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GOVERNMENT NOTICE

MINISTRY OF TRANSPORT

No. 789

14 May 1971

COMMISSION OF INQUIRY INTO THE DISPUTE BETWEEN THE SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION AND THE STAFF ASSOCIATION REPRESENTING GROUP B SERVANTS OF THE SOUTH AFRICAN RAILWAYS

The report of the Commission of Inquiry, appointed by the State President as notified in *Government Gazette Extraordinary* 2550 of 24 October 1969, is hereby published for general information.

To the State President of the Republic of South Africa

In terms of Government Notice 3606 of 24 October 1969, you were pleased to appoint a Commission of Inquiry in terms of subsections (3) and (4) of section 28 of the Railways and Harbours Service Act, 1960 (Act 22 of 1960), with the following terms of reference:

"To investigate the cause of, and make recommendations in regard to, the dispute which has arisen between the Administration of the South African Railways and Harbours and the Staff Association representing Group B servants of the South African Railways, which has been registered as a trades union under the name of 'S.A. Voetplaatpersoneelvereniging', in connection with the grading awarded driver (steam), special class, driver (electric), special class, and driver (diesel), special class."

In accordance with Proclamation 278 it was declared that the provisions of the Commissions Act, 1947 (Act 8 of 1947), would be applicable to the Commission of Inquiry.

GOEWERMENSKENNISGEWING

MINISTERIE VAN VERVOER

No. 789

14 Mei 1971

KOMMISSIE VAN ONDERSOEK NA DIE GESKILTUSSEN DIE ADMINISTRASIE VAN DIE SUIDAFRIKAANSE SPOORWEË EN HAWENS EN DIE PERSONEELVERENIGING VERTEENWOORDIGENDE DIENARE GROEP B VAN DIE SUIDAFRIKAANSE SPOORWEË

Die verslag van die Kommissie van Ondersoek wat deur die Staatspresident aangestel is en in *Buitengewone Staatskoerant* 2550, van 24 Oktober 1969 bekendgemaak is, word hiermee vir algemene inligting gepubliseer.

Aan die Staatspresident van die Republiek van Suid-Afrika

Kragtens Goewermenskennisgewing 3606 van 24 Oktober 1969, het dit u behaag om ingevolge subartikels (3) en (4) van artikel 28 van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), 'n kommissie van ondersoek aan te stel met die volgende opdrag:

"Om ondersoek in te stel na die oorsaak van, en aanbevelings te doen omtrent, die geskil wat ontstaan het tussen die Adiministrasie van die Suid-Afrikaanse Spoorweë en Hawens en die Personeelvereniging wat dienare Groep B van die Suid-Afrikaanse Spoorweë verteenwoordig en as 'n vakvereniging onder die naam 'S.A. Voetplaatpersoneelvereniging' geregistreer is, oor die gradering wat aan drywer (stoom), spesiale klas, drywer (elektries), spesiale klas, en drywer (diesel), spesiale klas, toegeken is."

Kragtens Proklamasie 278 is daar verklaar dat die bepalings van die Kommissiewet, 1947 (Wet 8 van 1947), op die Kommissie van Ondersoek van toepassing is.

Both the Government Notice and the Proclamation appeared in *Government Gazette* 2550 of 24 October 1969.

The Commission has completed its investigation and has the honour to submit to you its report thereon.

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CHAPTER 1 INTRODUCTION

Constitution of the Commission

The Commission was appointed on 16 October 1969, and the following members were appointed to the Commission:

The Honourable Acting Justice Jan van Wyk de Vries (Chairman).

Mr Gordon Cleland Bell and Dr Lucien Edward Cortis.

Mr Egbert Johannes Smit was appointed Secretary of the Commission.

Procedure

1. The Commission, in carrying out its directive, immediately commenced its investigation into the terms of reference and the dispute between the Administration of the South African Railways and Harbours (hereinafter referred to as the Administration) and the Staff Association representing Group B servants of the South African Railways (hereinafter referred to as the Association).

2. Certain decisions were taken at a meeting of the Commission on 19 November 1969, in regard to the procedure to be followed the substance of which was communicated to the parties, namely—

(a) the Association to submit to the Commission a complete written exposition, which would detail its case in its entirety;

(b) a copy of the Association's exposition to be made available to the Administration whose written reply thereto be furnished to the Commission;

(c) a copy of the Administration's reply to be made available to the Association to enable it to reply thereto in writing, more specifically in regard to any new matters raised by the Administration;

(d) as regards the sittings of the Commission, the following procedure to be adhered to, subject to changes as the Commission may from time to time decide—

(i) the Association to present its case and lead evidence first;

Beide die Goewermentskennisgewing en die Proklamasie het in *Staatskoerant* 2550 van 24 Oktober 1969 verskyn.

Die Kommissie het sy ondersoek voltooi en het die eer om sy verslag daaroor aan u voor te lê.

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HOOFSTUK 1

INLEIDING

Samestelling van die Kommissie

Die Kommissie is op 16 Oktober 1969 aangestel en die volgende lede is daarin benoem:

Sy Edele waarnemende Regter Jan van Wyk de Vries (Voorsitter).

Mnr. Gordon Cleland Bell.

Dr. Lucien Edward Cortis.

Mnr. Egbert Johannes Smit is as Sekretaris van die Kommissie benoem.

Procedure

1. Die Kommissie het in die uitvoering van sy taak, onmiddellik begin met sy ondersoek na die opdrag en die geskil tussen die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens (hierna die Administrasie genoem) en die Personeelvereniging verteenwoordigende dienare Groep B van die Suid-Afrikaanse Spoorweë (hierna die Vereniging genoem).

2. Bepaalde besluite is op 19 November 1969 op 'n vergadering van die Kommissie geneem in verband met die prosedure wat gevolg moet word en waarvan die kern aan die partye bekendgemaak is, naamlik—

(a) dat die Vereniging 'n volledige skriftelike uiteensetting wat sy saak in sy geheel stel, aan die Kommissie moet voorlê;

(b) dat 'n afskrif van die Vereniging se uiteensetting aan die Administrasie beskikbaar gestel word wat sy skriftelike antwoord daarop by die Kommissie moet indien;

(c) dat 'n afskrif van die Administrasie se antwoord aan die Vereniging beskikbaar gestel word sodat hy skriftelik daarop kan antwoord, meer bepaald wat nuwe aspekte betref wat deur die Administrasie aangeroer word;

(d) dat wat die sittings van die Kommissie betref, die volgende prosedure gevolg word, onderworpe aan wysigings waartoe die Kommissie van tyd tot tyd mag besluit—

(i) die Vereniging stel eerste sy saak en lewer getuienis;

- (ii) the representatives of the Administration to have the opportunity of questioning the witnesses of the Association;
- (iii) after the Commission's questioning, if any, of the witnesses of the Association, the Administration to put its case and lead evidence;
- (iv) thereafter to follow in that order, questioning by the representatives of the Association and by the Commission;
- (v) at the conclusion of the foregoing, both parties to have the opportunity of finally addressing the Commission;
- (e) the sittings to be held in public;
- (f) witnesses not to be placed under oath unless otherwise decided by the Commission in respect of any particular witness;
- (g) the proceedings to be informal in the sense that court procedure and the law of evidence will not be strictly applied;
- (h) the oral proceedings to be recorded on tape and transcriptions thereof to be available to each of the parties as soon as available.

Proceedings and representation

3. The Association laid its written submission before the Commission on 17 December 1969, the reply from the Administration was received on 20 February 1970, and the Association replicating thereto on 20 March 1970. The Commission met on 2 April 1970, for a preliminary examination of the matter.

It appeared that the parties were at variance as regards the exact nature of the dispute. They were therefore called upon to set out their individual interpretations of the nature of the dispute in writing in descriptive form.

These documents were respectively submitted on 11 May 1970, and on 15 May 1970.

4. At that stage it was publicly announced that discussions had commenced between the South African Railways and the various Staff Associations in regard to improved salaries or wages and the Commission decided to postpone its activities as the dispute might thereby be resolved. It advised the parties that they were not precluded from negotiating a settlement of the present dispute during such discussions.

No agreement was reached, however, and the Commission then resumed its task.

5. As the Commission was still not satisfied that the parties were *ad idem* as to the precise nature of the dispute it called on them to meet for the purpose of drafting a mutually acceptable formulation of the dispute. This formula will be quoted below in our Report.

6. The sittings of the Commission commenced on 9 September 1970, and continued on 10 September 1970, whereafter sittings took place on 18 September 1970, 12 and 13 October 1970, and 19, 20 and 30 November 1970. At the conclusion of the sittings it was agreed that the final addresses would be submitted in writing and the concluding reply of the Association was received on 26 January 1971.

- (ii) die verteenwoordigers van die Administrasie kry geleentheid om die getuies van die Vereniging te ondervra;
- (iii) nadat die Kommissie die getuies van die Vereniging ondervra het, as daar vrae is, stel die Administrasie sy saak en lewer getuienis;
- (iv) daarna volg die ondervraging deur die Vereniging se verteenwoordigers en deur die Kommissie in daardie volgorde;
- (v) na afloop van die voorgaande kry elke party die geleentheid om die Kommissie finaal toe te spreek;
- (e) dat die sittings in die openbaar gehou sal word;
- (f) dat getuies nie onder eed gestel word nie, tensy die Kommissie anders besluit ten opsigte van 'n bepaalde getuie;
- (g) dat die verrigtinge informeel sal wees in die sin dat hofprosedure en bewysleer nie streng gevvolg sal word nie;
- (h) dat die mondelinge verhoor op band opgeneem en transkripsies aan elke party beskikbaar gestel word sodat gereed is.

Verrigtinge en verteenwoordiging

3. Die Vereniging het sy skriftelike betoog op 17 Desember 1969 aan die Kommissie voorgelê, die Administrasie se antwoord is op 20 Februarie 1970 ontvang, en die Vereniging het op 20 Maart 1970 repliek daarop gelewer. Die Kommissie het op 2 April 1970 vergader om die aangeleentheid voorlopig in oënskou te neem.

Dit het geblyk dat daar meningsverskil tussen die partye bestaan het oor die werklike aard van die geskil. Hulle is derhalwe versoek om hulle individuele vertolkings van die aard van die geskil skriftelik in beskrywende vorm uiteen te sit.

Hierdie dokumente is onderskeidelik op 11 Mei 1970 en 15 Mei 1970 ingedien.

4. In daardie stadium is daar in die openbaar bekendgemaak dat die Suid-Afrikaanse Spoorweë en die verskeie personeelverenigings met samesprekings oor verbeterde salarissof lone begin het. Die Kommissie het besluit om sy bedrywigheid uit te stel aangesien die geskil moontlik daardeur opgelos kon word. Hy het die partye verwittig dat hulle nie verhinder word om tydens die samesprekings oor 'n oplossing vir die huidige geskil te onderhandel nie.

Geen ooreenkoms is egter bereik nie en die Kommissie het sy taak hervat.

5. Aangesien die Kommissie nog nie oortuig was dat die partye dit eens was oor die presiese aard van die geskil nie, het hy hulle versoek om byeen te kom ten einde 'n weder syds aanvaarbare formulering van die geskil op te stel. Hierdie formule sal hieronder in ons verslag aangehaal word.

6. Die sittings van die Kommissie het op 9 September 1970 'n aanvang geneem en is op 10 September 1970 voortgesit, waarna verdere sittings op 18 September 1970, 12 en 13 Oktober 1970 en 19, 20 en 30 November 1970 plaasgevind het. By afsluiting van die sittings is daar ooreengekom dat die finale betoeg skriftelik ingedien sou word, en die Vereniging se antwoord is op 26 Januarie 1971 ontvang.

Representation

7. The parties were represented throughout, respectively, as follows:

(a) The Association by—

- (i) Mr J. Singer..... Attorney.
- (ii) Mr A. Pons..... Personnel Manager.
- * (iii) Mr G. H. Bellamy..... Personnel Consultant.
- † (iv) Dr C. F. Kruger..... Management Consultant.
- (v) Mr L. J. Joubert..... President, S.A.F.S.A.
- (vi) Mr S. C. Botha..... Second Vice President, S.A.F.S.A.
- (vii) Mr P. W. Combrinck..... Committee Member, S.A.F.S.A.
- (viii) Mr G. J. Otto..... Committee Member, S.A.F.S.A.
- (ix) Mr W. J. Botes..... Driver (electric), special class.
- (x) Mr J. J. Verster..... Driver (electric), special class.
- (xi) Mr S. S. Steyn..... General Secretary, S.A.F.S.A.
- (xii) Mr P. J. H. Roodt..... Assistant General Secretary, S.A.F.S.A.
- (xiii) Mr H. J. Kellerman... Assistant General Secretary, S.A.F.S.A.

(b) The Administration by—

- (i) Mr R. H. Botha..... Assistant General Manager (Staff).
- (ii) Prof (Dr) H. P. Langenhoven..... Head of the Department of Industrial Psychology, University of the Orange Free State.
- (iii) Mr A. L. Malherbe... Chief Legal Adviser.
- (iv) Mr B. J. van der Walt..... Chief Vocational Officer.
- (v) Mr H. H. P. Fidleir... Assistant Chief Superintendent (Staff).
- (vi) Mr P. A. Marais..... Inspecting Engineer (Motive Power).

CHAPTER 2**THE DISPUTE AND ITS HISTORY**

8.1 As long ago as 1962 the Association had put forward the view that the grading of the post—"driver (steam), special class, driver (electric), special class and driver (diesel), special class" (to which we shall refer for convenience as "driver, special class") should be reviewed and advanced in the posts structure of the Railways. From time to time the point had been put to the Administration but had not been pursued and all the emphasis had fallen on the subject of wages and the wage structure.

It does not seem necessary to detail the historic development over the period preceding the year 1969 when the issue of the grading of the post was placed four square before the Administration.

8.2 On 14 April 1969, the Association requested that the matter be placed on the agenda of the Annual Discussion with the Minister. In its representation the Association linked the suggested regrading with a wage of R300 p.m. The discussion took place on 28 May 1969, and it seems clear that the Minister in discussing and debating the point did so on the basis that the Association desired a regrading so as to qualify for a wage of about R300 p.m. The Minister turned down the representations after a full discussion with the representatives of the Association.

8.3 The Association thereupon addressed a letter to the Minister on 16 June 1969, requesting a dispute to be declared under the Act to which the Minister acceded. Then followed the appointment of this Commission with the task of dealing with the dispute.

8.4 The dispute is described in the terms of reference of the Commission as a dispute—"in connection with the grading awarded driver (steam), special class . . .".

Verteenwoordiging

7. Die partye is deurgaans onderskeidelik soos volg verteenwoordig:

(a) Die Vereniging deur—

- (i) Mnr. J. Singer..... Prokureur.
- (ii) Mnr. A. Pons..... Personeelbestuurder.
- * (iii) Mnr. G. H. Bellamy... Personeelkonsultant.
- † (iv) Dr. C. F. Kruger.... Bestuurskonsulent.
- (v) Mnr. L. J. Joubert.... President, S.A. Voetplaatsoneelvereniging.
- (vi) Mnr. S. C. Botha..... 2de Vise-president, S.A. Voetplaatsoneelvereniging.
- (vii) Mnr. P. W. Combrinck Raadslid, S.A. Voetplaatsoneelvereniging.
- (viii) Mnr. G. J. Otto..... Raadslid, S.A. Voetplaatsoneelvereniging.
- (ix) Mnr. W. J. Botes.... Drywer (elektries), spesiale klas.
- (x) Mnr. J. J. Verster.... Drywer (elektries), spesiale klas.
- (xi) Mnr. S. S. Steyn..... Hoofsekretaris, S.A. Voetplaatsoneelvereniging.
- (xii) Mnr. P. J. H. Roodt.. Assistant-hoofsekretaris, S.A. Voetplaatsoneelvereniging.
- (xiii) Mnr. H. J. Kellerman.. Assistant-hoofsekretaris, S.A. Voetplaatsoneelvereniging.

(b) Die Administrasie deur—

- (i) Mnr. R. H. Botha.... Assistant-hoofbestuurder (personeel).
- (ii) Prof. dr. H. P. Langenhoven..... Hoof van die Departement Bedryfsielkunde, Universiteit Oranje-Vrystaat.
- (iii) Mnr. A. L. Malherbe.. Hoofregadviseur.
- (iv) Mnr. B. J. van der Walt..... Hoofberoepskundige.
- (v) Mnr. H. H. P. Fidleir... Assistant-hoofsuperintendent (personeel).
- (vi) Mnr. P. A. Marais.... Inspeksieingenieur (beweegkrag).

HOOFSTUK 2**DIE GESKIL EN SY GESKIEDENIS**

8.1 Reeds in 1962 het die Vereniging die standpunt gestel dat die gradering van die pos "drywer (stoom), spesiale klas, drywer (elektries), spesiale klas, en drywer (diesel), spesiale klas" (waarna ons gerieflikheidshalwe sal verwys as "drywer, spesiale klas") in die postestruktuur van die Spoorweë hersien en verhoog moet word. Die standpunt is van tyd tot tyd by die Administrasie geopper maar dit is nie verder gevoer nie, en al die klem het op die onderwerp van lone en die loonstruktuur gevallen.

Dit skyn nie nodig te wees om die historiese ontwikkeling oor die tydperk voor die jaar 1969 uiteen te sit toe die vraag oor die gradering van die pos vierkant aan die Administrasie voorgelê is nie.

8.2 Op 14 April 1969 het die Vereniging versoek dat die aangeleentheid op die agenda van die jaarlikse samespreking met die Minister geplaas word. Die Vereniging het in sy vertoë die voorgestelde hergradering aan 'nloon van R300 p.m. gekoppel. Die samespreking het op 28 Mei 1969 plaasgevind, en dit blyk duidelik dat die Minister by bespreking van die punt dit gedoen het op die grondslag dat die Vereniging 'n hergradering verlang om vir 'nloon van ongeveer R300 p.m. in aanmerking te kom. Die Minister het die vertoë van die hand gewys na 'n volledige samespreking met die verteenwoordigers van die Vereniging.

8.3 Die Vereniging het vervolgens op 16 Junie 1969 'n brief aan die Minister gerig met die versoek dat 'n geskil kragtens die Wet gedeclareer word, en die Minister het daaraan voldoen. Daarop is hierdie Kommissie aangestel om met die geskil te handel.

8.4 Die geskil word in die opdrag aan die Kommissie aangedui as 'n geskil "oor die gradering wat aan drywer (stoom), spesiale klas . . . toegeken is". Voortspruitend uit

* Not present on 30 November 1970.

† Not present on 9 and 10 September 1970.

* Nie op 30 November 1970 teenwoordig nie.

† Nie op 9 en 10 September 1970 teenwoordig nie.

Arising from the circumstances set out in paragraphs 3 and 5 the parties agreed to a formulation of the nature of the dispute which reads as follows:

"that the post of driver, special class, be re-evaluated and be placed in a higher wage group in the existing wage structure for workmen grades."

We believe that the formulation of the dispute as agreed upon by the parties falls within our terms of reference and we have proceeded on that premise.

Nature of the dispute

8.5 It is necessary at this juncture of our Report to deal with the nature of the dispute because the approach to the subject must perforce have an effect on the considerations and ultimate findings of the Commission. In our view it is not enough to have a mere allegation that there is a grievance followed by a mere denial by the Administration. Thus if one of the Staff Associations would declare, for example, "that post X is underpaid", and the Administration would say that "post X is not underpaid", and there was nothing more, it could not constitute a dispute to be resolved by a Commission under the Act.

In terms of Act 22 of 1960 a dispute comes into being in the following manner:

Whenever representations have been made to the Administration by a Staff Association on behalf of its members in connection with an improvement in the conditions of service or other matters and it has not proved possible to reach agreement, the Administration, subject to certain qualifications, shall report the matter to the State President. The State President then appoints a commission "to investigate the cause of the dispute and to make recommendations in regard thereto" [section 28 (3)].

In our view the provisions of the law implicitly presuppose that there must have been representations and negotiations between the Administration and the Staff Association. The subject in respect of which representations have been made, negotiations have been carried on and in respect of which agreement has not been reached then becomes the "dispute" the cause of which a commission has to investigate.

It is essential to have the correct conception of the meaning of the law in this respect because the formula agreed upon by the parties is strictly speaking not correct. If regard is had to the origin and history of the matter there is no doubt that the Association made representations to the effect that the post of driver, special class, had been graded incorrectly; this was the subject of discussion or negotiation and this was the matter in respect of which no agreement could be reached. If one pauses here for a moment and considers the possible recommendations of a Commission under the Act, one would come to the conclusion that the only possible recommendation could be that the post had been graded incorrectly and that the Administration should re-evaluate and regrade the post subject to such directions, if any, as the Commission might include in its recommendation. In other words the Commission would first of all have to make a finding (as distinct from a recommendation) that the post had been misgraded and thereupon it would in the exercise of its duty under the Act, have to make recommendations for resolving the dispute or, related to the instant case, for the regrading of the post.

Now the agreed formula for the dispute—that the post be re-evaluated and properly graded—is nothing more than a necessary consequence following a finding that there had been misgrading. The real dispute is the claim

die omstandighede uiteengesit in paragraue 3 en 5 het die partye ooreengekom oor 'n formulering van die aard van die geskil wat soos volg lui:

"dat die pos drywer, spesiale klas, herwaardeer en in 'n hoër loongroep in die bestaande loonstruktuur vir werksmangrade geplaas word".

Ons neem aan dat die formulering van die geskil soos ooreengekom deur die partye binne ons opdrag val, en ons het van daardie veronderstelling uitgegaan.

Aard van die geskil

8.5 Dit is nodig om in hierdie stadium van ons verslag te handel met die aard van die geskil omdat die benadering van die onderwerp noodwendig 'n uitwerking op die oorwegings en uiteindelike bevindings van die Kommissie moet hê. Volgens ons mening is dit nie voldoende nie om 'n blote bewering te hê dat daar 'n grief is, gevvolg deur 'n blote ontkenning deur die Administrasie. As een van die personeelverenigings dus byvoorbeeld sou beweer "dat pos X te min betaal word" en die Administrasie sou sê "pos X word nie te min betaal nie" en daar niks verder is nie, kan dit nie 'n geskil uitmaak wat deur 'n Kommissie kragtens die Wet opgelos moet word nie.

Kragtens Wet 22 van 1960 ontstaan 'n geskil soos volg:

Wanneer vertoë tot die Administrasie gerig is deur 'n personeelvereniging namens sy lede in verband met 'n verbetering van die diensvoorraades of ander aangeleenthede en dit nie moontlik geblyk het om tot instemming te geraak nie, moet die Administrasie, onderworpe aan sekere voorbehoude, die aangeleentheid aan die Staats-president rapporteer. Die Staatspresident stel dan 'n kommissie aan "om die oorsaak van die geskil te ondersoek en aanbevelings daaromtrek te doen" [artikel 28 (3)].

Volgens ons mening vooronderstel die bepalings van die Wet implisiet dat daar vertoë en onderhandelings tussen die Administrasie en die personeelvereniging moet gewees het. Die onderwerp waaroor vertoë gerig en onderhandelings gevoer is en waaroor nie tot instemming geraak is nie, word dan die "geskil" waarvan 'n kommissie die oorsaak moet ondersoek.

Dit is noodsaaklik om die juiste begrip van die betekenis van die Wet in dié verband te hê omdat die formule waaroor die partye ooreengekom het, streng genome nie juis is nie. As die oorsprong en geschiedenis van die aangeleentheid in ag geneem word, bestaan daar geen twyfel dat die Vereniging vertoë gerig het dat die pos drywer, spesiale klas, verkeerd gegradeer is nie; dit was die onderwerp van bespreking of onderhandeling en dit was die aangeleentheid waartoe nie tot instemming geraak kon word nie. As mens 'n oomblik hier stilstaan en die moontlike aanbevelings van 'n kommissie kragtens die Wet oorweeg, sou mens tot die gevolgtrekking kom dat die enigste moontlike aanbeveling kan wees dat die pos verkeerd gegradeer is en dat die Administrasie die pos moet herwaardeer en hergrader onderworpe aan sodanige voorskrifte, as daar is, as wat die Kommissie in sy aanbeveling mag insluit. Met ander woorde, die Kommissie sou eers tot 'n bevinding (in teenstelling met 'n aanbeveling) moet geraak dat die pos verkeerd gegradeer is en daarna sou hy in die uitoefening van sy plig kragtens die Wet aanbevelings moet doen om die geskil by te lê of, met betrekking tot die huidige geval, om die pos te hergrader.

Nou is die formule waaroor daar ooreengekom is—dat die pos herwaardeer en behoorlik gegradeer word—niks meer nie as 'n noodsaaklike uitvloeisel van 'n bevinding dat daar 'n verkeerde gradering was. Die werklike geskil

that the poste has not been graded correctly; the agreed formula proceeds on an assumption that the post had been misgraded.

This Commission cannot confine its task to a consideration of re-evaluation and re-grading and what methods should be employed towards that purpose. The Commission is bound in law to consider the real dispute, viz. whether there has been an incorrect grading and if it finds that to be so it will then proceed with the consideration of the method of re-evaluation and grading in order to be enabled to make its recommendations.

8.6 There is no doubt that the Association itself subscribes to this proposition. Mr J. Singer, the legal representative of the Association, has dealt with the nature of the dispute in his opening address, and has expressed it as follows (page 6 of record of 9/9/70):

"Now, Mr Chairman, the Association submits that the drivers, special class, should be correctly graded in Group 80 of the existing gradings by the South African Railways. The Staff Association as will appear from the evidence to be adduced by the scientific and acknowledged procedure known as job evaluation came to the conclusion and satisfied itself that the senior grade driver is presently wrongly graded in the hierarchy of the Administration's wage structure and that it merits a higher grading. The Association will produce evidence by management consultants and other specialists on the limits of the procedure, namely job evaluation, to prove that on the scientific basis the post of senior driver is presently incorrectly evaluated."

Mr L. J. Joubert, the President of the Association, has re-iterated this exposition of the nature of the dispute (page 16—record of 9/9/70).

8.7 In our view the gist of the dispute must necessarily fall into two parts—

- (a) that the post of driver, special class, has been incorrectly graded; and
- (b) that the post should therefore be re-evaluated with special reference to certain methods of job evaluation and placed in a higher wage group.

This understanding of the dispute has an important implication in that if the Commission comes to the conclusion that it has not been shown that the post is presently incorrectly graded there is no call to enter upon the second part namely the re-evaluation and regrading of the post.

8.8 The above analysis is necessary as the formulation of the precise nature of the dispute as it now stands—

"the Association claims that the post driver, special class, should be re-evaluated and placed in a higher wage group";

seems on the face of it limited to the second part [as set out in paragraph 8.7 (b)] only. We have doubts whether such a question, seen *in vacuo*, could form the subject of a dispute in terms of the Act.

Moreover the history of the dispute as disclosed by documents and letters laid before the Commission clearly illustrates that the first part, namely that the post has been incorrectly graded, was always in the minds of the parties concerned. One cannot divorce the dispute from its origins and history.

is die bewering dat die pos nie huis gegradeer is nie; die formule waaroor daar ooreengekom is, gaan uit van 'n veronderstelling dat die pos verkeerd gegradeer is.

Hierdie Kommissie kan nie sy taak beperk tot 'n oorweging van herwaardering en hergradering en watter metodes daarvoor aangewend moet word nie. Die Kommissie is wetlik verbind om die werklike geskil te oorweeg, naamlik of daar 'n verkeerde gradering was, en as hy bevind dat dit wel so is, sal hy voortgaan met die oorweging van die metode van herwaardering en gradering om sy aanbevelings te kan doen.

8.6 Daar bestaan geen twyfel dat die Vereniging self hierdie voorstel onderskryf nie. Mnr. J. Singer, die regstervanteenwoordiger van die Vereniging, het in sy openingsrede die aard van die geskil behandel en dit soos volg gestel (bladsy 6 van rekord van 9.9.70):

"Nou. Meneer die Voorsitter, voer die Vereniging aan dat die drywers, spesiale klas, korrek in groep 80 van die bestaande graderings deur die Suid-Afrikaanse Spoerweë gegradeer moet word. Soos sal blyk uit die getuienis wat aangebied sal word deur die wetenskaplike en erkende prosedure bekend as poswaardering, het die Personeelvereniging tot die gevolgtrekking geraak en hom daarvan oortuig dat die drywer in die senior graad tans verkeerd gegradeer is in die hiëargie van die Administrasie se loonstruktur en 'n hoër gradering verdien. Die Vereniging sal getuienis deur bestuurskonsultante en ander spesialiste aanvoer oor die grense van die prosedure, naamlik poswaardering, om te bewys dat die pos van senior drywer op die wetenskaplike grondslag tans verkeerd gewaardeer is."

Mnr. L. J. Joubert, die President van die Vereniging, het hierdie uiteensetting van die aard van die geskil herhaal (bladsy 16—rekord van 9.9.70).

8.7 Volgens ons mening moet die kern van die geskil noodwendig in twee dele val, naamlik—

- (a) dat die pos drywer, spesiale klas, verkeerd gegradeer is; en
- (b) dat die pos derhalwe herwaardeer moet word met spesiale verwysing na sekere metodes van poswaardering en in 'n hoër loongroep geplaas moet word.

Hierdie begrip van die geskil het 'n belangrike implikasie deurdat as die Kommissie tot die gevolgtrekking geraak dat daar nie bewys is dat die pos tans verkeerd gegradeer is nie daar geen noodsaak is om op die tweede deel, naamlik die herwaardering en hergradering van die pos, in te gaan nie.

8.8 Die bovenoemde ontleding is nodig aangesien die formulering van die presiese aard van die geskil soos dit tans lui—

"die Vereniging beweer dat die pos drywer, spesiale klas, herwaardeer en in 'n hoër loongroep geplaas moet word";
oenksynlik beperk is tot die tweede deel [soos uiteengesit in paragraaf 8.7 (b)]. Ons twyfel of so 'n vraag, *in vacuo* gesien, die onderwerp van 'n geskil kragtens die Wet kon vorm.

Verder illustreer die geskiedenis van die geskil soos blyk uit dokumente en brieve wat aan die Kommissie voorgelê is, dit duidelik dat die eerste deel, naamlik dat die pos verkeerd gegradeer is, altyd in die gedagtes van die betrokke partye was. Mens kan nie die geskil van sy ontstaan en geskiedenis skei nie.

CHAPTER 3

SUMMARY OF THE WRITTEN SUBMISSIONS

9.1 The Association has set out the history of the matter and has dealt with the scope of the dispute in a couple of paragraphs, concluding with the words (paragraph 3.3)—

"Na aanleiding van ons bogenoemde oorsig oor die geskiedenis van die saak en veral na aanleiding van die inhoud van ons brief R/G.4 van 16 Junie 1969 aan die Minister van Vervoer, en in die lig van sy opmerking dat die gradering van poste by die Administrasie gedoen word deur middel van poswaardering, veronderstel ons dat die terme van opdrag van die Kommissie so opgestel is dat dit ook die herwaarde van die pos van drywer (spesiale klas), en die plaas daarvan in 'n hoër groep in die huidige loonstruktuur vir werksmangrade insluit."

9.2 The Association has then in paragraphs 4.1 to 4.6 averred the value of a system of formal job evaluation as expounded by various authors and has identified itself with their views.

9.3 Under the title "Conclusions" the Association has made the following points:

(a) That the Administration in determining the grade of the post in question has erred and has failed to place it in its correct grading;

(b) that the evaluation of the post by the Administration has been too low and that it justifies a higher grading;

(c) the Commission should decide whether the post has been graded in a uniform and systematic manner, in accordance with present methods of post evaluation;

(d) the Commission should consider the evidence of experts, either in the Railway Service or outside, as to the position in the South African Railways in respect of the present wage structure and that the Commission should then determine the grading of the post and upgrade it if justified by the evidence;

(e) by letter dated 28 July 1970 the Association has added—the value of the post of driver, special class, should be assessed by using a scientific system of job evaluation relative to the value of other posts in the workmen grades and thereupon the posts in the workmen grades should be graded on the basis of the relative value of those posts (using the scientific system referred to above).

9.4 The Administration in its written submission has stated that historically the claim for higher grading is based on the factors of training, responsibility and conditions of service and has dealt at length with each of the subjects.

9.5 The submission has then devoted several paragraphs to the topic of job evaluation stating, *inter alia*, the following points:

(a) The valuation of a specific post must be done on the basis of the salary/wage structure of the Administration as a whole;

(b) if an unrealistically high grading is awarded to a post in the workmen grades it must immediately affect the supervisory posts concerned as well as other posts. The historical relationships between grades should not be ignored;

(c) it is not known on what basis the experts of the Association have arrived at a "value" of the post of R300 per month;

HOOFSTUK 3

OPSOMMING VAN DIE SKRIFTELKE BETOEË

9.1 Die Vereniging het die geskiedenis van die saak uit-eengesit, die omvang van die geskil in enkele paragrawe behandel, en geëindig met die woorde (par. 3.3)—

"Na aanleiding van ons bogenoemde oorsig oor die geskiedenis van die saak en veral na aanleiding van die inhoud van ons brief R/G.4 van 16 Junie 1969 aan die Minister van Vervoer, en in die lig van sy opmerking dat die gradering van poste by die Administrasie gedoen word deur middel van poswaardering, veronderstel ons dat die terme van opdrag van die Kommissie so opgestel is dat dit ook die herwaarde van die pos van drywer (spesiale klas), en die plaas daarvan in 'n hoër groep in die huidige loonstruktuur vir werksmangrade insluit."

9.2 Die Vereniging het daarop in paragrawe 4.1 tot 4.6 die waarde van 'n stelsel van formele poswaardering soos deur verskeie skrywers uiteengesit, bevestig en hom met hulle beskouings vereenselwig.

9.3 Onder die opschrift "Gevolgtrekkings" het die Vereniging die volgende punte geopper:

(a) Dat die Administrasie by die bepaling van die graad van die betrokke pos 'n fout begaan het en in gebreke gebly het om dit in sy juiste gradering te plaas;

(b) dat die Administrasie die pos te laag gewaardeer het en dat dit 'n hoër gradering regverdig;

(c) dat die Kommissie moet besluit of die pos op 'n eenvormige en stelselmatige wyse in ooreenstemming met die huidige metodes van poswaardering gegradeer is;

(d) dat die Kommissie die getuienis van deskundiges, hetsy binne of buite die Spoorwegdiens, moet oorweeg aangaande die posisie in die Suid-Afrikaanse Spoorweë ten opsigte van die huidige loonstruktuur, en dat die Kommissie dan die gradering van die pos moet bepaal en dit hoër moet gradeer indien die getuienis dit regverdig;

(e) per brief, gedateer 28 Julie 1970, het die Vereniging bygevoeg dat die waarde van die pos drywer, spesiale klas, vasgestel moet word deur gebruik te maak van 'n wetenskaplike stelsel van poswaardering met betrekking tot die waarde van ander poste in die werksmangrade en dat die poste in die werksmangrade vervolgens op die grondslag van die betreklike waarde van daardie poste gegradeer moet word (deur gebruik te maak van die wetenskaplike stelsel hierbo genoem).

9.4 Die Administrasie het in sy skriftelike betoog gemeld dat die aanspraak op hoër gradering histories gegrond is op die faktore van opleiding, verantwoordelikheid en diensvooraardes en het elkeen van die onderwerpe breedvoerig behandel.

9.5 In die betoog is daar toe verskeie paragrawe aan die onderwerp van poswaardering gewy, en daarin is onder andere die volgende punte geopper:

(a) 'n Besondere pos moet gewaardeer word op die grondslag van die salaris-/loonstruktuur van die Administrasie in sy geheel;

(b) as 'n unrealisties hoë gradering toegeken word aan 'n pos in die werksmangrade moet dit onmiddellik die betrokke toesighoudende poste asook ander poste raak. Die historiese verwantskap tussen grade moet nie geïgnoreer word nie;

(c) dit is nie bekend op watter grondslag die deskundiges van die Vereniging tot 'n "waarde" van R300 per maand vir die pos geraak het nie;

(d) Job evaluation is a subjective method based on the judgment of one or more observers (which may differ). Job evaluation is a yardstick to bring posts in a relationship with other posts for the purpose of determining wage groups; it should not be used for the determination of wages;

(e) if a formal system of job evaluation is used the jobs of driver, special class (steam), (electric) and (diesel) might well be evaluated differently and have to be placed in different wage groups;

(f) a system of job evaluation is an effective method of evaluating posts for the purpose of a posts structure but could only be considered on the basis of the structure in the Administration as a whole.

9.6 The Administration has concluded by submitting that the grade of driver, special class, has not been incorrectly placed in the posts structure and that no evidence has been produced which tends to show that the grading has been effected incorrectly.

9.7 The Association in its reply to the submission of the Administration has challenged the interpretation of the history of the dispute as given by the latter. As nothing turns on this disputed area, we deem it not necessary to recapitulate the allegations and counter allegations. It then continues by making several further points—

(a) that the Administration in serving a modern community itself uses outdated methods and grades posts arbitrarily;

(b) that subjective judgment is a factor in formal job evaluation but that in modern systems of job evaluation the subjective element is carefully controlled so that the margin of error is reduced to acceptable limits;

(c) that the Association desires formal job evaluation to be applied only for the purpose of achieving the correct grading of the post in question and not as a means of securing higher wages;

(d) that job evaluation is being applied more and more in the progressive community of South Africa;

(e) that the correctness of the argument of the Administration as set out in paragraph 9.5 (e) is doubted as the factors mentioned constitute only one of many factors in the process of job evaluation;

(f) that in regard to the point set out in paragraph 9.5 (f) the Association agrees that the application of a formal system of job evaluation in respect of the post in question would have wide implications but in itself that should not be a reason to reject a good system. The introduction of a formal system of job evaluation is necessary and it transcends group interest and specific problems;

(g) lastly that the Administration has not shown that the post has been graded correctly.

CHAPTER 4

SYNOPSIS OF ORAL EVIDENCE

10.1 The evidence presented to the Commission by the Association falls into two distinct parts. A number of drivers, special class, has given evidence describing the "level of responsibility", the vigilance required of the drivers, special class, the pressure and tempo of the decision-making and the consequences of error in the making of decisions. This evidence has been given by Mr

(d) poswaardering is 'n subjektiewe metode wat gegrond is op die oordeel van een of meer waarnemers (wat kan verskil). Poswaardering is 'n maatstaf om poste in 'n verwantskap met ander poste te bring om loongroepe te bepaal; dit moet nie gebruik word om lone te bepaal nie;

(e) indien 'n formele stelsel van poswaardering gebruik word, kan die poste drywer, spesiale klas (stoom), (elektries) en (diesel) heel moontlik verskillend gewaardeer word en moet hulle in verskillende loongroepe geplaas word;

(f) 'n stelsel van poswaardering is 'n doeltreffende metode om poste vir die doel van 'n postestruktuur te waardeer, maar kan net oorweeg word op die grondslag van die struktuur in die Administrasie in sy geheel.

9.6 Ten slotte het die Administrasie aangevoer dat die graad drywer, spesiale klas, nie verkeerd geplaas is in die postestruktuur nie en dat geen getuienis gelewer is wat die indruk skep dat die gradering verkeerd gedoen is nie.

9.7 In sy antwoord op die betoog van die Administrasie betwiss die Vereniging die vertolkking van die geskiedenis van die geskil soos deur eersgenoemde gegee. Aangesien niets van hierdie betwiste vertolkking afhang nie, ag ons dit nie nodig om die bewerings en teenbewerings kortlik te herhaal nie. Hy gaan dan voort deur verskeie ander punte te opper—

(a) dat die Administrasie, terwyl hy 'n moderne gemeenskap dien, self verouderde metodes aanwend en poste arbitrêr grader;

(b) dat subjektiewe oordeel 'n faktor in formele poswaardering is, maar dat die subjektiewe element in die geval van moderne poswaarderingstelsels sorgvuldig gekontroleer word sodat die foutgrens binne aanneemlike perke gehou word;

(c) dat die Vereniging verlang dat formele poswaardering toegepas moet word net om die juiste gradering van die betrokke pos te verkry en nie as 'n middel om hoër lone te verseker nie;

(d) dat poswaardering meer en meer in die vooruitstrewende gemeenskap van Suid-Afrika toegepas word;

(e) dat die juistheid van die argument van die Administrasie soos uiteengesit in paragraaf 9.5 (e) betwyfel word aangesien die faktor wat genoem word net een van baie faktore in die proses van poswaardering uitmaak;

(f) dat die Vereniging met betrekking tot die punt uiteengesit in paragraaf 9.5 (f) saamstem dat die toeëassing van 'n formele stelsel van poswaardering ten opsigte van die betrokke pos wye implikasies sou hé, maar dit op sigself behoort nie 'n rede te wees om 'n goeie stelsel te verwerp nie. Die invoering van 'n formele stelsel van poswaardering is nodig en dit oortref groepbelange en besondere probleme;

(g) ten laaste, dat die Administrasie nie bewys het dat die pos huis gegradeer is nie.

HOOFSTUK 4

SAMEVATTING VAN DIE MONDELINGE GETUIENIS

10.1 Die getuienis wat die Vereniging aan die Kommissie voorgelê het, bestaan uit twee afsonderlike dele. 'n Aantal drywers, spesiale klas, het getuienis gelewer en 'n beskrywing gegee van die "vlak van verantwoordelikheid", die waaksamheid wat van die drywers, spesiale klas, vereis word, die drukte en tempo by die neem van besluite en die gevolge van verkeerde besluite. Hierdie

L. Joubert (who also gave general evidence on the issue before the Commission), Messrs S. C. Botha, J. J. Verster, P. W. Combrinck, W. J. Botes and G. J. Otto. The purpose of this evidence according to Mr Singer (page 44 - record of 10 September 1970) has been to demonstrate "a cross section on some of the aspects of the responsibilities of a driver, the vigilance of a driver, the irreversible factors that come into play in consequences of non observances and the dire results that ensue" - and to show "how in terms of the job evaluation system developed under Dr Biesheuvel, relevant and important job elements so easily overlooked are taken into account when considering such factors as decision making, pressure of work, vigilance, consequence of errors, controls and check, comprehension."

10.2 Apart from the general evidence emanating mainly from Mr Joubert, the Association has put forward evidence relating to the so called scientific system of job evaluation. (For the sake of convenience and the obviate confusion we shall use the term "formal job evaluation" to describe this system in distinction to "informal job evaluation" to describe the method employed by the Administration). The first witness, Mr G. H. Bellamy, has described an exercise "to demonstrate the basic technique used in this job evaluation system" (for purposes of a salary survey) which indicated . . . "that the Association may appear to have some justification for wishing to have certain categories" . . . of jobs examined as to levels. He has emphasized that the result of the exercise could not be definitive but only indicative.

10.3 The second witness in this category, Mr A. Pons, has in the first instance given his opinion on various statements in the written submissions in the course of which he said that the case of the Association is not based on any change of job content but on the question of correct grading in the first instance. The witness then proceeded to inform the Commission how he had come to the conclusion that the Association had grounds for believing that the post in question "is not graded equitably". According to the record (page 6—record of 10 September 1970) this witness has said—

"The object of this exercise (i.e. a comparison of rankings on the Rhodesia Railways with that of the South African Railways) was to see for myself whether the relative job rankings as inherited by the present Administration, were the same as the job rankings attained by job evaluations in another Railway System. I made it clear to the Association that if the job rankings were in fact the same in the two Railways I would be unable to support their plea, other than perhaps by further studying the size of the gap between the rankings."

The witness has made it clear that his conclusion to the effect that the post in question had been graded incorrectly was based on the differences between the job ranking in the South African Railways (which is an "inherited" one) and in the Rhodesia Railways (which has been established by a formal system of job evaluation).

The remainder of the evidence of the witness consisted of statements of his experiences in the realm of job evaluation, his opinions on various aspects on the present dispute and the benefits of a formal system of job evaluation.

10.4 The next, and last witness in this category, has been Dr C. F. Kruger. He described his experience, *inter alia*, with the Rhodesia Railways and proceeded

getuienis is gelewer deur mnr. L. Joubert (wat ook getuienis in die algemeen gelewer het oor die geskilpunt voor die Kommissie), mnre. S. C. Botha, J. J. Verster, P. W. Combrinck, W. J. Botes en G. J. Otto. Die doel van hierdie getuienis was volgens mnr. Singer (bl. 44—rekord van 10 September 1970) om 'n beskrywing te gee van 'n dwarsdeursnee van sommige van die aspekte van 'n drywer se verantwoordelikhede, die waaksamheid van 'n drywer, die onherroeplike faktore wat in die spel kom by gebrek aan behoorlike waarneming en die ernstige gevolge wat dit meebring, en om aan te dui hoe ingevolge die poswaarderingstelsel wat onder dr. Biesheuvel ontwikkel is, ter sake en belangrike werklemente wat so maklik oor die hoof gesien word, in aanmerking geneem word by die oorweging van sulke faktore soos die neem van besluite, drukte van werk, waaksamheid, die gevolge van foute, reëlings, beheer en begrip.

10.2 Afgesien van die getuienis van algemene aard wat hoofsaklik deur mnr. Joubert gelewer is, het die Vereniging getuienis aangevoer wat betrekking het op die sogenaamde wetenskaplike stelsel van poswaardering. (Griefshalwe en om verwarring te voorkom sal ons die term "formele poswaardering" gebruik om hierdie stelsel te beskryf, teenoor "informele poswaardering" om die stelsel te beskryf wat die Administrasie toepas.) Die eerste getuienis, mnr. G. H. Bellamy, het 'n oefening beskryf "om die basiese tegniek te demonstreer wat in hierdie poswaarderingstelsel gebruik word" (vir die doeleinste van 'n salarisopname) wat aangedui het dat dit wil voorkom of daar 'n mate van regverdiging bestaan vir die Vereniging se wens dat poste in bepaalde kategorieë ondersoek word met die oog op die vlakke daarvan. Hy het die benadruk dat die uitslag van die oefening nie beslissend kan wees nie maar slegs aanduidend.

10.3 Die tweede getuienis in hierdie kategorie, mnr. A. Pons, het in eerste instansie sy mening gegee oor verskeie verklarings in die skriftelike betoë, in die loop waarvan hy gesê het dat die Vereniging se saak nie op 'n verandering van posinhoud gebaseer is nie maar op die kwessie van regte gradering in eerste instansie. Die getuienis het toe voortgegaan om die Kommissie mee te deel hoe hy tot die gevolgtrekking geraak het dat die Vereniging gronde het om te glo dat die betrokke pos "nie billik gegradeer is nie". Volgens die rekord (bladsy 6—rekord van 10 September 1970) het hierdie getuienis gesê—

"Die doel met hierdie oefening (d.w.s. 'n vergelyking van graderings in die Rhodesiese Spoorweë met dié van die Suid-Afrikaanse Spoorweë) was om self vas te stel of die betreklike posgraderings soos oorgeërf deur die huidige Administrasie, dieselfde was as die posgraderings wat verkry is deur poswaarderings in 'n ander spoorwegstelsel. Ek het dit duidelik aan die Vereniging gestel dat indien die posgraderings in die twee Spoorweë in werkliekheid dieselfde is, ek nie hulle pleidooi sou kon steun nie, behalwe deur moontlik die omvang van die verskil tussen die graderings verder te bestudeer."

Die getuienis het dit duidelik gestel dat sy gevolgtrekking dat die betrokke pos verkeerd gegradeer is, gegronde is op die verskille tussen die posgraderings in die Suid-Afrikaanse Spoorweë (wat oorgeërf is) en in die Rhodesiese Spoorweë (wat daargestel is deur 'n formele poswaarderingstelsel).

Die res van die getuienis se getuienis het bestaan uit verklarings oor sy ervaring op die gebied van poswaardering, sy menings oor verskeie aspekte van die huidige geskil en die voordele van 'n formele poswaarderingstelsel.

10.4 Die volgende en laaste getuienis in hierdie kategorie was dr. C. F. Kruger. Hy het sy ervaring, onder andere by die Rhodesiese Spoorweë, geskets en die toedrag van

to deal with the position in that undertaking. He has quoted from certain job specifications "to show how the whole matter of job evaluation formed an integrated part personnel administration within Rhodesia Railways."

The witness then has dealt with the theory and practice in general of a formal system of job evaluation and has concluded by discussing the posts of fireman, driver (ordinary) and driver, special class, putting forward the view that the relationship driver (ordinary)—driver, special class, was analogous to that of general practitioner and specialist in the field of medicine.

10.5 The summary in paragraphs 10.1—10.4 represents the main evidence adduced by the Association in support of its case. In the course of questioning the witnesses have elaborated on certain statements or have slightly shifted emphasis but by and large the summary shows the complete framework of the Association's case.

10.6 It is not necessary to deal extensively with the evidence in rebuttal put forward by the Administration but the evidence submitted with the object of establishing positive aspects in favour of the Administration in relation to the dispute will be touched upon below.

Mr R. H. Botha fulfilled the dual role of chief spokesman of the Administration as well as witness in respect of general matters concerning the dispute. An important element in his evidence has been the description of the method used for the grading of posts in the Railways; a piece of evidence which has been extended later under questioning.

10.7 Mr P. A. Marais has dealt at length with the evidence of the gentlemen referred to in paragraph 10.1, the drivers, special class. He has not disputed the evidence of the drivers, special class, and has admitted that the Administration recognises the specific elements of the post as described by the said witnesses. However he has endeavoured to interpret that evidence and to bring it into a "correct" perspective. He has furthermore demonstrated that the analogy between driver (ordinary) and driver, special class, on the one hand and general practitioner and specialist on the other hand is not correct.

10.8 Dr H. P. Langenhoven has dealt at length with the subject of formal systems of job evaluation, their value and limitations; he has critically analysed the evidence of Mr Bellamy, Mr Pons and Dr Kruger and lastly discussed the advantages and disadvantages of the introduction of a formal system of job evaluation on the South African Railways.

10.9 During the questioning of the Administration's witnesses several other persons have dealt with specific aspects of the subject on behalf of the Administration.

CHAPTER 5

CONSIDERATION OF EVIDENCE AND DISPUTE

11.1 In considering the evidence and for that matter the respective cases submitted to the Commission, the true nature of the dispute should always govern the approach. This is not a dispute, as much of the evidence seems to suggest, as to whether the Administration should or should not introduce a formal system of job evaluation. The subject of these proceedings is to ascertain in the first instance whether the post of driver, special class, has been graded incorrectly in the present structure of the Administration. Once this has been established the question of the correct grading has to be dealt with including the methods to be used in order to achieve it.

sake in daardie onderneming behandel. Hy het uit bepaalde spesifikasies vir poste aangehaal "om aan te dui hoe die hele kwessie van poswaardering 'n geïntegreerde deel uitmaak van personeeladministrasie in die Rhodesiese Spoorweë".

Die getuie het vervolgens die teorie en die gebruik in die algemeen van 'n formele poswaarderingstelsel behandel en afgesluit met 'n bespreking van die poste stoker, drywer (gewoon) en drywer, spesiale klas, en die standpunt gestel dat die verwantskap tussen die drywer (gewoon) en drywer, spesiale klas, ooreenkoms met dié tussen die algemene praktisyen en die spesialis op die gebied van die medisyne.

10.5 Die opsomming in paragrafe 10.1 tot 10.4 skets die vernaamste getuenis wat die Vereniging ter ondersteuning van sy saak aangevoer het. In die loop van die ondervraging het die getuies uitgewei oor sekere verklarings, of die klem enigsins verskuif, maar in hoofsaak weerspieël die opsomming die volledige raamwerk van die Vereniging se saak.

10.6 Dit is nie nodig om die weerleggende getuenis van van die Administrasie breedvoerig te behandel nie, maar die getuenis wat gelewer is ten einde positiewe aspekte ten gunste van die Administrasie met betrekking tot die geskil daar te stel, sal hieronder aangeroer word.

Mnr. R. H. Botha het die dubbele rol vervul van hoofsegsman van die Administrasie sowel as getuie ten opsigte van algemene aangeleenthede wat die geskil raak. 'n Belangrike aspek in sy getuenis was die beskrywing van die metode wat in die Spoorweë gebruik word om poste te gradeer, 'n stukkie getuenis waarop later by ondervraging uitgebrei is.

10.7 Mnr. P. A. Marais het die getuenis van die here genoem in paragraaf 10.1—die drywers, spesiale klas—breedvoerig behandel. Hy het nie die getuenis van die drywers, spesiale klas, betwissel nie en het toegegeef dat die Administrasie die bepaalde elemente van die pos soos beskryf deur die genoemde getuies, erken. Hy het egter gepoog om daardie getuenis te interpreteer en dit in die "regte" perspektief te stel. Hy het verder aangetoon dat die analogie enersyds tussen drywer (gewoon) en drywer, spesiale klas, en andersyds tussen algemene praktisyen en spesialis, nie korrek is nie.

10.8 Dr. H. P. Langenhoven het die onderwerp van formele poswaarderingstelsels, hulle waarde en beperkings, breedvoerig behandel; hy het die getuenis van mnr. Bellamy, mnr. Pons en dr. Kruger krities ontleed en laat tens die voordele en nadele bespreek van die invoer van 'n formele poswaarderingstelsel in die Suid-Afrikaanse Spoorweë.

10.9 Tydens die ondervraging van die Administrasie se getuies het verskeie ander persone bepaalde aspekte van die onderwerp ten behoeve van die Administrasie behandel.

HOOFSTUK 5

OORWEGING VAN DIE GETUIENIS EN DIE GESKIL

11.1 By die oorweging van die getuenis en, wat dit betref, die onderskeie sake wat aan die Kommissie voorgelê is, moet die benadering altyd ingestel wees op die werklike aard van die geskil. Dit is nie 'n geskil soos dit uit baie van die getuenis wil voorkom, wat daaroor gaan of die Administrasie 'n formele stelsel van poswaardering moet invoer of nie. Die onderwerp van hierdie verrigtinge is om in eerste instansie vas te stel of die pos drywer, spesiale klas, verkeerd gegradeer is in die huidige struktuur van die Administrasie. Sodra dit vasgestel is, moet die vraag oor die juiste gradering behandel word, met inbegrip van die metodes wat aangewend moet word om dit te verkry.

If this approach is correct the question immediately arises what yardstick should be used to demonstrate that the post has been graded incorrectly. In other circumstances one might seek guidance in comparisons with the job rankings in similar undertakings but in the case of the South African Railways such comparisons (leaving the Rhodesia Railways aside for the moment) would be futile. To use Mr Bellamy's words (page 24 record of 9 September 1970)—

"in no circumstances should comparisons be drawn in the salary wage structure of the South African Railways and Harbours and other sectors of commerce and industry as the public services scales are based on quite different criteria."

Can it be maintained that the correctness of the grading of a single post in the South African Railways could be tested by the application of a formal method of job evaluation to that post only? Surely the answer must be in the negative because grading can be effected only in relation to other posts. But, it is argued, then formal job evaluation should be applied to a group of posts surrounding the post of driver, special class, and in that way a ranking of the various posts included in that group should be determined.

On the face of it such a procedure could result in "proof" that a particular post had been graded incorrectly. However two considerations seem to suggest that this argument is fallacious. Firstly we have been informed by the witnesses that there are more than one formal system of job evaluation and that the techniques used in one or more systems can differ. Moreover the witnesses have clearly confirmed that no system constitutes an absolute standard or yardstick. The results of the application of various systems and the employment of different techniques could conceivably not be the same.

Secondly the witnesses have made it clear that a formal system of job evaluation can be applied to the South African Railways only if it is specially adapted to the circumstances of that organisation. In the absence of such a specially adapted formal system no particular other formal system of job evaluation can obviously be used to test the correctness of the grading of any particular post in the South African Railways.

It seems therefore that the only yardstick which can logically be used to demonstrate that a post has been graded incorrectly, is the present method of evaluating posts on the Railways. This reasoning does not exclude the possibility of persuading this Commission that the present method (or informal system) of evaluating jobs on the South African Railways and grading them accordingly is so utterly bad and unreliable as to exclude it entirely as a measuring instrument.

11.2 In the consideration of the evidence it is possible to dispose at once of one aspect of the matter namely the important elements of the post of driver, special class, as advanced by the witnesses referred to in paragraph 10.1. The evidence of the drivers has impressed the Commission. They have frankly and honestly replied to the questioning and at all times their evidence has been to the point.

Similarly the evidence of Mr P. A. Marais on the side of the Administration has been eminently fair and straight forward. These witnesses have collectively placed factual evidence at the disposal of the Commission which has enabled it to arrive at a balanced view of the elements of the post of driver, special class. In itself

Indien hierdie benadering juis is, ontstaan die vraag onmiddellik wattermaatstaf gebruik moet word om aan te toon dat die pos verkeerd gegradeer is. In ander omstandighede kon daar 'n leidraad gesoek word in vergelykings met die posgraderings in soortgelyke ondernemings, maar in die geval van die Suid-Afrikaanse Spoorweë sou sulke vergelykings (die Rhodesiese Spoorweë vir die oomblik buite rekening gelaat) nutteloos wees. Om mnr. Bellamy se woorde (bladsy 24—rekord van 9 September 1970) te gebruik—

"in geen omstandighede moet vergelykings getrek word in die salaris-/loonstruktur van die Suid-Afrikaanse Spoorweë en Hawens en ander handel- en nywerheidsektore nie aangesien die skale vir openbare dienste op heel verskillende kriteria gegronde is".

Kan daar betoog word dat die juistheid van die gradering van 'n enkele pos in die Suid-Afrikaanse Spoorweë getoets kan word deur 'n formele metode van poswaardering net op daardie pos toe te pas? Die antwoord moet ongetwyfeld nee wees omdat gradering net met betrekking tot ander poste gedoen kan word. Maar, so word daar gereedeneer, dan moet formele poswaardering toegepas word op 'n groep poste rondom die pos drywer, spesiale klas, en op daardie wyse moet dan 'n gradering van die verskeie poste in daardie groep bepaal word.

Op die oog af kan so 'n prosedure tot 'n "bewys" lei dat 'n besondere pos verkeerd gegradeer is. Dit lyk egter of twee oorwegings daarop dui dat hierdie argument foutief is. Ten eerste is ons deur die getuies ingelig dat daar meer as een formele poswaarderingstelsel is en dat die tegnieke wat in een of meer stelsels gebruik word, kan verskil. Verder het die getuies duidelik bevestig dat geen stelsel 'n absolute standaard of maatstaf vorm nie. Die toepassing van verskeie stelsels en die gebruik van verskillende tegnieke gaan moontlik nie dieselfde resultate oplewer nie.

Ten tweede het die getuies dit duidelik gestel dat 'n formele poswaarderingstelsel op die Suid-Afrikaanse Spoorweë toegepas kan word net as dit spesiaal aangepas is by die omstandighede van daardie organisasie. By gebrek aan so 'n spesiaal aangepaste formele stelsel, kan daar klaarblyklik geen ander besondere formele poswaarderingstelsel gebruik word om die juistheid van die gradering van 'n besondere pos in die Suid-Afrikaanse Spoorweë te toets nie.

Dit lyk dus of die huidige metode waarvolgens poste in die Spoorweë gewaardeer word die enigste maatstaf is wat logies aangewend kan word om te toon dat 'n pos verkeerd gegradeer is. Hierdie redenering sluit nie die moontlikheid uit om hierdie Kommissie daarvan te oortuig dat die huidige metode (of informele stelsel) om poste in die Suid-Afrikaanse Spoorweë te waardeer en hulle dienooreenkomsdig te gradeer so uiters swak en onbetroubaar is dat dit geheel en al as maatstaf uitgesluit moet word nie.

11.2 By die oorweging van die getuenis is dit moontlik om al dadelik een aspek van die saak uit die weg te ruim, naamlik die belangrike elemente van die pos drywer, spesiale klas, soos aangevoer deur die getuies genoem in paragraaf 10.1. Die getuenis van die drywers het die Kommissie beïndruk. Hulle het die vrae openhartig en eerlik beantwoord, en hulle getuenis was te alle tye ter sake.

Net so was die getuenis van mnr. P. A. Marais aan die kant van die Administrasie by uitstek billik en opreg. Hierdie getuies het gesamentlik feitelike getuenis ter beskikking van die Kommissie gestel wat dit vir hom moontlik gemaak het om 'n ewigtinge siening van die elemente van die pos drywer, spesiale klas, te verkry. Op

the evidence does not pretend to demonstrate incorrect grading nor to justify the upgrading of the post but it certainly highlights elements to which due regard must be had in any re-evaluation of the post. These witnesses have all rendered valuable assistance to the Commission.

11.3 We now proceed to assess the evidence purporting to show that the post of driver, special class, has been graded incorrectly.

Mr Joubert has indicated that there has for a long time been a "feeling" (a "suspicion") in the ranks of the Association that the grading was incorrect. This is borne out by the documentary evidence as to the history of the dispute. He has furthermore stated that the Association had "proved" to its satisfaction that the post had been graded incorrectly. When this statement was probed in the course of the proceedings it appeared that the Association had consulted certain unnamed job evaluation experts who had confirmed the incorrectness of the grading. These experts have not been produced as witnesses. However, Mr Joubert has stated that his experts, Mr. Bellamy, Mr Pons and Dr Kruger would prove to the satisfaction of the Commission that the grading was incorrect. So far the evidence of Mr Joubert.

11.4 In our opinion the evidence of Messrs Bellamy and Pons and Dr Kruger has not lived up to the expectations of Mr Joubert.

The evidence of Mr Bellamy is to the effect that he conducted (as operator) an exercise demonstrating one technique of job evaluation, using a system not designed specifically to examine every ramification of the jobs concerned. The actual evaluation was not done by Mr Bellamy himself but by each member of the participating team. The witness has quite properly stressed that the outcome of an exercise of this nature cannot be assessed higher than that it might constitute an indication of a probability of ranking. At no time under cross examination has Mr Bellamy been prepared to put it higher than this.

We do not consider it necessary to comment on the exercise itself because in our view the contribution made to the case of the Association by the result of this exercise is negligible. Even assuming in favour of the Association, that a possibility of an indication of an incorrect grading has been established, we are doubtful about the validity of the whole exercise in the light of our considerations set out in paragraph 11.1.

It is only fair to the witness to refer to his evidence which puts the exercise in a realistic perspective. On page 24 of the record of 9.9.70 he has said—

"However, a warning was sounded at that time, that the results of the job evaluation exercise could not be accepted as definitive but only as indicative and an examination in much greater depth would be necessary. This was agreed at the time. We made certain recommendations. On the basis that the Association did not feel that the category of Driver, Special Class, was correctly placed in the Railways' hierarchy, it was recommended that—

(1) the Administration be asked on what basis the present ranking of categories was founded;

(2) that job evaluation be used to establish the correct ranking of the Driver, Special Class, to the satisfaction of the Association, when compared internally with other categories thus leading to a felt-fair situation", etc.

sigself gee die getuienis nie voor om verkeerde gradering aan te toon of om die hoër gradering van die pos te regverdig nie, maar dit bring sekerlik elemente na vore waarvan daar behoorlik notisie geneem moet word by 'n herwaardering van die pos. Hierdie getuies het almal waardevolle hulp aan die Kommissie verleen.

11.3 Ons gaan nou oor tot 'n waardering van die getuienis wat te kenne gee dat die pos drywer, spesiale klas, verkeerd gegradeer is.

Mnr. Joubert het aangetoon dat daar in die geledere van die Vereniging reeds geruime tyd 'n "gevoel" ('n "vermoede") bestaan het dat die gradering verkeerd is. Dit blyk uit die dokumentêre getuienis aangaande die geskiedenis van die geskil. Verder het hy verklaar dat die Vereniging tot laasgenoemde se bevrediging "bewys" het dat die pos verkeerd gegradeer is. Toe hierdie verklaring in die loop van die verrigtinge ondersoek is, het dit geblyk dat die Vereniging sekere cngenoemde poswaarderingsdeskundiges geraadpleeg het wat die onjuistheid van die gradering bevestig het. Hierdie deskundiges het nie as getuies opgetree nie. Mnr. Joubert het egter verklaar dat sy deskundiges, mnr. Bellamy, mnr. Pons en dr. Kruger, tot bevrediging van die Kommissie sou bewys dat die gradering verkeerd is. Tot dusver mnr. Joubert se getuienis.

11.4 Na ons mening het die getuienis van mnre. Bellamy en Pons en dr. Kruger nie aan die verwagtinge van mnr. Joubert beantwoord nie.

Die getuienis van mnr. Bellamy kom daarop neer dat hy (as operateur) 'n oefening aangevoer het waarmee een poswaarderingstegniek aangetoon word, met gebruikmaking van 'n stelsel wat nie spesifiek ontwerp is om elke vertakking van die betrokke poste te ondersoek nie. Die werklike waardering is nie deur mnr. Bellamy self gedoen nie, maar deur elke lid van die span wat daaraan deelgeneem het. Die getuie het heel tereg benadruk dat die uitslag van 'n oefening van dié aard nie hoër getakseer kan word nie as dat dit 'n aanduiding van 'n waarskynlikheid van gradering kan vorm. Mnr. Bellamy was te gener tyd gedurende die kruisondervraging bereid om dit hoër te stel nie.

Ons beskou dit as onnodig om kommentaar te lewer op die oefening as sodanig, want na ons mening het die uitslag van hierdie oefening maar 'n geringe bydrae tot die saak van die Vereniging gelewer. Selfs al word daar ten gunste van die Vereniging aanvaar dat 'n moontlikheid van 'n aanduiding van 'n onjuiste gradering bewys is, betwyfel ons die geldigheid van die hele oefening in die lig van ons oorwegings soos uiteengesit in paragraaf 11.1.

Dit is net billik teenoor die getuie om na sy getuienis te verwys wat die oefening in 'n realistiese perspektief stel. Op bladsy 24 van die rekord van 9.9.70 het hy gesê—

" 'n Waarskuwende stem is egter op daardie tydstip laat hoor dat die resultate van die poswaarderingsoefening nie as beslissend nie, maar net as aanduidend aanvaar kon word, en dat 'n veel dieper gaande ondersoek nodig sou wees. Hiermee is daar destyds ingestem. Ons het sekere aanbevelings gedoen. Op die grondslag dat die Vereniging nie gemeen het dat die kategorie drywer, spesiale klas, korrek in die Spoorweë se hiërargie geplaas is nie, is daar aanbeveel dat—

(1) die Administrasie gevra word op watter grondslag die huidige gradering van kategorieë berus,

(2) poswaardering gebruik word om die juiste gradering van drywer, spesiale klas, tot bevrediging van die Vereniging vas te stel wanneer dit intern met ander kategorieë vergelyk word, sodat 'n aanneemlike situasie bereik kan word", ens.

11.5 We come now to the consideration of the evidence delivered by Mr Pons. As pointed out in paragraph 10.3 this witness has based his view that the post in question had been graded incorrectly on a comparison between the rankings in the Rhodesia Railways and in the South African Railways. The ranking order has been deduced by the witness from the salary or wage attached to each post concerned. He has stated that he had been involved with job evaluation programmes, *inter alia*, in the Rhodesia Railways.

Despite the fact that comparisons of this nature are inherently unsatisfactory and even dangerous, the members of the Commission at first attached importance to the evidence because—

(a) it represented a comparison which indicated, as much to the Commission as to Mr Pons, a discrepancy which might operate in favour of the Association; a ranking order or jobs derived by "inheritance" and therefore "arbitrarily" established against a ranking order of similar jobs based on and deduced from a formal system of job evaluation; and

(b) it appeared to open an avenue for further meaningful investigation in that the Commission would doubtless be able to arrange for a study in depth of the operation of the formal system of job evaluation on the Rhodesia Railways.

However, the very foundation of this witness' evidence was completely demolished when evidence was produced at a late stage of these proceedings that a formal system of job evaluation was in fact not in operation in the Rhodesia Railways.

It should be remarked that both Mr Pons and Dr Kruger in many statements during the sessions led the Commission to believe that such a system had been applied and was in operation in Rhodesia. The correct position appears to be that it is in operation only in respect of Bantu grades, a position similar to that in the South African Railways.

11.6 In the result the whole exercise of the comparison has been emasculated and all inferences made from it are invalid. In fact it has appeared from later evidence that the situation on the Rhodesia Railways in respect of these posts is moving closer to the pattern of the South African Railways. What could have been a substantial contribution to the case of the Association must unfortunately be discarded.

We have noted the remainder of the evidence of Mr Pons and his comments on the written submissions subject to the qualification that we do not subscribe to the extravagance of the repeated suggestions that the methods applied by the South African Railways in the valuation and ranking of jobs are archaic, rigid, inherited and arbitrary while the modern, enlightened and progressive undertaking applies formal job evaluation. We prefer a more balanced view. We have to record these comments as Mr Pons has been put forward as an expert witness.

11.7 Dr Kruger, also put forward as an expert witness, has dealt extensively with the "organisation set-up" and the manner in which the personnel function was organised within the Rhodesia Railways. He has produced an Organisation Manual from which he has quoted extensively—"to show how the whole matter of job evaluation formed an integral part of personnel administration within Rhodesia Railways."

Our remarks about comparisons with the Rhodesia Railways a propos the evidence of Mr Pons apply equally to this part of the evidence by Dr Kruger.

11.5 Nou kom ons by die oorweging van die getuienis wat deur mnr. Pons gelewer is. Soos daarop gewys is in paragraaf 10.3, het hierdie getuie sy standpunt dat die betrokke pos verkeerd gegradeer is, gegrond op 'n vergelyking tussen die graderings in die Rhodesiese Spoorweë en in die Suid-Afrikaanse Spoorweë. Die getuie het die rangorde afgelei uit die salaris of loon verbonde aan elke betrokke pos. Hy het verklaar dat hy gemoeid was met poswaarderingsprogramme, onder andere in die Rhodesiese Spoorweë.

Nieteenstaande die feit dat vergelykings van hierdie aard inherent onbevredigend en selfs gevaarlik is, het die lede van die Kommissie aanvanklik waarde geheg aan die getuienis omdat—

(a) dit 'n vergelyking verteenwoordig het wat, net soveel vir die Kommissie as vir mnr. Pons, 'n teenstrydigheid aangetoon het wat ten gunste van die Vereniging mag funger; 'n posrangorde afkomstig uit "oorerwing" en wat dus "arbitrêr" gevestig is teenoor 'n rangorde vir soortgelyke poste wat gegrond is op en afgelei is uit 'n formele poswaarderingstelsel; en

(b) dit skynbaar 'n kanaal oopgestel het vir verder betekenisvolle ondersoek in dié opsig dat die Kommissie ongetwyfeld in staat sou wees om reëlings te tref vir 'n diepgaande studie van die werking van die formele poswaarderingstelsel in die Rhodesiese Spoorweë.

Maar die hele fondament van hierdie getuie se getuienis was daarmee heen toe daar in 'n laat stadium van hierdie verringende getuienis gelewer is dat 'n formele poswaarderingstelsel inderdaad nie in die Rhodesiese Spoorweë in werking was nie.

Daar moet opgemerk word dat beide mnr. Pons en dr. Kruger die Kommissie in baie verklarings gedurende die sittings onder die indruk gebring het dat so 'n stelsel in Rhodesië toegepas is en in werking was. Die juiste posisie is skynbaar dat dit net ten opsigte van Bantoegrade funger, 'n posisie soortgelyk aan dié in die Suid-Afrikaanse Spoorweë.

11.6 In die uitslag is die hele oefening van die vergelyking verswak en alle afleidings wat daaruit gemaak word, is ongeldig. Dit het inderdaad uit latere getuienis geblyk dat die omstandighede in die Rhodesiese Spoorweë ten opsigte van hierdie poste nader aan die patroon van die Suid-Afrikaanse Spoorweë beweeg. Dit wat 'n aansienlike bydrae tot die saak van die Vereniging kon gelewer het, moet ongelukkig buite rekening gelaat word.

Ons het kennis geneem van die res van mnr. Pons se getuienis en sy kommentaar op die skriftelike betoë onderworpe aan die voorbehoud dat ons ons nie vereenselwig met die oordaad van die herhaalde bewerings dat die metodes wat deur die Suid-Afrikaanse Spoorweë in die waardering en gradering van poste toegepas word, verouderd, onbuigsaam, oorgeërf en arbitrêr is terwyl die moderne, verligte en progressiewe onderneming formele poswaardering toepas nie. Ons verkieks 'n ewewigige beskouing. Ons moet dié opmerkings te boek stel aangesien mnr. Pons voorgehou is as 'n deskundige getuie.

11.7 Dr. Kruger, wat ook voorgehou is as 'n deskundige getuie, het die "organisasieopset" en die wyse waarop die personeelfunksie binne die Rhodesiese Spoorweë georganiseer is, uitvoerig behandel. Hy het 'n organisashandleiding voorgelê waaruit hy veelvuldig aangehaal het "om aan te toon hoe die hele aangeleentheid van poswaardering 'n integrerende deel van personeeladministrasie binne die Rhodesiese Spoorweë uitgemaak het".

Ons opmerkings oor vergelykings met die Rhodesiese Spoorweë apropos die getuienis van mnr. Pons is eweneens van toepassing op hierdie deel van die getuienis deur dr. Kruger.

The remainder of Dr Kruger's evidence concerned the spreading acceptance of formal systems of job evaluation using scientific techniques, the advantages and disadvantages of job evaluation, the need for it and the analogy, previously referred to, with the general practitioner and specialist in the medical field.

11.8 The questioning of witnesses ranged widely and sometimes went beyond the limits of relevancy. We have carefully scrutinised all the facts laid before us and have considered the views and opinions expressed by witnesses and in books and documents handed in as exhibits or referred to in the course of evidence. At this juncture, and before dealing with the evidence on behalf of the Administration it is well to assess the position in the light of the approach set out in paragraph 11.1.

The evidence tendered to prove or demonstrate the alleged incorrect grading is extremely slender. The Commission accepts the statement that the Association "feels or suspects" that there has been a mis-grading but what is the factual basis on which that feeling or suspicion is founded? It is not a feeling of recent origin—it has existed for many years although seemingly until 1969 overshadowed by wage demands. Surely during all those years some facts tending to prove or at least indicate an incorrect grading must have emerged. Moreover evidence as to post surrounding the post of driver, special class, is conspicuously absent while in our view grading or ranking of posts can be done only in relation to such other posts. Similarly, incorrect grading can be demonstrated only in relation to other posts.

11.9 Some importance has been attached to an utterance of the Minister during the discussion between him and the Association on 28 May 1969, as suggesting that he conceded the possibility that the post in question had been wrongly graded. According to the minutes of that meeting the Minister had said—

"Dit is moontlik dat dit nie reg gewaardeer is nie, maar dan moet ek aanvaar dat daar talle ander betrekings is wat nie volgens wetenskaplike standarde en norme reg gewaardeer is nie."

We have considered this passage in the context of the whole discussion as reflected by the said minutes and are satisfied that the Minister did not have in mind a formal system of job evaluation adapted to the South African Railways; this is clearly brought out by the passages immediately following the one quoted above in which he proceeded to compare the salary of the General Manager with a salary he could have commanded if the South African Railways had been a private undertaking and the position of the South African Railways vis-à-vis the private sector generally.

In fact later on in the discussion the Minister had put his attitude clearly when he had said that the job evaluators knew nothing about the South African Railways and that the evaluation should be left to the experts of the Railways who had the necessary knowledge and experience.

The words of the Minister cannot be relied upon to advance the case of the Association.

11.10 There is a last question to be dealt with in the consideration of the case for the Association. Has sufficient evidence been placed before the Commission about deficiencies of the present method of grading posts in the South African Railways to warrant further investigation into the alleged wrong grading of the post driver,

Die res van dr. Kruger se getuienis het gegaan oor die toenemende aanvaarding van formele poswaarderingsstelsels wat gebruik maak van wetenskaplike tegnieke, die voor- en nadele van poswaardering, die behoeftie daarvan en die analogie, vroeër genoem, met die algemene praktisyen en spesialis op mediese gebied.

11.8 Die ondervraging van getuienis het oor 'n breë terrein gestrek en het soms buite die verband gegaan. Ons het alle feite wat aan ons voorgelê is, sorgvuldig ondersoek en die standpunte en menings oorweeg wat deur getuies uitgespreek en in boeke en dokumente gestel is wat in die loop van die getuienis as bewyssukkies ingedien of genoem is. In hierdie stadium en voordat die getuienis ten behoeve van die Administrasie behandel word, is dit goed om die posisie te bepaal in die lig van die benadering uiteengesit in paragraaf 11.1.

Die getuienis wat gelewer is om die beweerde verkeerde bewering te bewys of aan te toon, is uiters skraal. Die Kommissie aanvaar die stelling dat die Vereniging "meen of vermoed" dat daar 'n verkeerde gradering was, maar wat is die feitelike basis waarop die mening of vermoede gegrondig is? Dit is nie 'n mening wat onlangs ontstaan het nie—dit het baie jare lank bestaan ofskoon dit oënskynlik tot 1969 deur looneise oorskud is. Gedurende al daardie jare moes daar sekerlik 'n paar feite opgedui het wat kon bewys het of minstens aangedui het dat daar 'n verkeerde gradering bestaan. Bowendien is getuienis met betrekking tot poste rondom die pos drywer, spesiale klas, opvallend afwesig, terwyl poste volgens ons mening net in verhouding tot sulke ander poste gegradeer kan word. Insgelyks kan verkeerde gradering aangetoon word net in verhouding tot ander poste.

11.9 'n Mate van waarde is geheg aan die Minister se uitlating gedurende die samesprekking tussen hom en die Vereniging op 28 Mei 1969 wat suggereer dat hy toegegee het dat die betrokke pos moontlik verkeerd gegradeer is. Volgens die notule van daardie vergadering, het die Minister gesê—

"Dit is moontlik dat dit nie reg gewaardeer is nie, maar dan moet ek aanvaar dat daar talle ander betrekings is wat nie volgens wetenskaplike standarde en norme reg gewaardeer is nie."

Ons het hierdie uittreksel in die samehang van die hele samesprekking soos weergegee in die genoemde notule oorweeg en is oortuig dat die Minister nie 'n formele poswaarderingstelsel wat by die Suid-Afrikaanse Spoorweë aangepas is, in gedagte gehad het nie; dit word duidelik na vore gebring deur die uittreksels wat onmiddellik volg op die een wat aangehaal is en waarin hy oorgegaan het tot 'n vergelyking tussen die salaris van die Hoofbestuurder en 'n salaris wat hy kon ontvang het as die Suid-Afrikaanse Spoorweë 'n private onderneming was en tussen die posisie van die Suid-Afrikaanse Spoorweë en die private sektor in die algemeen.

Trouens, later in die samesprekking het die Minister sy standpunt duidelik gestel toe hy gesê het dat die poswaardeerders nikks van die Suid-Afrikaanse Spoorweë weet nie en dat die waardering oorgelaat moet word aan die deskundiges van die Spoorweë wat die nodige kennis en ondervinding het.

Daar kan nie op die woorde van die Minister gereken word om die saak van die Vereniging te bevorder nie.

11.10 Daar is 'n laaste vraag wat by die oorweging van die saak vir die Vereniging behandel moet word. Is daar voldoende getuienis aan die Kommissie voorgelê oor die gebreke van die huidige metode van posgradering in die Suid-Afrikaanse Spoorweë om verder ondersoek na die beweerde verkeerde gradering van die pos drywer, spesiale

special class? In order to consider this question we have to anticipate the review of the evidence on behalf of the Administration on the point.

It will be remembered that when Mr Bellamy conducted the exercise for the Association in February 1969, he had recommended that "the Administration be asked on what basis the present ranking of categories was founded". Apparently the Association had not made this request to the Administration until 17 December 1969, when in paragraph 5.2 of its memorandum to the Commission it had said—

"A disclosure by the Administration is invited of the basis on which the grading of the driver . . . special class, and their remuneration was determined and the valuation of the posts concerned."

The Administration has replied generally in paragraphs 10-12 of its memorandum and in greater detail through Mr Botha (page 73 et seq.—record of 12 October 1970; page 31 et seq.—record of 30 November 1970).

11.11 The onslaught (if it can be so described) by the Association on the method of the Administration has not been successful. We have previously referred to the appellations—archaic, rigid, inherited and arbitrary—used by the witnesses in describing the methods of the Administration. The expert witnesses of the Association have worked on a number of assumptions in regard to these methods which have been demonstrated to be grossly exaggerated. There has not been a systematic attack, based on fact, on this method used by the Administration. In general the Association has relied on mere allegation to the effect that these methods are outdated and arbitrary in contradistinction to the formal system of job evaluation which progressive, enlightened organisations are applying.

On the facts laid before us we cannot agree with this proposition nor with the argument that the mere allegation proves that the grading has been incorrectly done. We have so far studiously avoided using the word "system" in regard to the method of grading by the Administration. However, it would seem to be warranted to speak of these methods as a "system". We have previously referred to it as an "informal system" but the word "informal" has been used only to distinguish it from a "formal system of job evaluation" and not to characterise the system used by the Administration.

We do not say that this informal system is the best system; nor do we say that the techniques used are necessarily scientific or foolproof. We do say, however, that there is nothing before us which suggests that the post of driver, special class, has been wrongly graded by the Administration or that the Administration has neglected or omitted to give consideration to any aspect or element of the job of driver, special class, which could possibly affect the ranking of that post.

In passing we record that we consider it a significant fact that none of the other Staff Associations representing many hundreds of grades have appeared before us to complain about the grading of posts by the Administration.

11.12 In the light of the above considerations it would seem pointless to include in this report a considered analysis of the evidence presented on behalf of the Administration save for the aspects dealt with earlier in this report. The Association has not succeeded in clearing the first hurdle namely to show that there has been a misgrading of the post concerned or that there are sufficient indications of incorrect grading which would

klas, te regverdig? Om hierdie vraag te oorweeg, moet ons die oorsig van die getuienis ten behoeve van die Administrasie op die punt vooruitloop.

Daar sal onthou word dat toe mnr. Bellamy die oefening in Februarie 1969 vir die Vereniging aangevoer het, hy aanbeveel het dat "die Administrasie gevra word op watter grondslag die huidige gradering van kategorieë berus". Klaarblyklik het die Vereniging nie hierdie versoek aan die Administrasie voor 17 Desember 1969 gerig nie toe hy in paragraaf 5.2 van sy memorandum aan die Kommissie gesê het—

"Die Administrasie word versoek om die grondslag waarop die gradering van die drywer, spesiale klas, en sy vergoeding berus, asook die waardering van die betrokke poste bekend te maak."

Die Administrasie het in die algemeen in paragrawe 10 tot 12 van sy memorandum en uitvoeriger deur mnr. Botha (bladsy 73 e.v.—rekord van 12 Oktober 1970; bladsy 31 e.v.—rekord van 30 November 1970) geantwoord.

11.11 Die aanval (as dit so genoem kan word) deur die Vereniging op die metode van die Administrasie het nie geslaag nie. Ons het vroeër verwys na die benamings—verouderd, onbuigsaam, oorgeërf en arbitrêr—wat die getuies gebruik het om die metodes van die Administrasie te beskryf. Die deskundige getuies van die Vereniging het op 'n aantal veronderstellings gewerk met betrekking tot hierdie metodes wat as grootliks oordrewe bewys is. Daar was nie 'n stelselmatige aanval, wat op feite gegrond is, op hierdie metode wat deur die Administrasie gebruik is nie. Oor die algemeen het die Vereniging staat gemaak op 'n blote bewering ten effekte dat hierdie metodes verouderd en arbitrêr is in teenstelling met die formele poswaarderingstelsel wat progressiewe, verligte organisasies toepas.

Volgens die feite wat aan ons voorgelê is, kan ons nie saamstem met hierdie stelling of met die betoog dat die blote bewerings bewys dat die gradering verkeerd toegpas is nie. Ons het tot dusver maarstig die woord "stelsel" in verband met die Administrasie se metode van gradering vermy. Dit lyk egter geregtig om van hierdie metodes as 'n "stelsel" te praat. Ons het vroeër daarna verwys as 'n "informele stelsel", maar die woord "informele" is gebesig net om dit te onderskei van 'n "formele poswaarderingstelsel" en nie om die stelsel wat die Administrasie toepas, te kenmerk nie.

Ons sê nie dat hierdie informele stelsel die beste stelsel is nie; ons sê ook nie dat die tegnieke wat gebruik is, noodwendig wetenskaplike of onfeilbaar is nie. Ons sê egter dat daar niks voor ons is wat daarop dui dat die pos drywer, spesiale klas, deur die Administrasie verkeerd gegradeer is of dat die Administrasie versuum het om oorweging te verleen aan 'n aspek of element van die pos drywer, spesiale klas, wat moontlik die gradering van daardie pos kan raak nie.

In die verbygaan boekstaaf ons dat ons dit as 'n betekenisvolle feit beskou dat nie een van die ander personeelverenigings, wat baie honderde grade verteenwoordig, voor ons verskyn het om oor die gradering van poste deur die Administrasie te kla nie.

11.12 In die lig van die bogenoemde oorwegings sou dit nutteloos lyk om in hierdie verslag 'n oorwoë ontleding in te sluit van die getuienis wat ten behoeve van die Administrasie gelewer is, behoudens die aspekte wat vroeër in hierdie verslag behandel is. Die Vereniging het nie daarin geslaag om oor die eerste hindernis te kom nie, naamlik om aan te toon dat daar 'n verkeerde gradering van die betrokke pos is of dat daar voldoende

warrant further investigation on the part of the Commission. The Administration has maintained that the post in question has been graded correctly and has described its methods and system for evaluating posts and establishing a posts structure in the South African Railways. As we have reported above, the attack by the Association on these methods and system as applied by the Administration has not been successful and has not produced indications that there has been a misgrading of the post.

11.13 We wish to record that we do not agree with the submission of the Association that the Administration must prove to the satisfaction of the Commission that the post has been graded correctly. Similarly we believe that it would be an incorrect approach to expect the Association to prove to the satisfaction of the Commission that the post has not been graded correctly. In our view if any substantial evidence indicating that the post has been graded incorrectly is placed before the Commission, irrespective of whether it emanates from the Association or the Administration or from any other source, it is the duty of the Commission to pursue the matter further by investigation and inquiry in order to arrive at a conclusion. However, no such evidence has been laid before the Commission.

11.14 During the proceedings the Association tendered to conduct through the witnesses Bellamy and Pons an exercise consisting of a practical test of job evaluation in respect of the post of the driver, special class. The offer was withdrawn on 20 November 1970, and superseded by a recommendation that the National Institute for Personnel Research—

"n onafhanklike beoordeling gee oor die geldigheid en betrouwbaarheid van die poswaarderingsresultate d.w.s. soos bevind deur beide die voetplaatpersoneelvereniging en die Spoorweë m.b.t. die pos van drywer, spesiale klas."

The Commission turned down the offer and advised the parties accordingly. Our reasons for doing so consist mainly of three grounds—

(a) the offer presupposes that the Association has achieved certain valid results by applying a technique of formal job evaluation. As has been stated earlier in the report we have grave doubts about the validity of that particular exercise;

(b) the "Independent judging" by the Institute would of necessity involve other grades and groups of grades not involved in the present dispute and might even extend to the entire posts structure in the South African Railways.

(c) the procedure would amount to an inquiry within an inquiry outside the control of the Commission.

CHAPTER 6

FINDINGS AND OBSERVATIONS

12.1 From our considerations as to the true nature of the dispute we have to deal with it is clear that this Commission should in the first place arrive at a finding on the allegations that the post of driver, special class, has been graded incorrectly. This finding will determine whether further inquiry into the matter is necessary or that a re-evaluation and regrading of the post is called for or it may finally dispose of the present dispute. If the finding is that there has been a misgrading of the post it will provide the basis for a recommendation that re-evaluation and regrading should take place and what method or system should be applied in order to achieve it.

aanduidings van verkeerde gradering is wat verder ondersoek aan die kant van die Kommissie sou regverdig. Die Administrasie het volgehoud dat die betrokke pos korrek gegradeer is en het sy metodes en stelsels vir die waardering van poste en die daarstelling van 'n postestruktuur in die Suid-Afrikaanse Spoorweë omskryf. Soos hierbo gemeld, het die aanval deur die Vereniging op hierdie metodes en stelsel soos deur die Administrasie toegepas nie geslaag nie en het dit nie aangedui dat daar 'n verkeerde gradering van die pos is nie.

11.13 Ons wil dit boekstaaf dat ons nie saamstem met die Vereniging se betoog dat die Administrasie tot bevrediging van die Kommissie moet bewys dat die pos korrek gegradeer is nie. Insgelyks glo ons dat dit 'n verkeerde benadering sou wees om te verwag dat die Vereniging tot bevrediging van die Kommissie moet bewys dat die pos nie korrek gegradeer is nie. Ons meen dat as wesenlike getuenis wat aandui dat die pos verkeerd gegradeer is, voor die Kommissie afgelê word ongeag of dit van die Vereniging of die Administrasie of van enige ander bron afkomstig is, dit die plig van die Kommissie is om verder ondersoek na die saak in te stel ten einde tot 'n gevolgtrekking te geraak. Geen sodanige getuenis is egter voor die Kommissie afgelê nie.

11.14 Tydens die verrigtinge het die Vereniging aangebied om 'n oefening deur die getuies Bellamy en Pons aan te voer wat bestaan uit 'n praktiese poswaarderings-toets ten opsigte van die pos drywer, spesiale klas. Die aanbod is op 20 November 1970 teruggetrek en vervang deur 'n aanbeveling dat die Nasionale Instituut vir Personeelnavoring—

"n onafhanklike beoordeling gee oor die geldigheid en betrouwbaarheid van die poswaarderingsresultate d.w.s. soos bevind deur beide die voetplaatpersoneelvereniging en die Spoorweë m.b.t. die pos van drywer, spesiale klas".

Die Kommissie het die aanbod van die hand gewys en die partye dienooreenkomsig in kennis gestel. Ons redes vir sodanige optrede berus hoofsaaklik op drie gronde—

(a) die aanbod vooronderstel dat die Vereniging sekere geldige resultate verkry het deur 'n tegniek van formele poswaardering toe te pas. Soos vroeër in die verslag gemeld, het ons ernstige bedenkinge oor die geldigheid van daardie besondere oefening;

(b) die "onafhanklike beoordeling" deur die Instituut sou noodwendig ander grade en graadgroepe betrek wat nie in die huidige geskil betrokke is nie en mag selfs die hele postestruktuur in die Suid-Afrikaanse Spoorweë byhaal;

(c) die prosedure sou neerkom op 'n ondersoek binne 'n ondersoek buite die beheer van die Kommissie.

HOOFTUK 6

BEVINDINGS EN OPMERKINGS

12.1 Uit ons oorwegings aangaande die ware aard van die geskil waarmee ons moet handel, is dit duidelik dat hierdie Kommissie in die eerste plek tot 'n besluit moet geraak oor die bewerings dat die pos drywer, spesiale klas, verkeerd gegradeer is. Hierdie bevinding sal bepaal of die saak verder ondersoek moet word en of 'n herwaardering en hergradering van die pos vereis word, of dit kan die huidige geskil finaal afhandel. As dit die bevinding is dat die pos verkeerd gegradeer is, sal dit die grondslag voorsien vir 'n aanbeveling dat herwaardering en hergradering moet geskied asook vir die metode of stelsel wat toegepas moet word ten einde dit te bereik.

12.2 Our finding is that the evidence submitted to the Commission does not provide grounds for believing that the grading of the post of driver, special class, is incorrect. Furthermore we have come to the conclusion that there is no evidence suggestive of a misgrading which would warrant further inquiry into the matter. At most it has been shown that there has been and still is a sense of inequity in that there is a feeling or suspicion that the post has been misgraded.

This conclusion does not mean that we have found that the post has not been graded improperly; such a finding is not necessary for the fulfilment of the task of the Commission.

12.3 It is interesting to note that the Association itself has misgivings as to whether it has succeeded in putting forward sufficient evidence indicating a misgrading. At the outset it confidently proclaimed that it would prove a misgrading but in its final submission it has said—

“The Association contends, as it has contended throughout the negotiations, that if resort were had to the systematic process of establishing for the purpose of organisation the value of the individual post of the Driver, Special Class, in relation to other posts in the organisation of the South African Railways Administration by the process known as job evaluation, it would be found that the grade of driver, special class, is misplaced.”

12.4 Our finding disposes of the present dispute. We cannot make any recommendation which would tend to ameliorate the feeling or suspicion on the part of the drivers, special class, as there is no substantive evidence of the existence of any grounds for such feeling or suspicion.

12.5 In conclusion we have thought fit to record some observations on the dispute as these may be of benefit to both the Administration and the Association. It seems unlikely that the investigation by this Commission and its ultimate finding will remove the feeling or suspicion that the post of driver, special class, has been misgraded and as no doors have been closed to the Association further efforts on its part may well be expected.

The first point we wish to record is that the parties only seem to have come to grips on the real issue for the first time during these proceedings. There seems to have been a significant lack of communication between the parties on the gist of the matter during all the years of the existence of the dispute. Mr Botha has explained to the Commission how the system of job evaluation in the South African Railways works entailing meetings with the Associations concerned, negotiations, discussion and the inquiries and examination by the experts of the Administration. All these procedures seem to have been absent in the case of the Association seeking the application to the job of driver, special class, of a formal system of job evaluation.

There seems to have been no attempt on the part of the Association during all the years to put this matter four-square before the Administration. If the oral and documentary evidence gives a complete picture of the history of the matter, it has never proceeded beyond a bold statement by the Association that the post in question had been misgraded followed by a categorical denial by the Administration until April and May 1969, when the Association for the first time began referring to outside experts on job evaluation. A careful reading of

12.2 Ons bevinding is dat die getuienis wat aan die Kommissie voorgelê is nie gronde voorsien om te glo dat die gradering van die pos drywer, spesiale klas, verkeerd is nie. Ons het verder tot die gevolg trekking gekom dat daar geen getuienis is wat op 'n verkeerde gradering dui en wat verder ondersoek na die saak regverdig nie. Daar is hoogstens aangedui dat daar 'n besef van onregverdigheid was en nog is deurdat daar 'n gevoel of vermoede bestaan dat die pos verkeerd gegradeer is.

Hierdie gevolg trekking beteken nie dat ons bevind het dat die pos nie verkeerd gegradeer is nie; sodanige bevinding is nie nodig ter vervulling van die Kommissie se taak nie.

12.3 Dit is interessant om daarop te let dat die Vereniging self bedenkings het of hy daarin geslaag het om voldoende getuienis voor te lê wat op 'n verkeerde gradering dui. Aanvanklik het hy vol vertroue verklaar dat hy sal bewys dat die betrokke pos verkeerd gegradeer is maar in sy finale betoog het hy gesê—

“Die Vereniging beweer, soos hy dwarsdeur die onderhandelings beweer het, dat indien daar gebruik gemaak was van die stelselmatige proses om vir organisasiedoeleindes die waarde van die individuele pos drywer, spesiale klas, te bepaal met betrekking tot ander poste in die organisasie van die Suid-Afrikaanse Spoerwegadministrasie deur middel van die proses wat bekend staan as poswaardering, daar bevind sou word dat die graad drywer, spesiale klas, verkeerd geplaas is”.

12.4 Ons bevinding handel die huidige geskil af. Ons kan geen aanbeveling doen wat daarop bereken is om die drywers, spesiale klas, se gevoel of vermoede te versag nie, aangesien daar geen wesenlike bewys is dat daar gronde vir sodanige gevoel of vermoede bestaan nie.

12.5 Ten slotte het ons dit goed gedink om enige opmerkings oor die geskil te boekstaaf aangesien dit vir beide die Administrasie en die Vereniging nuttig kan wees. Dit lyk onwaarskynlik dat die ondersoek deur hierdie Kommissie en sy uiteindelike bevinding die gevoel of vermoede dat die pos drywer, spesiale klas, verkeerd gegradeer is, uit die weg sal ruim, en aangesien geen deure vir die Vereniging gesluit is nie kan verder pogings van sy kant heel moontlik verwag word.

Die eerste punt wat ons wil aanstip, is dat dit wil voorKom of die partye die stryd oor die werklike geskil eers tydens hierdie verrigtinge aangeknoopt het. Dit lyk of daar deur al die jare van die bestaan van die geskil 'n betekenisvolle gebrek aan kommunikasie tussen die partye was oor die kern van die saak. Mn. Botha het aan die Kommissie verduidelik hoe die stelsel van poswaardering in die Suid-Afrikaanse Spoorweë werk: dit behels vergaderings met die belanghebbende verenigings, asook onderhandelings, besprekings en die navrae en ondersoek deur die deskundiges van die Administrasie. Dit wil voorkom of al hierdie metodes afwesig was in die Vereniging se strewe na die aanwending van 'n formele poswaarderingstelsel in die geval van die pos drywer, spesiale klas.

Dit lyk of daar al die jare heen geen poging deur die Vereniging aangewend is om hierdie saak vierkantig aan die Administrasie voor te lê nie. As die mondelinge en dokumentêre getuienis 'n volledige beeld van die geskiedenis van die aangeleentheid is, het dit nooit verder gekom as 'n duidelike bewering deur die Vereniging dat die betrokke pos verkeerd gegradeer is nie, gevvolg deur 'n besliste ontkenning deur die Administrasie tot April en Mei 1969, toe die Vereniging die eerste keer begin verwys het na deskundiges van buite op die gebied van poswaardering. 'n Sorgvuldige deurlesing van die notule

the minutes of the discussion with the Minister in May 1969, shows that the Minister was not properly confronted with the proposition which the Association has now put forward to the Commission.

In other words the Association does not seem to have approached the Administration at any time with the full proposal that a formal system of job evaluation should be used for the purpose of regrading the post. It was only during the ultimate stage that the Association claimed that outside experts on job evaluation, who had to remain anonymous, had come to certain conclusions as regards the grading of the post. But even then the full position was not communicated to the Administration.

From the side of the Administration there does not seem to have been a proper appreciation of what the Association really wanted until after the commencement of these proceedings. We have not heard of discussion and negotiation between the Administration and the Association on the question of the application of a formal system of job evaluation. The Administration may not have known the true object of the Association.

In short the Commission has the impression that the parties have never come together for a joint consideration of the issue and that the system or method of the Administration has not functioned properly in this case.

12.6 We are making the observation contained in the preceding paragraph because the Administration would be well advised to take cognizance of the fact that there is a "feeling" or "suspicion" that the post of driver, special class, is not correctly placed in the hierarchy of posts and wages in the South African Railways and it would be in everybody's interest to remove the sense of inequity.

On the other hand the Association would stand to lose nothing if the question of the application of a formal system of job evaluation is explored in co-operation with the Administration rather than to resort to the somewhat extraordinary expedient of consulting outside experts to pass judgment on the grading of posts in the South African Railways. The evidence is to the effect that the Administration accepts that formal systems of job evaluation have merit and could be useful aids to managements.

12.7 Our final observation is that the formal system of job evaluation as put forward by the Association has not been on trial before this Commission. It is not for us to pronounce judgment on the merits or otherwise of that or other systems and in any event the evidence has been far from adequate and insufficient for purposes of any finding.

Signed at Johannesburg on this 26th day of March 1971.

J. VAN WYK DE VRIES, Chairman.

L. E. CORTIS, Member.

Signed at East London on this 31st day of March 1971.

G. C. BELL, Member.

E. J. SMIT, Secretary.

van die samesprekings met die Minister gedurende Mei 1969 toon dat die Minister nie behoorlik met die vraagstuk wat die Vereniging nou aan die Kommissie voorgele het, gekonfronteer is nie.

Met ander woorde, die Vereniging het die Administrasie skynbaar te gener tyd met die volle voorstel genader dat 'n formele poswaarderingstelsel aangewend moet word om die pos te hergradeer nie. Dit was eers gedurende die finale stadium dat die Vereniging beweer het dat deskundiges van buite op die gebied van poswaardering, wat anoniem moet bly, tot bepaalde gevolgtrekkings oor die gradering van die pos geraak het. Maar selfs toe is die ware stand van sake nie aan die Administrasie oorgedra nie.

Van die kant van die Administrasie skyn daar nie 'n behoorlike besef te gewees het van wat die Vereniging werklik wou gehad het tot eers na die aanvang van hierdie verryttinge nie. Ons het nie verneem van bespreking en onderhandeling tussen die Administrasie en die Vereniging oor die toepassing van 'n formele poswaarderingstelsel nie. Die Administrasie kon moontlik nie bewus gewees het van die Vereniging se ware oogmerk nie.

Kortom, die Kommissie is onder die indruk dat die partye nooit byeengekom het vir 'n gesamentlike oorweging van die geskilpunt nie en dat die Administrasie se stelsel of metode nie in hierdie geval behoorlik gefunksioneer het nie.

12.6 Ons maak die opmerking vervat in die voorafgaande paragraaf omdat dit die Administrasie gerade sal wees om kennis te neem van die feit dat daar 'n "gevoel" of "vermoede" is dat die pos drywer, spesiale klas, nie reg geplaas is in die hiérargie van poste en lone in die Suid-Afrikaanse Spoorweë nie en dat dit in almal se belang sal wees om die gevoel van onregverdigheid uit die weg te ruim.

Aan die ander kant sal die Vereniging nikks hê om te verloor as die kwessie van die toepassing van 'n formele poswaarderingstelsel in samewerking met die Administrasie ondersoek word nie, eerder as om die toevlug te neem tot die ietwat buitengewone uitweg om deskundiges van buite te raadpleeg om uitspraak te lewer oor die gradering van poste in die Suid-Afrikaanse Spoorweë. Die getuienis kom daarop neer dat die Administrasie aanvaar dat formele poswaarderingstelsels verdienste het en bruikbare hulpmiddels vir besture kan wees.

12.7 Ons finale opmerking is dat die formele poswaarderingstelsel soos deur die Vereniging voorgebring nie deur hierdie Kommissie getoets is nie. Dit is nie vir ons om uitspraak te lewer oor die verdienste of andersins van daardie of ander stelsels nie en buitendien was die getuienis ver van voldoende en ontoereikend vir die doeleindes van 'n bevinding.

Geteken te Johannesburg op hede die 26ste dag van Maart 1971.

J. VAN WYK DE VRIES, Voorsitter.

L. E. CORTIS, Lid.

Geteken te Oos-Londen op hede die 31ste dag van Maart 1971.

G. C. BELL, Lid.

E. J. SMIT, Sekretaris.

NOTES ON REPORT OF COMMISSION OF INQUIRY INTO THE DISPUTE BETWEEN THE ADMINISTRATION OF THE SOUTH AFRICAN RAILWAYS AND HARBOURS AND THE STAFF ASSOCIATION REPRESENTING GROUP B SERVANTS OF THE SOUTH AFRICAN RAILWAYS

Preamble

The report of the Commission of Inquiry is a fair comment on the evidence which was presented by both parties to the dispute.

In paragraph 12.5 the Commission comments as follows:

"It seems unlikely that the investigation by this Commission and its ultimate finding will remove the feeling or suspicion that the post of driver, special class, has been misgraded and as no doors have been closed to the Association further efforts on its part may well be expected."

This is a virtual invitation to both parties to the dispute to reopen their negotiations and seek a clearer understanding of the problems which still beset them.

The purpose of these notes is to contribute to this understanding by providing a personal evaluation of the occurrences which developed during the oral hearings of the Commission.

I do so because of my conviction that the ultimate function of a Commission of Inquiry, appointed by the State President in terms of subsections (3) and (4) of section 28 of the Railways and Harbours Service Act, 1960 (Act 22 of 1960) is to resolve industrial disputes and by so doing, re-establish harmonious relations between the parties in dispute. This is all the more important as the servants of the South African Railways and Harbours are debarred from resorting to strike action in terms of the laws of the country, and look upon Commissions of Inquiry, as this one, to safeguard their interests—

(i) by bringing some clarity into the nature of disputes;

(ii) and protect the interests of the weaker party, i.e. staff associations.

Definition of dispute

Parties to the dispute experienced some difficulty in arriving at a common definition.

The definition which was agreed to, after direct intervention by the Commission, reads:

"That the post of driver, special class, be revalued and be placed in a higher wage group in the existing structure for workmen grades."

The formula, so defined, could have proved viable if both parties to the dispute presented their evidence in accordance with its definition. The formula implied a tacit acceptance by the Administration that the post of driver, special class, had been incorrectly graded and that there was sufficient cause to consider it incorrectly graded. As the hearings developed, however, both parties to the dispute wandered in by-ways which were irrelevant and at times confusing. Both parties were at times more concerned defending the adequacy of a point of view, the competence of expert witnesses, than attend-

OPMERKINGS OOR VERSLAG VAN KOMMISSIE VAN ONDERSOEK NA DIE GESKIL TUSSEN DIE ADMINISTRASIE VAN DIE SUID-AFRIKAANSE SPOORWEË EN HAWENS EN DIE PERSONELVERENIGING VERTEENWOORDIGENDE DIENARE GROEP B VAN DIE SUID-AFRIKAANSE SPOORWEË

Inleiding

Die verslag van die Kommissie van Ondersoek is 'n billike kommentaar op die getuienis wat deur beide partye by die geskil gelewer is.

In paragraaf 12.5 maak die Kommissie soos volg kommentaar:

"Dit lyk onwaarskynlik dat die ondersoek deur hierdie Kommissie en sy uiteindelike bevinding die gevoel of vermoede dat die pos drywer, spesiale klas, verkeerd gegradeer is, uit die weg sal ruim, en aangesien geen deure vir die Vereniging gesluit is nie, kan verder pogings van sy kant heel moontlik verwag word."

Dit is feitlik 'n uitnodiging aan beide partye by die geskil om hulle onderhandelings te heropen en 'n duideliker begrip te probeer kry van die probleme waarmee hulle nog te kampe het.

Die doel van hierdie opmerkings is om hierdie begrip te bevorder deur 'n persoonlike waardering te maak van die gebeurtenisse wat gedurende die mondelinge verhoor van die Kommissie ontwikkel het.

Ek doen dit omdat ek daarvan oortuig is dat dit die uiteindelike funksie van 'n kommissie van ondersoek, aangestel deur die Staatspresident kragtens subartikels (3) en (4) van artikel 28 van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), is om nywerheidsgeskille by te lê en deur dit te doen betrekking van eensgesindheid tussen die partye in geskil te herstel.

Dit is des te meer belangrik omdat die dienare van die Suid-Afrikaanse Spoorweë en Hawens kragtens die landswette belet word om hulle toevlug tot staakoptrede te neem, en opsien na kommissies van ondersoek soos dié om hulle belang te beskerm—

(i) deur 'n mate van duidelikheid in die aard van geskille te bring;

(ii) en die belang van die swakker party, d.w.s. personeelverenigings, te beskerm.

Omskrywing van geskil

Die partye by die geskil het ietwat moeite ondervind om oor 'n gemeenskaplike omskrywing te besluit.

Die omskrywing waarnee daar, na regstreekse tussenkomst deur die Kommissie saamgestem is, lui soos volg:

"Dat die pos drywer, spesiale klas, herwaardeer en in 'n hoër loongroep in die bestaande struktuur vir werksmangrade geplaas word."

Die formule, aldus omskryf, kon geblyk het lewensvatbaar te wees indien albei partye by die geskil hulle getuienis ooreenkomsdig die omskrywing daarvan voorgelê het. Die formule het 'n stilstygende aanvaarding deur die Administrasie geimpliseer dat die pos drywer, spesiale klas, verkeerd gegradeer is en dat daar genoegsame rede was om dit as verkeerd gegradeer te beskou. Na gelang die verhore ontwikkel het, het albei partye by die geskil egter op syweë beland wat nie ter sake nie en by tye verwarrend was. Albei partye was by tye meer bekommernaar daaroor om die gepastheid van 'n mening of

in fact to the issues defined in the formula. It is therefore, not surprising that the Commission found it necessary to go back to the initial formula of the dispute and to consider that evidence should have been presented in two steps, i.e.—

(i) to prove that the post of driver, special class, had been incorrectly graded;

(ii) that the post should therefore be revalued with special reference to certain methods of job evaluation and placed in a higher wage group.

Parties to the dispute should accept this more logical formula. It is my hope that future explorations of the dispute will be conducted on a basis of mutual co-operation: otherwise, both parties will find themselves back to quasi legal disputations where the onus of proof rests with the party which affirms. The evidence presented to the Commission has clearly shown that the search for proof cannot be conducted by one party in isolation of the other.

Difficulties in communication

The Commission has commented on the poor communications which exist between the Administration and the Association.

It is my conviction, the difficulties which both parties experienced in arriving at a common definition of the dispute and adhering to this definition, is evidence of the poor communications which exist between the Administration and the Staff Association. It is fair to assume that difficulties in communications will be experienced, until such time, that both parties make a definite attempt to come to grips with the significant factors present in the dispute.

We cannot ignore the emotional features of industrial disputes. The Administration expressed a measure of hurt that the Association had given a vote of no confidence in the methods of job grading currently used in the S.A. Railways and Harbours. The Association in fact challenged the Administration to prove that its current practices were modern and effective. It attempted to do so through the unprecedented step of going outside the organisation and retaining the services of Management Consultants.

The difficulties which the Association experienced in presenting its case lies in its decision to attack the Administration on its systems of job grading. The Association presented a poor case because it operated in a context of secrecy and did not use information about jobs which the administration could have provided. The evidence about practises in the Rhodesian Railways was moreover confused to the extreme. We must note, however, that part of this confusion lies in the fact that the Rhodesia Railways is treating the whole subject of job evaluation as one of great confidentiality and was therefore not prepared to make information directly available to the Commission.

The Administration and the Association both agreed that the final grading of a position depends on factors other than those covered by systems of job evaluation. The Administration indicated that whenever a dissatisfaction on a job grading is experienced, extensive inquiries are conducted into all possible causes of the dissatisfaction. Yet no such inquiry was conducted by the Administration in this matter.

die bevoegdheid van deskundige getuies te verdedig as om werklik ag te gee op die geskilpunte soos in die formule omskryf. Dit is dus geen verassing nie dat die Kommissie dit nodig gevind het om terug te keer tot die aanvanklike formule van die geskil en om in aanmerking te neem dat getuienis in twee stappe gelewer moes gewees het, d.w.s.—

(i) om te bewys dat die pos drywer, spesiale klas, verkeerd gradering is;

(ii) dat die pos derhalwe herwaarde moet word met spesiale verwysing na sekere metodes van poswaardering en in 'n hoër loongroep geplaas moet word.

Die partye by die geskil behoort hierdie logiese formule te aanvaar. Ek hoop dat toekomstige ondersoeke na die geskil op 'n grondslag van onderlinge samewerking gevoer sal word, anders sal albei partye weer uitkom by kwasie-regdisputasies waar die bewysslas by die party berus wat verklaar. Die getuienis wat aan die Kommissie voorgelê is, het duidelik getoon dat bewyse nie deur een party sonder die ander gesoek kan word nie.

Kommunikasiemoeilikhede

Die Kommissie het kommentaar gemaak op die swak kommunikasies wat tussen die Administrasie en die Vereniging bestaan.

Ek is daarvan oortuig dat die moeilikhede wat albei partye ondervind het om 'n gemeenskaplike omskrywing van die geskil te vind en hulle aan hierdie omskrywing te hou, bewys is van die swak kommunikasies wat daar tussen die Administrasie en die Personeelvereniging bestaan. Dit is billik om te aanvaar dat kommunikasiemoeilikhede ondervind sal word tot tyd en wyl albei partye 'n besliste poging aanwend om die belangrike faktore wat in die geskil aanwesig is onder die oë te sien.

Ons kan nie die emosionele en gevvolglik onredelike kenmerke van nywerheidsgeskille ignoreer nie.

Die Administrasie het te kenne gegee dat hy in 'n mate gekrenk voel omdat die Vereniging 'n mosie van wantroue aangeneem het in die metodes van posgradering wat tans in die S.A. Spoorweë en Hawens gebruik word. Die Vereniging het die Administrasie inderdaad uitgedaag om te bewys dat sy huidige gebruikte moderne en doeltreffend is. Hy het dit probeer doen deur die ongewone stap om buite die organisasie te gaan en die dienste van bestuurskonsultante op 'n retineergrondslag te verkry.

Die moeilikhede wat die Vereniging ondervind het om sy saak te stel, lê in sy besluit om die Administrasie oor sy posgraderingstelsels aan te val. Die Vereniging het 'n swak saak gestel omdat hy in 'n verband van geheimhouding te werk gegaan het en nie gebruik gemaak het van inligting oor poste wat die Administrasie kon verskaf nie. Boonop was die getuienis oor gebruikte in die Rhodesiese Spoorweë in die uiterste mate verwarrend. Ons moet egter besef dat 'n deel van hierdie verwarring daarin lê dat die Rhodesiese Spoorweë die hele aangeleentheid van poswaardering as baie vertroulik behandel en dus nie bereid was om inligting regstreeks aan die Kommissie beskikbaar te stel nie.

Die Administrasie en die Vereniging het albei saamgestem dat die finale gradering van 'n pos afhang van ander faktore as dié wat deur poswaarderingstelsels beheers word. Die Administrasie het aangedui dat wanneer ontevredenheid oor 'n poswaardering ondervind word, uitgebreide ondersoeke ingestel word na alle moontlike oorsake van die ontevredenheid. Tog is geen sodanige ondersoek deur die Administrasie na hierdie aangeleentheid gedoen nie.

What is the reason for this inaction? Is it that the Administration felt punitive towards the Association and refused to use its resources to conduct an inquiry into the grievance of the Association. Or is it perhaps that the Administration finds it difficult to come to grips with a problem in labour relations which it cannot resolve?

It was clear to me throughout the hearing that the engine drivers sense themselves to be strategic workers to the whole of the S.A.R. & H. There was not much evidence in the course of the hearings which suggested that "high level" skills were involved in the job of driver, special class. The job requires definite skills which are acquired through much formal and informal training. These skills are circumscribed however; their exercise is backed by an extensive organisation of technical services.

The uniqueness of the position of drivers, special class, lies in the attitudes which these drivers develop in the course of their training and their subsequent service in the S.A.R. & H. Their jobs require the continuous exercise of vigilance, and a proven sense of responsibility. It is perhaps for this reason that an engine driver is awarded the grade of special class only after 15 years service. The period of time is almost as long as that required of the basic professions in our society, e.g. medicine, law, or religion. By the end of this period of time the person not only has acquired the basic skills which he needs, but has proven his commitment to values which are considered essential in his occupation. It is perhaps on these grounds, and no other, that a period of 15 years is required of an engine driver, before he is appointed to the special class.

Yet, unlike a number of related occupations, the engine driver is captive to the organisation which has trained him. A person who has served in an organisation for 15 years, learned skills and attitudes which are of prime value to this organisation, has very limited bargaining powers as an employee. He cannot resign readily from his job as this would involve him in a substantial loss of benefits, without compensating gains. Where else could he seek employment with the status of 15 years of continuous service in one organisation? If you take the further restriction that he may not strike, then the power of bargaining is small indeed. The Administration has not convinced me that drivers have the same economic mobility as artisans (vide para. 5.4 of final plea by Administration). Further, though a driver may well double his earnings, this requires of him a very long work week, which in turn places stress on these essential attitudes to safety and efficiency which the Administration recognises as vital to this occupation (vide para 4.4 of final plea by Administration).

When drivers than see the regrading of the position of chefs caused purely by considerations of supply and demand, a sense of inequity develops. This could be justified on two counts—

- (i) drivers do not benefit really from the forces operating in the open labour market;
- (ii) the demands made of incumbents in the position of chef are not as demanding, or vital, or strategic as those made of engine drivers.

Wat is die rede vir hierdie versuim? Is dit omdat die Administrasie 'n strafgevoel teenoor die Vereniging gekoester het en geweier het om sy middele te benut om 'n ondersoek na die grief van die Vereniging in te stel? Of is dit miskien omdat die Administrasie dit moeilik vind om 'n probleem in arbeidsverhoudinge aan te pak wat hy nie kan oplos nie?

Dit was vir my deur die hele verhoor duidelik dat die lokomotiefdrywers hulle as strategiese werkers van die hele S.A.S. en H. aanvoel. In die loop van die verhoor was daar nie veel getuenis wat daarop gedui het dat die pos drywer, spesiale klas, hoogstaande vaardighede omvat nie. Die werk vereis bepaalde vaardighede wat verwerf word deur baie formele en informele opleiding. Hierdie vaardighede is egter omskryf; die uitoefening daarvan word gerugsteun deur 'n uitgebreide organisasie van tegniese dienste.

Die uniekheid van die pos drywer, spesiale klas, is geleë in die ingesteldheid wat hierdie drywers in die loop van hulle opleiding ontwikkel en hulle daaropvolgende diens in die S.A.S. en H. Hulle werk vereis die voortdurende beoefening van waaksamheid en 'n beproefde verantwoordelikhedsbeseft. Dit is miskien om hierdie rede dat die graad spesiale klas eers na 15 jaar diens aan 'n lokomotiefdrywer toegeken word. Die tydperk is byna so lank as wat vereis word van die basiese professies in ons samelewings, bv. medisyne, wet of godsdiens. Aan die end van hierdie tydperk het die persoon nie alleen die nodige basiese vaardighede verwerf nie, maar ook sy verbondenheid aan waardes wat in sy beroep essensieel is. Dit is miskien op hierdie gronde, en geen ander nie, dat 'n tydperk van 15 jaar van 'n lokomotiefdrywer vereis word voordat hy in die spesiale klas aangestel word.

Nogtans, anders as by 'n aantal verwante beroepe, is die lokomotiefdrywer vasgevang in die organisasie wat hom opgelei het. Iemand wat 15 jaar lank in 'n organisasie gedien het, vaardighede en 'n ingesteldheid aangeleer het wat van fundamentele belang vir hierdie organisasie is, het as werknemer uiterlig beperkte mag om te onderhandel. Hy kan nie maklik sy amp neerlê nie aangesien dit vir hom 'n aansienlike verlies aan voordele sonder vergoedende winste sal meebring. Waar anders kan hy werk soek met die status van 15 jaar ononderbroke diens in een organisasie? As u die verdere beperking neem dat hy nie mag staak nie, is die mag om te onderhandel inderdaad klein. Die Administrasie het my nie oortuig dat drywers dieselfde ekonomiese beweeglikheid as ambagsmanne het nie (kyk par. 5.4 van eindpleidooi deur Administrasie). Al kan 'n drywer sy verdienste heel moontlik ook verdubbel, verg dit van hom buitendien 'n baie lang werkweek wat op sy beurt belemmerend inwerk op hierdie noodsaklike ingesteldheid op veiligheid en doeltreffendheid wat die Administrasie as lewensbelangrik vir hierdie beroep erken (kyk par. 4.4 van eindpleidooi deur Administrasie).

Wanneer drywers dan merk dat die hergradering van die pos sjef teweeggebring is bloot deur oorwegings van vraag en aanbod, ontstaan daar 'n gevoel dat hulle onbillik behandel is. Dié gevoel kan op twee gronde geregverdig wees—

- (i) drywers trek nie werklik voordeel uit die magte wat op die ope arbeidsmark aan die werk is nie;
- (ii) die eise wat aan bekleërs van die pos sjef gestel word, is nie so veeleisend of lewensbelangrik of strategies as dié wat aan lokomotiefdrywers gestel word nie.

It is fair to assume that whatever representations were made prior to this enquiry to the Administration, fail to convince the Association that its case was considered on its merits. One can assume that there was at this point of time a measure of disenchantment with the manner the Administration graded jobs. The Administration was seen as a powerful body which imposed its own rules to suit the requirements of a situation.

Forces in the labour market operate unpredictably and are often not in concordance with individual or organisational values. When an organisation is forced to accommodate to economic pressure, considerations of expediency give way to those of equity. The organisation has one or two options: it either adjusts wages to obtain and retain the labour it requires, or it uses cheaper sources of labour.

We can understand therefore that however well justified the upgrading of chefs (and this in terms of the complex of historical social and economical considerations which the Administration takes into account) it failed to satisfy the engine drivers that their case was being considered in a context of equal advantage.

Job evaluation

Much was said about the relative merits and limits of systems of job evaluation. The dispute was at times aggressive, personal, and presented contentions which were unproven and which the Commission was asked to accept because of the authority of expert witnesses. The Commission justifiably concluded that the Association failed to prove that the yardstick of job evaluation was in fact more effective than the yardstick currently used by the Administration. In the absence of proof, the yardstick used by the Administration must be accepted as one which will be used in the grading of jobs in the South African Railways and Harbours.

This does not mean, however, that the yardstick used by the Administration is perfect, and that it could not be improved. I believe that the suspicions which the Association has expressed about this system are well grounded.

The Administration, in its attempts to discredit or nullify the case of the Association for the introduction of formal systems of job evaluation, went all out in its attack on these systems. The initial, somewhat bombastic claims of the Association that systems of job evaluation were scientific (by implication subject to controllable error) were toned down somewhat through the evidence presented by the Administration. So much so, that towards the end of the hearings, the Association had changed its representations: job evaluation was no longer shown to be a scientific technique, but rather to have the merits of a systematic and well ordered technique.

The Administration, however, continued to attack techniques of formal job evaluation, as is apparent in its final plea. The criteria which the Administration set itself before such techniques of job evaluation could be used, are so stringent, however, that they are frankly not practical. If business organisations and Universities were to adhere to these criteria, then no one could ever use formal job evaluations nor could the subject be taught to university students.

Dit is billik om aan te neem dat watter vertoe ook al voor hierdie ondersoek tot die Administrasie gerig is, daar nie daarin geslaag is om die Vereniging te oortuig dat sy saak volgens sy meriete oorweeg is nie. Mens kan aanvaar dat daar op hierdie tydstip 'n mate van ont-nugtering was oor die wyse waarop die Administrasie poste gegradeer het. Die Administrasie is as 'n magtige liggaam gesien wat sy eie reëls voorskryf om aan die vereistes van 'n omstandigheid te voldoen.

Magte op die arbeidsmark werk onvoorspelbaar en is dikwels nie in ooreenstemming met individuele of organisatoriese waardes nie. Wanneer 'n organisasie gedwing word om hom te skik na die ekonomiese druk, maak oorwegings van doelmatigheid plek vir dié van billikhed. Die organisasie kan kies om of aan te pas om die arbeid wat hy nodig het, te verkry en te behou, of goedkoper arbeidsbronne te gebruik. Ons kan dus verstaan dat hoe goed die hoër gradering van sjefs ook al geregverdig is (en dit teen die agtergrond van die kompleks van historiese, sosiale en ekonomiese oorwegings wat die Administrasie in aanmerking neem) dit die lokomotiefdrywers nie oortuig het dat hulle eie saak oorweeg is in 'n samehang van gelyke voordeel nie.

Poswaardering

Veel is gesê oor die betreklike verdienste en beperkings van poswaarderingstelsels. Die geskil was by tye aggressief, persoonlik, en het bewerings opgelewer wat nie bewys is nie en wat die Kommissie gevra is om te aanvaar op grond van die gesag van deskundige getuies. Die Kommissie het tereg besluit dat die Vereniging nie daarin geslaag het om te bewys dat die maatstaf van poswaardering in werklikheid doeltreffender is as die maatstaf wat tans deur die Administrasie gebruik word nie. By gebrek aan bewys, moet die maatstaf wat die Administrasie toepas, aanvaar word as een wat gebruik sal word in die gradering van poste in die Suid-Afrikaanse Spoorweë en Hawens.

Dit beteken egter nie dat die Administrasie se maatstaf volmaak is en nie verbeter kan word nie. Ek glo dat die agterdog wat die Vereniging oor hierdie stelsel uitgespreek het, gegronde is.

In sy pogings om die Vereniging se saak vir die instelling van formele poswaarderingstelsels in diskrediet te bring of te verydel, het die Administrasie alle kragte ingespan in sy aanval op hierdie stelsels. Die aanvanklike, enigsins bombastiese aansprake van die Vereniging dat poswaarderingstelsels wetenskaplik is (by implikasie onderworpe aan beheerbare foute), is ietwat gedemp deur die getuenis wat deur die Administrasie gelewer is. In so 'n mate dat die Vereniging sy vertoe teen die einde van die verhoor gewysig het: Poswaardering is nie meer voorgehou as 'n wetenskaplike tegniek nie maar eerder dat dit die verdienste van 'n stelselmatige en goed geordende tegniek besit.

Die Administrasie het egter voortgegaan om formele poswaarderingstegnieke aan te val, soos blyk uit sy finale betoog. Die maatstawwe wat die Administrasie vir homself gestel het voordat sodanige poswaarderingstegnieke gebruik kon word, is egter so streng dat hulle, om die waarheid te sê, nie prakties is nie. As sake-ondernehemings en universiteite aan hierdie maatstawwe sou kleef, sou niemand ooit formele poswaarderings kon gebruik nie en sou die onderwerp ook nie aan universiteitstudente gedoseer kon word nie.

But more than this. There was an instance of clear inconsistency in the evidence presented by the Administration.

The Administration is hesitant to use formal job evaluation systems because of the flaws which are inherent in them. Yet, for the past six years, it has used a system of job evaluation for its Bantu personnel which is weak and ineffective. It does not meet the basic requirements which need to be incorporated in systems of job evaluation to make them worthwhile. There are no manuals, no definitions of rating scales or grading methods; the format for job description is confused and repetitive. The system depends almost entirely on the opinions of so called specialists, who admit that these job evaluation procedures could be improved, but have not done so for six years. It is indeed surprising, that these improvements were not implemented when one considers that over 50 per cent of the results are challenged by management.

Both parties to the dispute could do well to accept that the subject of job evaluation belongs to a field of knowledge which is marginal to true science. Job evaluation techniques cannot be justified on the grounds of precision or modernity. They have the merit of codifying the judgemental processes which are used when grading jobs, and so bring to these processes not only a measure of consistency, but also provide a basis for cross-referencing. The Administration has given no indication that its current systems of job gradings offer any safeguards for consistency, or provide sufficient material, for parties outside the Administration, to establish through cross-reference, how the decision to grade a position, at one point in time relates to a different decision to grade a second job at another point of time.

It is therefore not surprising for the Association to express the conviction that the methods of job grading used by the Administration could be improved. This in turn could contribute to the sense of inequity still experienced by the Association and which was noted by the Commission.

It is to the credit of both parties that they have followed to the letter the prescription of the law. The prescription of the law has failed, however, to resolve this basic dispute.

The onus is on the Administration to evolve more effective procedures to anticipate the development of these disputes, discover and clarify their true cause, and evolve methods which will resolve them.

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Maar meer as dit. Daar was 'n voorbeeld van duidelike teenstrydigheid in die getuenis gelewer deur die Administrasie. Die Administrasie is huiwerig om formele poswaarderingstelsels toe te pas weens die inherente leemtes daarvan.

Tog gebruik hy die afgelope ses jaar 'n poswaarderingstelsel vir sy Bantoe personeel wat swak en ondoeltreffend is. Dit voldoen nie aan die basiese vereistes wat by poswaarderingstelsels ingelyf moet word om dit die moeite wêrd te maak nie. Daar is geen handboeke, geen omskrywings van aanslagskale of graderingsmetodes nie; die formaat vir posbeskrywing is verward en herhalend. Die stelsel maak bykans volkome staat op die menings van sogenaamde deskundiges wat erken dat hierdie poswaarderingsprosedures verbeter kan word, maar dit vir ses jaar nie gedoen het nie. Dit is inderdaad verbasend dat hierdie verbeterings nie ten uitvoer gebring is as daar in aanmerking geneem word dat meer as 50 persent van die resultate deur die Bestuur in twyfel getrek word nie.

Dit sal vir albei partye by die geskil goed wees om te aanvaar dat die onderwerp van poswaardering tot 'n kennisgebied behoort wat grens aan die suwer wetenskap. Poswaarderingstegnieke kan nie geregverdig word op grond van akkuraatheid of moderniteit nie. Hulle het die waarde om die beoordelingsprosesse te kodifiseer wat gebruik word wanneer poste gegradeer word, en sodoende nie slegs 'n mate van konsekvensie tot hierdie prosesse by te dra nie, maar ook 'n grondslag vir kruisverwysing voorsien. Die Administrasie het geen aanduiding gegee dat sy huidige posgraderingstelsels waarborg vir konsekvensie bied, of dat dit genoeg materiaal vir partye buite die Administrasie voorsien om deur middel van kruisverwysing te bepaal hoe die besluit om 'n pos op een tydstip te gradeer verband hou met 'n ander besluit om 'n tweede pos op 'n ander tydstip te gradeer nie.

Dit is derhalwe nie verbasend dat die Vereniging die oortuiging uitspreek dat die metodes van posgradering wat die Administrasie gebruik, verbeter kan word nie. Dit kan op sy beurt bydra tot die gevoel van onbillike behandeling wat die Vereniging nog ervaar en waarvan die Kommissie kennis geneem het.

Dit strek beide partye tot eer dat hulle die voorskrif van die wet letterlik nagekom het. Die voorskrif van die wet egter nie daarin geslaag om hierdie basiese geskil by te lê nie.

Die verantwoordelikheid rus op die Administrasie om doeltreffender prosedures te ontwikkel om die ontstaan van hierdie geskille te voorsien, die ware oorsake daarvan vas te stel en te verklaar en metodes te ontwikkel om hulle by te lê.

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