in a willingness to stand up for each other and fight together’ (Lindberg 2014:136).

Johnny Copelyn’s engaging account of his years in the labour movement and then his successful entry into business presents one with a puzzle; are

there two Copelyns, one a working class hero committed to collective solidarity, the other a ruthless individualist who became a billionaire capitalist?¹ Or is there a consistent commitment to certain goals that lies deep below this apparent contradiction?

Rather than thinking of Copelyn's narrative in terms of the false binary of 'continuity' or 'rupture', I see the book as providing the reader with a unique insight into a remarkable generation of trade unionists who contributed decisively to the transformation of South Africa but whose personal circumstance were in the process dramatically transformed. The most celebrated example is, of course, Cyril Ramaphosa. Johnny Copelyn is another. They pragmatically seized the new opportunities that the advent of democracy offered, shaping the nature of post-apartheid South Africa in the process.

There are a number of excellent accounts by ex-unionists and labour-linked academics on the post-1973 rise of labour, but there is none quite like this.² Written in an easy accessible and readable style, it is a gripping narrative. It is an insider's account of the internal dynamics of a key union in the struggle for democracy. It is full of irony and humour with quite extraordinary stories of how the clothing and textile union struggled from small beginnings in Durban to become a highly innovative national union. This is autobiography at its best. It is a tribute to a highly skilled negotiator with a sharp independent mind.

Copelyn begins the narrative with an account of his conversion as a teenager to Habonim, a socialist Zionist Jewish youth movement that 'woke me up suddenly to a sense that life wasn't fair' (3). He decides to put his youthful idealism into practice and travels to Durban to offer support as an economist to the emerging trade union movement. I remember his arrival well as I was one of the first people he visited in February 1974, as he notes in the 'walk-on' part he gives me in the drama that was to follow. Interestingly his first job was editor of the newly launched *South African Labour Bulletin*, one of the few surviving initiatives of what came to be called the Durban moment.

Copelyn soon emerged as a central figure in the textile union and the struggles for recognition in the powerful textile mills of the Frame group. How Copelyn was able to prevent Abe Frame from renegeing on his verbal agreement to recognise the National Union of Textile Workers (NUTW) by getting a former employee to temporarily part with the minutes of the meeting, is one among many delightful anecdotes that make this book such

an entertaining read (110-116). But the detention in 1975 under the frightening Terrorism Act of his two key organisers, June-Rose Nala and Obed Zuma, brings to the fore the central political drama facing the trade union movement. Copelyn's organising approach presented a challenge not only to the state and employers but also to the dominant national democratic tradition in South Africa. These embryonic unions placed a strong emphasis on building a cadre of shop stewards with deep roots in their workplaces and industry-wide organisation and bargaining. They were labelled by their critics in the South African Communist Party (SACP) and the national democratic tradition as syndicalist in orientation or, later in the 1980s, as 'workerist'.

These tensions were to come to the fore in 1984 when a pro-ANC faction split from the NUTW to form a short-lived rival textile union. Copelyn took the challenge head-on forcefully arguing in union meetings that: 'unions needed to be independent of political parties. The union should be run on the basis of uniting workers across party political divides and making sure workers supporting different political parties could have a home in the same union' (172).

Copelyn's own banning in November 1976 puts a stop to his public union activities. He turns this setback into an opportunity to re-tool himself and emerges five years later as a qualified attorney. Importantly he does not take the comfortable path of professional lawyer; instead he goes straight back to the NUTW, where he had been rudely interrupted by a banning order five years earlier.

Copelyn seized the moment created by the inclusion of black workers into the industrial relations system and becomes the architect, along with Halton Cheadle, of the legal strategy of the NUTW as well as the newly formed Federation of South African Trade Unions (FOSATU). 'Copelyn saw', Ebrahim Patel appropriately writes in the foreword to the book, 'the possibilities that the new legal framework provided' (xv). He, along with a range of young activists who joined this new movement, used 'the space created by the reforms to register with the state, to enter into industry-wide bargaining bodies ... and to build what was to become a powerful anti-apartheid praxis and platform'. He used, writes Patel, the emerging labour law expertly to help gain victories on which further organisational expansion could be built'.

Quite early on Copelyn and the NUTW come up against retrenchments, especially of union activists. The response of the union was innovative.³ They decide to establish a clothing factory, Zenzeleni ('We do it ourselves')

providing jobs for the retrenched workers. This proved to be a decisive experience for the NUTW and Copelyn. The company soon came across ‘the contradictions of being owners, managers and trade unionists’ (141). Copelyn felt compelled to intervene when the manager failed to fire a worker and instead reprimands him: ‘These workers don’t own the factory’, he says to the manager, ‘the union does.... We’ve got to set basic standards of discipline in the place’ (142). The manager ‘moves on’ and Copelyn moves in. ‘So’, he records, ‘in 1991 I finally crossed the floor and took on the role of general manager of Zenzeleni Clothing’ (140). Some 100 workers were retrenched shortly afterwards. The company survived and currently employs some 450 full-time workers (151).

The Zenzeleni experience is decisive as Copelyn’s early utopian ideas are tested in the market place. With the arrival of democracy in 1994 Copelyn moves on, ironically, to become an ANC member of parliament. The penultimate chapter is on the launch in 1997 of the union investment company Hosken Consolidated Investments limited (HCI), with Copelyn as chief executive officer.

HCI, Copelyn concludes, ‘has been very successful commercially and has significantly broadened the challenges that SACTWU has been able to tackle’ (327). He lists five of HCI’s achievements: the establishment of an independent television broadcaster, e.TV; the resuscitation of a bus company providing transport to the city of Cape Town. Thirdly, the saving of the largest textile and clothing company, Seardal, from bankruptcy. Fourthly, the funding of significant social programmes through the HCI dividends including bursaries for the children of members and substantial health programmes. Finally, the establishment of the HCI Foundation, with its own capital base, to sustain the social programmes (327-329).

The last chapter is a moving account of Virginia Engel, an ex-SACTU organiser who ran the HCI Foundation, on her deathbed. Copelyn thanks her for the 34 years together ‘in struggle’ (332). He reflects ‘She was the first of our team to reach the end of her life. A group of nine of us ... together with perhaps 15 or 20 (SACTWU) officials had been at the heart of building it into one of the largest unions in the country, and been active in a movement that played a major part in the transformation of the country’ (333).

The core of the book is a narrative – arguably a celebration – of the building of SACTWU and Copelyn’s role in it. And they have a lot to celebrate. In many ways SACTWU is a unique union in the South African labour landscape. Let me identify three factors that stand out.

Firstly, SACTWU has successfully organised the more conservative constituencies of the labour movement. The clothing and textile industry has always contained a strong component of what today we call 'minority groups', Indians from KwaZulu-Natal and coloured members from the Western Cape. Both communities live in regions where opposition to the ANC has been strong: the DA in the Western Cape and the IFP in KwaZulu-Natal. In spite of these political differences the union has remained united.

Secondly, SACTWU organises successfully among workers who have been most affected by international competition. For many employers in the industry, South African labour has become 'too expensive' in the era of globalisation. The textile industry, has lost tens of thousands of jobs since 1994, in large part because of increased competition from producers in Asia (Morris and Einhorn 2008, Roberts and Thoburn 2004). Many have argued that trade unions' demands have contributed to job loss in textiles and clothing (Natrass and Seekings 2014).

Thirdly, they have retained a commitment to internal democracy through insisting on a confidential strike ballot. SACTWU is the only COSATU affiliate that undertakes a confidential ballot before embarking on strike action. This is an indication of the union's commitment to worker control by their members and union democracy. The ballot takes place at the workplace, conducted by professional electoral officers, and in the presence of management.⁴ The great advantage of this for both parties is that it nudges employers to settle before resorting to a strike. It acts as an early warning mechanism. For example, 50,000 workers were balloted in SACTWU in 2013, and 85 per cent of them supported a strike. A strike was pre-empted when employers settled.

A secret ballot ensures that the union has a democratic mandate for a strike and, if necessary, further ballots can be held during the negotiations, especially when provisional agreement is reached. Importantly, it should be an internal requirement in the union, not a statutory requirement of the LRA. As Andre Kriel, general secretary of SACTWU observes:

We always voluntarily ballot our members before embarking on a wage strike action. It is part of our internal policy of worker control on critical organisational matters. (Kriel, Interview, February 2014)

Johnny Copelyn is an independent thinker, as the book makes clear. He tells us four times that he is not 'politically correct' (18, 19, 68, 286). He presents himself as a committed liberal, a sort of Helen Suzman of the labour

movement. I think this is misleading; he showed little tolerance of those who disagreed with him. He ridicules his opponents on the question of the unions' relationship with the ANC and SACP, referring to the 'two-hatted Jay Naidoo', closely shadowed by 'three-hatted Alec Erwin' (299). He dismisses Patrick Bond's critique of South Africa's 'elite transition' as simply inspired by 'anti-commercialism' (326).

But these are issues of personal style. The importance of the book lies in Copelyn's central claim to 'union independence'. Copelyn ends the narrative with his launch into business through the establishment of SACTWU's investment company, HCI. Although it is notionally separate from the union, it soon came under fire for promoting business values (Special Correspondent 1996). For Copelyn and his protagonists, it was a vehicle for progressive social change, worker power and black empowerment. The counter argument proposed that union investment companies, were likely to de-politicise and de-mobilise workers, distract unions from fighting for better wages and jobs, invest in morally dubious enterprises, and favour the interests of union leaders over those of the membership at large (Collins 1997, Faulkner 1999, Mckinley 1999).

Union investment companies now have major stakes in key companies on the stock market: in television, in casinos, in luxury hotels, in the media, in banking, in car rentals firms, in property insurance, in outsourcing companies, and so on (Tangari and Southall 2008).⁵ Tangari and Southall conclude their useful analysis of union investment companies by pointing to 'major concerns' raised, not only about 'how union investment finance is becoming entangled with established corporate capital and to what end, but how this has enabled some former trade unionists to become extremely wealthy' (both Copelyn and Golding have become very wealthy). There are many, too, who think that investments in such activities as gambling are peculiarly inappropriate' (Tangari and Southall 2008:700).

This engagement in the stock market has led Buhlungu and Tshoedi to identify 'a new culture of individualism and accumulation' amongst Cosatu members (Buhlungu and Tshoedi 2012:14). The authors point to a fundamental disconnect between what the leaders say and what they do: 'the radical Marxist rhetoric is at odds with the private beliefs and practices of the federation's members today. They participate actively in the consumerism of the post-apartheid period and, when presented with opportunities for upward social mobility, they enthusiastically make use of them' (2012:13).

This desire for upward social mobility was confirmed by Themba Masondo in his interviews with shop stewards. Nearly two thirds (63 per cent) of survey respondents indicate that they there not opposed to the promotion of shop stewards into managerial and supervisory positions. More than half (52 per cent) indicated that shop stewards had been promoted into managerial positions in their workplaces (Masondo 2012:110-31). For Masondo, promotion of shop stewards is ‘part of capitalists’ attempt to maintain hegemony over the workplace by silencing dissent and weakening trade unions’ (2012:127).

The result of these changing values in the union, the current president of Cosatu Sidumo Dlamini suggests, is that union leaders are pursuing ‘a BEE-type business unionism on the basis of workers’ collective power’ (Dlamini 2016). Union investment companies are part of what he sees as a form of business unionism operating through its ‘control over worker funds, totaling multi-millions of rand in subscriptions and agency shop fees, pension and provident funds, medical aid schemes, sick pay funds, union investment companies, and so on, as well as service providers such as financial services administrators and providers, banks, property developers and administrators, all other services that have to do with money in unions, and the corrupt use of procurement of other goods’ (Dlamini 2016).

What is business unionism? Business unionism, as understood in the United States, occurs when unions are run like businesses with a centralised bureaucracy largely unaccountable to its members. Well-paid union leaders negotiate collective bargaining agreements with equally well-paid managers. Labour fails to develop a class-based politics and formally remains politically non-aligned (Moody 1988).⁶

The label of business unionism does not quite fit COSATU unions as they are not politically non-aligned and have a direct relationship with the ruling party through the Alliance. But it could be argued that, through embracing individualism, accumulation, and an increasingly top-down structure, many union leaders have taken on business values.

It is worth noting that the book was launched in the head office of SACTWU with the minister of Economic Development, Ebrahim Patel, Copelyn’s successor as SACTWU general secretary, as the keynote speaker. It attests to the close relationship between Copelyn, the HCI and the union leaders; but it also points to a close relationship to factions within the ruling party. Is Copelyn accurate when he describes the SACTWU as ‘independent’ when it has such a close relationship with the ruling party?

Labour's dilemma in post-colonial countries is how to express its distinct working class interests in such a way that it does not have a confrontation with the state or alienate itself from those who continue to support the dominant national narrative. Interestingly, the Ghana Trade Union Congress (TUC), after many years of party political aligned unionism, has chosen the path of non-alignment with any specific political party. It prefers to develop its own political demands, lobby for these demands and advise its members to vote for the party that supports the GTUC's programme (Beckman et al 2010). Such a non-aligned strategy depends, as it does in Ghana, on a competitive multi-party system.

We live in cynical times and many will argue, along with Sartre's famous character, the communist party leader Hoederer, that the price you pay for engaging in the 'real world' is to 'dirty your hands'.⁷ I think this would be a shallow reading of Copelyn's narrative. His strategy has served the members of SACTWU well. But does the successful promotion of his own self-interest undermine his claims to solidarity with the members of SACTWU? Or is Copelyn an example of an intellectual entering the capitalist class on the backs of workers?⁸ And what of the fact that Copelyn, a white male, has benefited substantially from a system designed for the previously disadvantaged?

It could be argued that these questions are unfair; after all in a capitalist society someone with the business acumen of Copelyn has the right to make as much money as the system allows. But the questions I am raising are not about the legitimacy of the capitalist system; I am grappling with the role of a trade union in a capitalist society and what constitutes appropriate behavior for someone who associates themselves with a trade union.

At the center of the trade union as an institution is the idea of collective solidarity. Students of organisations have long noted that as trade unions develop a growing social distance emerges between leaders and led. The union leaders start to lose touch with their base. They cease, in Alan Flanders words, to be 'swords of justice' and become 'defenders of the status quo' (Flanders 1970:38). SACTWU may well be 'a sword of justice' but will it not become 'a defender of the status quo if its fortunes are too closely tied to the stock market?' Above all, is it not time for Copelyn, given the current discourse about executive pay and inequality, not only in South Africa but around the world, to ask himself how he justifies to himself his current salary given his egalitarian outlook on life? Indeed, can solidarity last forever?

Notes

1. Copelyn's total calculated compensation as CEO of HIC was R13,906,000 as of the fiscal year 2015. This does not include his numerous directors fees and his shares.
2. Friedman 1987, Baskin 1991, Buhlungu 2010.
3. Copelyn does not mention his early ideas on kibbutz socialism and especially the role of the Israeli trade union movement, the Histradat, and its extensive ownership of large sectors of the service economy, but I would be interested whether this influenced his own thinking in setting up Zenzeleni and HIC.
4. At present the only COSATU union affiliate that utilises this procedure is the South African Clothing and Textile Workers Union (SACTWU).
5. With the exception of Ihedru 1998, Ihedru 2004, Tangari and Southall 2008, there has been surprisingly little research on the impact of union investment companies.
6. 'The idea of the union as a business led in turn to the conclusion that it should be run like one – from the top down'. As Teamster President Dave Beck asked in the 1950s: 'Unions are big business. Why should truck drivers and bottle washers be allowed to make big decisions affecting union policy? Would any corporation allow it?' (Moody 1988:57).
7. The metaphor of 'dirty hands' is drawn from Jean-Paul Sartre's play first performed in Paris in 1948 where Hoederer, the party leader in a fictitious communist state, defends the need for a National Front between liberals and communists in the national interest. He says to Hugo, the young idealist: 'How you cling to your purity, young man! How afraid you are to soil your hands! Purity is an idea for a yogi or a monk. You intellectuals and bourgeois anarchists use it as a pretext to do nothing.... Well I have dirty hands. Right up to the elbows.... Do you think you can govern innocently?' (Sartre 1949:223).
8. The book is an original and powerful critique of the how the intelligentsia in socialist Hungary became a new ruling class on the back of workers. The book is centred on the rise and social role of intellectuals as a class.

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