

‘We are the university’:

The University of KwaZulu-Natal strike of February 2006

by Christopher Merrett

Strikes at universities involving the whole range of staff are unusual. But developments at the newly merged University of KwaZulu-Natal (UKZN) had generated such anger and frustration in just two years since January 2004 that the following was published in the letters section of the *Witness*:

We’re striking because we *are* the university. We are the heart and soul of the institution; we are academics and cleaners, men and women of all races, and we are all committed to making this our university, where excellence, collegiality and humanity, rather than corporate greed and profitability at the expense of the student body, are the hallmarks of what a university means.¹

Each working day from Monday 6 to Thursday 17 February 2006 staff on the Pietermaritzburg campus met by the tree on the library lawn (it was a very African strike) to discuss developments and tactics. In some senses it was an insurrection. On several occasions, busloads of staff, singing loudly and blowing vuvuzelas, departed for the Durban campuses to take part in their protests. Not only was such a stoppage at a South African university unprecedented, but the level of resilience, solidarity and comradeship on the lawn and at meetings in the Colin Webb (Old Main) Hall was extraordinary. Library lawn speakers demonstrated great passion and came from surprising quarters. Some eloquent

outdoor orators had never before spoken so forcefully to such a diverse group of colleagues. Nor were they likely ever to do so again.

They were members of the four unions recognised by UKZN: the Combined Staff Association (COMSA), National Education, Health and Allied Workers Union (NEHAWU), University of Natal Staff Union (UNSU) and the National Tertiary Education Staff Union (NTESU), which had collectively been granted a certificate to strike by the Council for Conciliation, Mediation and Arbitration (CCMA) on 16 January. An estimated 1 500 staff took part on the first day of the strike, which was covered on television by SABC1 and 2. While the CCMA had accepted that more than 50% of staff were unionised, members of the university Executive claimed, without any apparent evidence, that the figure was only 40%.² By the end of the week the number of strikers had reached 2 000 and an even higher figure would be achieved later as staff completed registration obligations to students and then walked off the job.

University on strike

Ostensibly, the strike was about pay – an increase over and above the guaranteed 4% and fringe benefits of R350 per month – but like many strikes the root of its popular appeal was far more complex. It was also about sabbatical and other leave entitlements, remission of fees, retrenchment packages (although UKZN repeatedly said there would be no retrenchments), and matching and placing. At most universities there had been a loss of trust and commitment as former colleagues were increasingly divided between line managers and employees.³ But at no other South African university was there to be a prolonged

strike. In this case it was a demonstration of broad opposition to poor governance and authoritarianism and a demand for a change of attitude at UKZN away from an 'increasingly dictatorial and adversarial style of management'.⁴

Many staff felt that recent developments had been an attack on their self-worth and this had generated 'unparalleled anger'.⁵ Contract staff felt particularly motivated to strike because of acute uncertainty about their employment and the use of three-month contracts to cover semester-length courses.⁶ Some staff, mainly women, had been working in the same job on short contracts for up to five years: 'They had become invisible and disposable', with a wide range of reasons used to explain why they could not be appointed to permanent posts. Staff regarded themselves as an alienated resource to be used for the greater glory of a ruling caste and spoke out scathingly about the concept of negative work.

Meanwhile, 'management ha[d] celebrated their inauguration with a lavish and costly party and voted themselves huge salary increases and bonuses ... we are all paying the costs of keeping them in their high-powered jobs at the expense of quality education and an institution we can be proud of'.⁷ Comment about bonuses was derisive in the absence of any evidence, quantitative or qualitative, of performance. Some of the Executive had neither the ability nor the inclination to engage with staff and find out the best way of running the university. Instead, non-functioning structures were protected because they had been constructed around well-connected individuals. Consequently, many staff now found their working lives increasingly meaningless because it no longer mattered whether something was



University of KwaZulu-Natal library lawn (photo Christopher Merrett)

done well, badly; or at all.⁸ There was a strong sense that the institution was headed towards a point of no return.⁹

The university reacts

The strike was protected, but the 'no work, no pay' rule was implemented in terms of s.67(3) of the Labour Relations Act. Paul Finden, senior manager in employee relations, in painful legalese belatedly informed all staff of this decision and threatened to withhold pay from those 'identified by evidence of striking which is in the possession of the university'. Exactly how this was to be achieved was not explained. Even more noteworthy was a curious demand made of staff 'who wish to receive remuneration, notwithstanding the strike' that they report to line managers daily and sign an undertaking of compliance with the conditions of employment. Failure to do so would be regarded as evidence of being on strike. Potentially legally problematic, morally indefensible and tactically lacking in finesse, this

proved a massive mistake. It showed, possibly more than any other event, the degree to which management was out of touch with the realities of life and work in a university. The monitoring role required of supposed academic line managers generated a wave of outrage. To make matters worse, Finden added this unfortunate stricture: 'should you refuse ... you are reminded that this constitutes a disciplinary issue and will be dealt with accordingly'.¹⁰ It drew into the strike, in highly public fashion, a number of senior academic staff. The most salutary response was addressed by veteran unionist Ari Sitas to his dean:

I am not a 'line manager', I am a Head of School [of Sociology and Social Studies]. I am heading or leading a large number of free South Africans and free professionals who are exercising their legal right to embark on an industrial action, according to their conscience. Furthermore, I am a trade union member and have exercised my democratic right as well. I

am therefore, as democracy implies, a participant in the current stand-off and present on the campus throughout its duration. Therefore, your instruction to take a register is an insult to my dignity, as a head of school, as an academic, as a manager and as a citizen of post-Apartheid South Africa.¹¹

Sitas had raised a number of concepts evidently foreign to the wielders of power at UKZN: freedom, rights, conscience and citizenship had all been thoroughly trampled upon. And his reaction was not confined to veteran unionists. Emil Kormuth pointed out that academic heads of schools and deans do not take instructions from human resources managers or university lawyers and rejected Finden's instruction as lacking legitimate authority.¹² Orde Munro, of the Pietermaritzburg Department of Chemistry and a non-striker, refused to sign the undertaking by virtue of its heavy-handed approach: 'University management has now actually succeeded in pissing most of its dedicated and level-headed staff off – we are not in this low-paying business to be micro-managed.'¹³ This language was unprecedented from senior academics used to the polite formalities of university life.

The director of public affairs and corporate communications, Dasarath Chetty, then demanded that all media enquiries about the strike be referred to his office. It was another mistake, a laughable suggestion described by Jimi Adesina, professor of Sociology at Rhodes University and president of the South African Sociological Association (SASA, of which Chetty as a sociologist was past president) as a gagging order reminiscent of apartheid South Africa. This expression of solidarity cheered the strikers and encouraged them to

ignore Chetty.¹⁴ The latter responded by saying that he was simply identifying the university's official spokespersons authorised to speak on its behalf; and by accusing some staff of opportunism in interpreting this as a gagging order, and prejudicing the good name of UKZN and his personal integrity. Adesina's open letter to Chetty said that the latter's communiqué represented:

a grave and present danger to the essence of a university as an intellectual project and community – its very *raison d'être*. As sociologists we bear a unique responsibility to discern, ahead of time, the early stirrings of a virulent dictatorship, whether at the level of the state or civil society, or intermediate institutions such as a university ... It becomes particularly grave and an affront to our collective sense of duty when we ourselves become instruments of casual authoritarianism.

What especially irked Chetty was that Adesina compared him to Kaiser Matanzima, the former Transkei bantustan leader:

I suspect you would argue that your e-mail to the staff of UKZN never used the word 'gag' or said that UKZN staff could face disciplinary action if they flout your instruction. You could argue that it is an 'injunction,' an 'advice' not an order or even an instruction. But Matanzima fooled no one; neither will you!¹⁵

An exchange also took place between Nithaya Chetty and Dasarath Chetty in which the former argued that 'it is the draconian and dictatorial attitudes of our university regime that is prejudicing the good name of our university, and you and your department should take responsibility for continuing in this vein with your public utterances. Your *modus operandi* does not differ too much from

tactics used by the apartheid regime in suppressing legitimate dissent.¹⁶

Dasarath Chetty proceeded to sue Adesina for defamation, losing the case (with costs) twice over. In January 2007 his claim for R100 000 was dismissed by the Grahamstown Magistrate's Court. He had the audacity to appeal to the High Court in November 2007 with the same outcome. Chetty's reckless lack of perspective and decorum as a university employee were bankrolled by UKZN. All told, the university forked out R600 000 pursuing this fickle case. It was described by Nithaya Chetty, a Senate representative on Council, as 'scandalous ... in a year when the university is facing a budget deficit of incredible proportions'.¹⁷ He was told by the vice-chancellor to concentrate on his academic work and that the university's financial difficulties were created by 'poor performing academics who direct their energies to matters peripheral to their obligations and contracts'.¹⁸ That this tactic should be used as a means of control in a post-apartheid university was startling.

The Senate ad hoc committee investigating the reasons for the strike later found Public Affairs to have heightened tension: 'There is a perceived lack of credibility in the Public Affairs and Corporate Communications which was exacerbated by the role that this office was believed to have played during the strike.'¹⁹ The report went on to recommend that the Executive develop a strategy to restore the faith of UKZN in this valuable function. This was, however, never given any serious attention by management as Dasarath Chetty was allowed the freedom to run his portfolio as if it were his fiefdom. But his reward from SASA for resorting to legal action was censure at its annual general meet-

ing held in Potchefstroom in July 2007:

SASA defends the right to freedom of expression, which includes academic freedom, and urges all members to uphold and defend these freedoms. SASA censures Prof. Dasarath Chetty for bringing a defamation case against the then President of SASA, Prof. Jimi Adesina, which, had it been successful, would have discouraged members of the academic community from practicing [*sic*] these freedoms.²⁰

The strike in Pietermaritzburg

Within a couple days of the start of the strike the phrase 'the struggle for the soul of the UKZN' had become common currency and its campuses had witnessed the remarkable and unprecedented sight of '60-year-old economics professors and cleaning staff together ... toyi-toying around the library lawns, chanting struggle songs last heard some 20 years ago'. This commentator compared UKZN with the 'late unlamented krokodil regime ... Professor Malegapuru Makgoba also likes to wave his finger at people, call them liars and say they do not represent the majority'. Dasarath Chetty was described as minister of propaganda.²¹

A day typical of the strike on the Pietermaritzburg campus occurred on Tuesday 7 February 2006. About 200 people were present on the library lawn with banners and placards. Union representatives and student leaders addressed the throng who marched around the lawn singing and dancing. An observer noted 'some innovative lyrics'. Groups of ten people then moved down to the main gate on Alan Paton Avenue, formerly Durban Road, where many anti-apartheid placard protests had taken place. They stood on both sides of the road and received public support, but

were in fact breaking the picketing agreement that provided for a total of no more than ten protestors. When this was pointed out, the strikers obligingly dispersed.²²

Thursday 9 February was designated a day of action for the Pietermaritzburg campus. Busloads of strikers from other campuses appeared, followed by certain university bigwigs. The picketing rules had been laid down some years earlier and were fair and unambiguous. One of them restricted demonstrations to university property, but a section of the strikers, including some Pietermaritzburg staff, were clearly intent on defiance. About one hundred protestors marched to the Golf Road campus in search of lunch, but across a public road. Some of them, or other strikers, disrupted registration and upset furniture. This was in violation of the agreement between UKZN and all the unions.

Unsurprisingly, the following day the university took them to the Labour Court and an interim interdict was awarded restraining them from marching and picketing beyond demarcated areas and disrupting registration using non-peaceful means. The university authorities were within their rights to oppose this aspect of the strike; although the question remains whether unruly and illegal behaviour had not been instigated by agents provocateur. This had been a common ploy of repressive state authority during the apartheid years and it is not beyond the bounds of possibility that it was used by UKZN. That same day a meeting took place between the vice-chancellor and the unions at which the latter were offered a task team to look into grievances. Newspaper reports stated that the previous day Makgoba had been on SAFM radio complaining that a group of senior white, male

academics was trying to remove him; and there were also allegations that he had made anti-Indian remarks.²³ This approach was vacuous: it would have been hard in post-liberation South Africa to find a more non-racial event than the 2006 UKZN strike.

The convenor and co-convenor delegated by the Pietermaritzburg strikers met the Msunduzi Municipality disaster management committee at the central fire station on Monday 13 February to obtain permission for a march on the provincial parliament by staff, students and alumni scheduled for Friday 17 February.²⁴ This was granted without difficulty. The march was co-ordinated from the office of the director of administration in terms of the legal right of all South Africans under the Regulation of Gatherings Act (1993) to 'assemble with other persons and to express ... views on any matter freely in public and to enjoy the protection of the State while doing so'.²⁵ It was a view significantly different from the attitude staff had come to expect from their own institution's managers. The resources of administration were mobilised to ensure that the march was successful and orderly and did not damage the name of the university: security was to be provided by risk management services whose members were to function as an escort; marshalls were organised by registry; and facilities management was to bring up the rear with one of its vehicles equipped with first aid facilities and water. The march planned to follow a route that, thanks to street renaming, could hardly have been more symbolic – Alan Paton Avenue (Durban Road) and Albert Luthuli Street (Commercial Road) – to the provincial parliament.²⁶

Great personal commitment was devoted to the march and it was eagerly

awaited. Its purpose was to hand over to a suitable representative, for onward transmission to the national minister of education, a memorandum about the autocratic management and underfunding that compromised the quality of education offered by UKZN.²⁷ The memo emphasised a 'remarkable commonality of view among staff from all levels'. The main complaints concerned the stifling of robust debate; a lack of long-term academic planning and budgeting transparency; an unwieldy and unresponsive management structure and a culture of incivility restricting academic freedom; a divisive wage gap; and unacceptable labour practice affecting contract staff.²⁸

The slogan of the strike was 'Together we will overcome this oppressive management. Stand together and stand firm – we shall overcome'. Yet this inspiring message could unfortunately not have been more wrong. On the afternoon of Thursday 16 February, a Pietermaritzburg library lawn meeting was commanded by a member of staff who had been totally invisible in the strike thus far and presumably had connections in high places. He effectively called off the march by claiming that it was no longer necessary and would damage relations within UKZN. A historic, crucial moment had been ceded in circumstances that could only be described as strange and disturbing. Did the strikers fail to seize it; or was it stolen? If they had been able to show to the public at large their concern about the decline of the university, would subsequent history have been any different?

The strike collapses

On that crucial Thursday there was first a sudden loss of interest from the national department of education in receiving a memorandum from the

strikers. Second, strike leadership in Durban phoned to say that the march was no longer necessary. Third, there was the impassioned speech against the march mentioned above.²⁹ The sudden end to the strike officially announced that same day via a joint communiqué from the vice-chancellor and the unions meant that had the march taken place, participants were no longer protected by a strike certificate and would have had to apply for leave at the last moment. This justified long-held distrust of union leadership, some of whose members sounded more like political demagogues than university staff. Disgust was expressed that a high-profile way of communicating with the public had been forfeit.

The joint communiqué released by management and the unions referred to 'broad agreement' on salaries and an acknowledgement of the extent to which these were falling short; and launched immediately into an apology to students and their parents. The other, more important issues at the root of the strike were to be addressed by a joint task team in the context of a university that apparently had miraculously rediscovered 'frank and open debate', a 'spirit of collegiality' and 'full engagement of all issues.' The nine-day strike was described, inevitably in an era of trite statement, as a 'learning experience for all concerned, an evaluation of which will be committed in institutional memory to guide us in our future path'. It was never discovered which wizard of corporate communications copied this from the spin doctors' handbook, but it was to prove staggeringly wide of the mark. And the communiqué's expressed confidence in a vice-chancellor who had just dragged the university through a destructive and lengthy strike only to

concede to the original salary demands was also an amazing example of public relations gloss. At the expense of a dent in the institution's budget that could be made up by manipulating contract workers, the hardliners on and around the Executive had won a significant long-term victory.

Soon after the strike ended a letter was written to the vice-chancellor (and copied to staff) querying a sentence in the joint communiqué of 16 February stating that 'the university is being returned to normality'. That normality, the letter argued, consisted of the extreme frustration of 'reasonable, diligent, intelligent people' caused by 'outdated and unwieldy organisational structures and attendant inefficiencies'. The letter described the experience of staff as 'negative work' in which initiative and imagination were destroyed and individuals set up for failure through system inadequacy. This was having a severe effect on self-esteem and self-worth, thus infringing upon the human rights of employees, and seemed to have no logical explanation other than political and ideological origins. Furthermore, there was a growing culture of incivility within the university that failed to respect its most precious asset – its staff. The letter concluded: 'There is an urgent need for radical change to the way in which [UKZN] is structured, staffed and managed in order to address the current crisis'.³⁰ The terse response from the vice-chancellor was one of perplexed incomprehension.

Aftermath and analysis

The strike had clearly failed to shift the culture of arbitrary decision-making that had stimulated it in the first place. Initially it appeared to diminish the fear factor, with 'a palpable sense of a uni-

versity that belongs to its members, not just a set of corporate executives and a public relations machine'.³¹ Striking had created an enormous sense of solidarity and comradeship and the promise of two investigations, one driven by Senate and the other by the unions, into the wider causes of the strike also raised morale. The Senate ad hoc committee comprised fourteen members and attracted 200 submissions, most of them containing damaging information about UKZN and criticism of management. In April, the vice-chancellor sat up, took notice and demanded representation on the Senate ad hoc committee claiming that he was ex-officio a member of every committee of Senate. This was legally correct, but the demand that he should have access to all submissions raised fears among staff who had acted on the assumption of confidentiality as protection against victimisation. The committee was further undermined by a demand that its members 'reveal their interests'. The only qualification for sitting on the committee was Senate membership and a commitment to the concept of the university, but this new move seemed intended to tar some individuals in case the findings were too embarrassing for the Executive.

The report was tabled before Senate in October 2006, but the vast majority of its recommendations never saw the light of day. Protracted committee work had the desired effect of stalling the process and giving management time to regroup. The Joint Union and Management Task Team report on governance, which was signed off by union and management representatives a few months earlier, was subsequently challenged by Makgoba. The vice-chancellor sought senior counsel's opinion on the use of the term 'autocratic' in describing his style. The

view of counsel – not surprisingly, perhaps, since the university would have paid handsomely for the service – was that the report should be rejected by Council. Unfortunately for Makgoba, he was on leave when the report was tabled at Council in December 2006. The report slipped through without any discussion of the legal opinion. However, it took almost another year before Charlotte Mbali, who represented the unions, made a formal presentation of the report to the executive of Council. The decisions of that meeting were never acted upon; the recommendations of the report were never communicated to the university community; and the minutes of that meeting mysteriously carried no detail. In 2007, the university dismissed Fazel Khan for allegedly leaking the report to the press.

The issue of supposed conflict of interest suddenly became very fashionable. In June 2006 the results of a Senate vote for its representative on Council were blocked. In explaining this matter to Nithaya Chetty and the reasons why Chetty was not invited to the first Council meeting after being duly elected, the vice-chancellor stated that questions had been raised that both Kesh Govinder, who was also newly elected on Council as a union representative, and Nithaya Chetty were members of the National Tertiary Education Staff Union. He also mentioned that there was a view that there should be a more equitable representation on the Council, presumably a reference to racial composition. It was not clear just who raised these questions, but this was at best only a delaying tactic because both Govinder and Chetty took up their rightful seats on Council in October 2006.

In their analysis of the strike Richard Sivil and Olga Yurkivska take issue with

the Senate ad hoc committee that looked into its origins and described these as a 'confluence of anger'. They favour the term discontent and explain this in the context of neo-conservatism. Its global corporate culture had wreaked havoc on virtually every facet of the traditional university. To this, of course, other ingredients had been added: a merger of two very different university institutions and an aggressive policy of transformation. Plausibly, Sivil and Yurkivska give credit to the radical tradition of the former University of Durban-Westville for the activism that produced the strike. Its immediate causes, they argue, were poor leadership and governance, a breakdown of trust, bad working conditions, job dissatisfaction, ethical dilemmas and general psychological malaise.³²

Looking back on the strike over four years later, John Aitchison, veteran anti-apartheid activist and a highly influential figure in the struggle over academic freedom and good governance, agreed that a historic moment had been lost. But, he added, 'it was a very difficult moment to win'. He felt that the bureaucracy of the new order was already too well-entrenched and the coalition ranged against it too fragile to effect a 'genuine revolution'. He referred to the 'ramshackle alliance' between the four unions and the fact that many of the strikers 'were not fully prepared for this struggle'. Just as the Paris revolt of 1968 failed to secure the crucial support of the workers, so at UKZN in 2006 the students were not engaged. Many were unreliable, some of them were hostile and their leaders had a cosy relationship with the Executive. A coup d'état by the deans was probably the only option as happened in the early 1990s when James Leatt resigned as vice-chancellor of the University of Natal, but by 2006 they

were appointed and no longer elected. Apart from the pay award, the strike's long-term legacy was ultimately a deeply demoralised staff.³³ By late 2008 the UKZN was in such crisis that it was attracting international opprobrium.³⁴

NOTES

- 1 Senior Lecturer, 'Fight for a varsity's soul' [letter] *Witness*, 14 February 2006 [emphasis in original].
- 2 Kesh Govinder, email to NTESU members, 7 February 2006.
- 3 Eddie Webster and S. Mosoeta, 'At the chalk face: managerialism and the changing academic workplace 1995–2001' *Transformation* 48 (2002), pp. 72–3.
- 4 COMSA, NEHAWU, NTESU and UNSU, 'Strike action at UKZN', 6[?] February 2006; Kathy Arbuckle et al., 'University strike' *Witness*, 7 February 2006.
- 5 Christopher Merrett to Neville Richardson, email, 8 February 2006.
- 6 Contract Lecturer, 'University strike' [letter] *Witness*, 7 February 2006.
- 7 COMSA, NEHAWU, NTESU and UNSU, 'Information to students', 6 or 7 February 2006.
- 8 Carol Brammage to Christopher Merrett, personal communication, October 2006.
- 9 UKZN Lecturer, 'Strike a last resort' [letter] *Witness*, 14 February 2006.
- 10 Paul Finden, memo to all staff, 14 February 2006.
- 11 Ari Sitas to Donal McCracken, email, 7 February 2006 reproduced as 'Ari Sitas responds to management requests to inform on his comrades' (Independent Media Centre – South Africa).
- 12 Emil Kormuth, head of the School of Biochemistry, Genetics, Microbiology and Plant Pathology to John Cooke, dean, Faculty of Science and Agriculture, 14 February 2006.
- 13 Orde Q. Munro, associate professor of Inorganic Chemistry, to Paul Finden, 15 February 2006.
- 14 COMSA, NEHAWU, NTESU and UNSU 'Information to staff', 7[?] February 2006.
- 15 Jimi Adesina, open letter, 6 February 2006.
- 16 Nithaya Chetty to Dasarath Chetty, email, 7 February 2006.
- 17 Nithaya Chetty to chair of UKZN Council, email, 22 November 2007.
- 18 Malegapuru Makgoba to Nithaya Chetty, email, 23 November 2007.
- 19 Senate Ad Hoc Committee report, 2006.
- 20 South African Sociological Association, AGM proceedings, 27 July 2007.
- 21 Senior Lecturer, 'Fight for a varsity's soul' *Witness*, 14 February 2006.
- 22 Tony Bruton, email to NTESU members, 7 February 2006.
- 23 *Weekend Witness*, 11 February 2006.
- 24 They were this writer and Marie Odendaal.
- 25 Christopher Merrett to Hilton Staniland, 13 February 2006.
- 26 On 12 June 1986 a similar, small march had set off from the Pietermaritzburg campus heading for the city centre in protest at the declaration of a state of emergency. Most of its members were seminarians from St Joseph's at Cedara, they were detained at Woodburn and ended up in the Howick police cells.
- 27 Christopher Merrett and Marie Odendaal to Willies Mchunu, speaker of the KwaZulu-Natal provincial legislature, 14 February 2006.
- 28 Memorandum from striking staff to national Minister of Education Naledi Pandor, 17 February 2006. It was never delivered.
- 29 Christopher Merrett, email to colleagues, friends and comrades, 16 February 2006.
- 30 Christopher Merrett to Malegapuru Makgoba, memorandum, 24 February 2006.
- 31 Christopher Merrett, 'University's essence' [letter] *Witness*, 21 February 2006.
- 32 Richard Sivil and Olga Yurivska, 'University on the market: commitments, discourse, values and discontent' *Journal of Education* 46(2009), pp. 100, 103, 105, 112–17. Strangely, the writers describe the UKZN strike as lasting seventeen days (99).
- 33 John Aitchison, email interview, 7 July 2010.
- 34 For the overall context of the strike see Nithaya Chetty and Christopher Merrett, *Struggle for the Soul of a South African University: the University of KwaZulu-Natal: Academic Freedom, Corporatisation and Transformation* (Pietermaritzburg, 2014) available at https://www.natalia.org.za/Other_books/SSSAU.html.