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SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)  
SUID-AFRIKAANSE INSTITUUT VIR RASSEVERHOUDINGS (INGELYF)

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JOHANNESBURG

SUMMARY OF AND COMMENTARY ON THE  
NEW NATIVE LABOUR REGULATIONS

PUBLISHED IN GOVERNMENT NOTICE NO. 63 OF 9 JANUARY, 1959

ISSUED UNDER THE NATIVE LABOUR REGULATION ACT,

NO. 15 OF 1911 AS AMENDED.

Various chapters of these regulations deal with:

Recruiting licences  
Registration of service contracts in rural areas  
Contracts between recruiting officers and Africans  
Provision of accommodation and amenities  
Control of compounds  
Health Regulations

Schedules to the Regulations lay down:

Minimum ration scales for labourers.  
Minimum requirements for accommodation and amenities.

Chapter V deals with Labour Bureaux, employment, etc.

1. Labour bureaux

Local (urban), district (rural) and regional labour bureaux and a central bureau are provided for.

2. Prescribed areas (including urban areas)

- a) No-one may engage an African who is not registered with the local employment officer.

This applies to African women as well as to men.

- b) Unemployed African men who are over the age of 15 years and who are not full-time students must report to the local employment officer within three days of becoming unemployed or 15 years of age, or within 14 days after ceasing to be a full-time student.

It is, apparently, not essential for unemployed African women to report to the local employment officer; but they cannot enter employment unless they have done so<sup>(1)</sup> and, unless they qualify to remain permanently in the urban area<sup>(1)</sup>, or unless they are not workseekers and have been permitted by the local authority to remain<sup>(2)</sup> they may be prosecuted for being in the urban area illegally if they have not so reported.

/c) ...

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(1) Section 10(1)(a), (b) or (c) of Act 25/1945 as amended

(2) Section 10(1)(d)

- c) Anyone who engages an African must endorse his full name and address and the date of engagement in the African's reference book.

It is not yet compulsory for African women to possess reference books; but apparently unless they do so they cannot legally be engaged for employment. This applies throughout the Union. The probability is that in areas not yet visited by the registering officials, who issue the books, no prosecutions will for the time being be instituted. But women in the larger urban areas have by now had the opportunity of acquiring reference books.

- d) Anyone who engages an African must, within three days, send to the local employment officer a notice giving his name and address, and stating the African's name, identity number, and the date of engagement, nature of employment, and rate of pay. The registration fee of 2/6 must be enclosed.

This, too, applies to women as well as to men.

- e) If an African employee is discharged, dies or deserts, the employer must enter this fact in his or her reference book and must send full details to the employment officer.
- f) Vacancies for African employees must be reported within three days.
- g) Local employment officers are to register Africans who qualify to remain in the urban area, or have been authorized to proceed to such area (see para. (h)), or who apply to re-enter the area after an absence of not more than 12 months in order to return to their previous employers for employment in the same class of work as that they performed before leaving<sup>(3)</sup>.

An African who does not fall into one of these categories may be registered:

- (i) if he or she is already legally in the urban area, and becomes unemployed; and
- (ii) if there is a vacancy in the class of work in which he or she was previously employed, or in some other class of work approved by the regional labour bureau, and if he or she is prepared to accept such work.

If there is no such vacancy, or if the African is not prepared to accept such work, he or she may still be registered for a period not exceeding seven days provided that the African reports daily, and meanwhile lives in a depot if such accommodation is available.

- h) An African man who wishes to enter an urban area for the purpose of entering employment must obtain permission from the district labour bureau, while a woman must obtain permission from the employment officer of the area where she normally lives.
- i) When an employment officer registers an African man or woman he must complete a card giving the African's identity number, name, domicile, age, present address, chief, industrial classification, employer, wages, etc.

He must then place the African in employment, or direct him to a depot. If an African who does not qualify to remain in the urban area fails or refuses to accept employment in any of the vacancies offered, his registration will be cancelled and he will be referred to the district employment officer.

/If ...

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- (3) Africans originally admitted to an urban area for a specified period are not granted automatic permission to return after they have been on leave.

If an African who does qualify to remain in the urban area cannot be placed immediately, or is unwilling to accept the employment offered (unless he is incapable of work), he is provided with a card (or an endorsement in his reference book) stating in what class of work he is registered for employment, and he is then given up to 14 days in which to find work for himself. Should he be unplaced at the end of this period he is again informed of suitable vacancies, or may be given a further 14 days in which to seek work. If at the end of this extended period he is still not placed:

- (i) if he is unwilling to accept what employment is available in the town concerned, he is dealt with as an idle or undesirable person<sup>(4)</sup>.
  - (ii) should no suitable work be available locally, he is told of vacancies existing in other areas. If he is unwilling to accept any of these, he is given a third period of 14 days within which to seek work. If at the end of this third period he is still unplaced, and is still unwilling to accept employment in another area, he is dealt with as an idle or undesirable person.
  - (iii) if there is some reasonable cause for his inability to find work, he is dealt with in terms of instructions from the regional labour bureau.
- j) If vacancies cannot be filled locally, local employment officers may place requisitions with the district employment officer.
- k) An African who fails to comply with the regulations for registration entering employment, or whose application for registration is refused, or who has entered the area without the necessary permission, may not accept employment in an urban area.

In terms of these regulations, African women in Johannesburg have already been informed:

- a) that if they do not qualify to remain permanently in Johannesburg in terms of Section 10(1)(a), (b) or (c) of the Natives (Urban Areas) Consolidation Act, No. 25/1945 as amended, they must obtain permits to remain and to work in the area;
- b) that such women wishing to enter employment must register with the local (municipal) labour bureau;
- c) that women wishing to enter Johannesburg must obtain an efflux permit from the employment officer in their home areas, and an influx permit from the Johannesburg employment officer;
- d) that any women who did enter Johannesburg after January 9th must return home to request an efflux permit.

### 3. Non-Prescribed (rural) Areas

The regulations deal with employment in mines or works, thus, in general, affect African men only. They are along similar lines to those described above. Differences are:

- a) Vacancies must be reported within 14 (instead of 3) days.
- b) Africans who turn 15 years of age, or who become unemployed, must report to the (district) employment officer within 14 (instead of 3) days.

/c) ...

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(4) In terms of Section 29 of Act 25/1945 as amended.

- c) Africans may be granted more elastic periods of time within which to seek work for themselves.

4. Medical examinations

Employment officers may order any African being dealt with by them to submit to a medical examination or to vaccination.

5. Power of arrest

Any African shall be guilty of an offence, and may be arrested without warrant by an authorized officer, if he or she:

- a) fails to produce to an authorized officer on demand a valid document issued in terms of the regulation dealing with registration for employment;
- b) has failed to report or to register at the labour bureau as required by the regulations;
- c) is remaining in or has entered the urban area without the necessary permits;
- d) has failed to take up residence in a depot, having been directed to do so.

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This document has been prepared with the assistance of Mr. W. Pollak, Q.C.

The implications of the new Native Labour Regulations are much graver than was at first realized. For example:

- a) They apply to the Union as a whole, and not merely to Johannesburg.
- b) Although it is not yet compulsory for African women to possess reference books, it appears that unless they do so, they cannot legally be engaged for employment.
- c) Women cannot be engaged for employment unless they have registered with the local employment officer.
- d) Although, under the Natives (Urban Areas) Act, women are not required to register service contracts, in terms of the new regulations employers who engage African women must send returns and a registration fee to the local employment officer.
- e) The full range of influx control measures have now been applied to African women.
- f) Any African who fails to produce to an authorized officer on demand a valid document issued in terms of the regulation dealing with registration for employment is guilty of an offence and may be arrested without warrant.

It may be necessary for women already in employment before the regulations were issued, and women who qualify to remain in the urban area whether or not they are in employment, to obtain documents to prove these things, in order to safeguard themselves against arrest.

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**FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963**

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