

questions & answers

with ANTON ROSKAM



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Ensuring proper governance in unions

Recently, there have been a number of accusations in the media that union officials or office-bearers are corrupt or living well off the income of their unions, which is primarily derived from union subscriptions. Do the unions have sufficient safeguards to protect them from such eventualities?

First of all, I think that some of these recent accusations have more to do with political posturing than genuine attempts to expose corrupt and so-called 'fat cat' unionists. At the same time, it would be naïve to think that corruption and abuse of resources is not present in the union movement on at least the same scale as it is present in the rest of society.

Where does the problem lie? Is it with the unions' constitutions?

The problem does not simply lie with the content and structure of the union's constitution, although this might be part of the problem. The problem is multi-faceted and relates to the manner in which the union is governed, the way in which it is managed (and of course the two are different), whether or not the union has adopted and implemented operational systems that ensure that there are checks on the staff who run the union, and, amongst other things, whether or not the union has implemented policies that undermine (or at least do not promote) corrupt practices.

What are the problems in general with union constitutions?

I don't think that the main problem lies here. However, this is not to say that the constitutions are adequate and that attention should not be paid to them. A number of them are outdated. Where they have been updated it is often a 'cut and paste' job – bits from other constitutions are included. Sometimes 'bush lawyers' draft clauses that contradict other clauses or make no sense. When there is an internal dispute within a union, these clauses serve to foster the conflict because they do not provide clear direction.

What are the problems with governance?

This is a mammoth topic. Capitalism has in recent years put immense resources into this area. The King reports into corporate governance are a good example. The progressive union movement seems to have done very little other than to reassert the principles of, amongst others, worker control and democracy. Worker control has not been sufficiently developed beyond checking that the majority of members in a structure are, in fact, workers.

In recent years, the distinction between an official and an office-bearer seems to have blurred. Today, many unions have full-time Presidents and Vice Presidents. Most General Secretaries and Deputy General Secretaries, who are obviously also full-time, are drawn from the ranks of the unions' members. The old distinction between official and office-bearer is therefore less clear. Understandably, the constitutional specifications of the powers and functions of the secretaries and other office-bearers are vague.

On the one hand, this may be a good thing, especially in the light of the fact that many General Secretaries and provincial and regional secretaries are drawn from the ranks of the union's membership. On the other hand, it seems that these office-bearers and officials become more and more estranged from their membership as they become full-time unionists.

It also seems that the traditions of the various unions also play a vital role. In some cases, the President plays a more day-to-day hands-on role, with the secretary playing more of an administrative role. In others, the President is more removed from the day-to-day functioning of the union.

Another issue is the declaration of potential conflicts of interest and the recusal of representatives from decision-making meetings that involve that interest. In some cases, it seems that union officials and office-bearers who sit in the governing structures of a union are also involved in business interests associated with the union or the industry within which the union operates. These interests are not declared and representatives do not recuse themselves from meetings that are discussing that interest. The unions need to develop clear policies about this. Otherwise, worker control will be undermined.

Another problem is that delegated powers are not sufficiently spelt out. In some unions, it is not clear who has the authority to sign various contracts and collective agreements on behalf of the union. In others, there are customs and practices, but sometimes they are vague. Unions today are massive operations and their budgets are huge. Who has authority to sign a collective agreement on behalf of a union? Who checks it before that person may sign it? Who has authority to sign a commercial deal on behalf of the union (such as a lease agreement or computer or photocopy rental agreement)? Who checks it beforehand?

Is this not a management problem?

Partly. But before management acts there need to be clear and simple policies that regulate and provide checks on that activity in the union. It is frightening that sometimes a complex collective agreement is signed by a union organiser and the only check in the process is the shop steward committee which, because of the nature of the language used in the agreement, is not able to evaluate the agreement. The committee thinks they are signing one thing, when they are actually getting another. Often the organiser is also not in a position to evaluate things adequately.

It's even more frightening to find that only one signatory is required for a cheque to be issued in the name of the union and that the signatory and the person who makes out the cheque could be the same person. We have to get rid of the naïve trust we place in the hands of many people and put recognised financial controls in place.

Management need to ensure that these checks are performed and the policies implemented. They also need to know when to call in experts to assist them. Before signing a multi-million rand lease agreement, the union should make sure that lawyers and other experts have checked the contract before it is signed. This is not only in the interests of the union, but also the official concerned.

What about the payment of officials and office-bearers?

This is a thorny question and it has been part of the organisational review processes in COSATU. How much should union officials and office-bearers be paid? If a union does not pay them these packages, will it be able to retain their expertise? Should one compare their remuneration with their counterparts in industry? These are difficult organisational questions for which there are no easy answers. However, at least three things are important. The first is that the appropriate and democratically elected structures of the union must decide on these issues. The second is transparency within the union. Members should be told what the remuneration packages of the officials and office-bearers are. Lastly the total packages, including benefits, should be disclosed and not simply the salaries without the benefits.