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Memo by Julius Lewin?

RECOGNITION OF AFRICAN  
TRADE UNIONS.

Labour - Trade unions

African Trade Unions are to-day in a position similar to that of European Workers' Trade Unions in this country prior to the promulgation of the Conciliation Acts and Wage Acts in 1924, with this difference, that the Africans are covered by the restrictive measures of the Urban Areas Amendment Acts and other laws controlling Africans. They cannot move from place to place to obtain the greatest possible return for their labour without the permission of the Native Affairs Department; they are subject to instant arrest if they refuse to carry out the orders of employers. If they absent themselves from work, without their employer's consent, they have committed a criminal offence. The African is, in fact, nothing but an industrial serf.

His Trade Union, whilst not being illegal has no statutory status. The <sup>pass-bearing</sup> African is not an employee in terms of the Conciliation Act, hence his Trade Unions cannot be registered Under the Urban Areas Amendment and the Native Finance Acts, the Native Affairs Department can investigate the affairs, finances and books of any African organisation, religious, benefit and burial societies, and Trade Unions. Further, the Government can confine the offices of any African organisation to the locations, and the local Municipal Authority can refuse to allow them to have offices there. In this way African Trade Unions can easily be suppressed.

INDUSTRIAL CONCILIATION ACT:

Owing to the fact that the definition of "employee" excludes pass-bearing Africans, the latter cannot, when they form Trade Unions, be registered under the Industrial Conciliation Act. As a result Industrial Councils represent employers and European employees only. These two often combine to give the/.....



the European employees better wages and better conditions of work at the expense of the Africans. Whereas in the original Act, the terms of agreements did not apply to Africans, the Minister can now extend their scope so as to cover all workers. This is invariably done.

It is true that Section 27 of the Act makes provision for officials of the Department of Labour to attend Industrial Council Meetings in order to watch the interests of the unskilled workers. This is not satisfactory from the African point of view, because (a) the officials have not always got either the inclination or the strength to stand up to the combined force of the employers and European employees, and (b) they have not got sufficient knowledge of African needs and aspirations to put the African case. The attitudes of Industrial Councils to the African workers (in the use of the Industrial Conciliation Act) can be briefly analysed as follows:-

- (a) To confine Africans to unskilled occupations, and in some instances to semi-skilled occupations.
- (b) In a number of instances to improve the skilled workers' wages at the expense of the unskilled worker.
- (c) To drive Africans from skilled work in trades or industries where Africans have become entrenched in such work.
- (d) A number of Councils have adopted a progressive attitude to African workers, but even in these instances the work of sympathetic European Trade Unionists has been hampered because the African has no direct representation.

Under the Industrial Conciliation Act Africans going on strike can be prosecuted, although they cannot



ask for a Conciliation Board. Although strikes are under certain circumstances legal to other groups of workers, strikes are always illegal for Africans.

THE WAGE ACT:

Even though this Act is more favourable to the African worker than the Industrial Conciliation Act, the African is still at a disadvantage. It does provide that African workers can ask for a Wage Board Enquiry, if the majority of workers sign a petition to the Minister or the Wage Board, and perhaps after two years struggling and battling a Wage Determination will be gazetted which may improve wages and conditions of work to some extent. But an agreement can supercede a determination, and it has happened that such agreements have been gazetted providing worse conditions for African workers and better conditions for skilled workers than laid down in a Wage Determination for the particular industry. Further a registered Trade Union does not have to collect members' signatures for a Wage Board Enquiry, and can nominate an additional member to the Board to look after its interests, whereas the African Trade Union cannot do so.

Neither African Trade Unions nor their members are consulted when employers apply for exemption from the provisions of the Wage Act, the Industrial Conciliation Act, the Factories Act and the Mines and Works Act.

Officials of African Trade Unions have no status either with the Department of Labour or Industrial Councils regarding their members' complaints, and are not allowed to be present when Inspectors or designated agents take statements from workers. Even though a Union may refer a case of contravention of a Wage Determination or Agreement, it cannot demand to be informed of (a) the results of the

investigation/.....



investigation (b) the reasons why the case may be rejected (c) or how arrears have been computed. The Department of Labour, in particular, categorically refuses to provide the information asked for by the Union, but only supplies it to the complainant who in many instances is not competent to argue his case with inspectors or officials. Then lastly the inefficiency and delay in attending to complaints in many instances lead to the worker's case being thrown out; or by the time the matter does come before the Magistrate the worker has disappeared, his witnesses have vanished and the employer again "gets away with it". Some cases of underpayment are dragged out to a year or more before being finally settled. It is alleged that Industrial Councils and Department of Labour officials compromise with employers on the amounts due to the workers if the former are prepared to settle out of court. The worker is not consulted.

As a result of delay, the Department of Labour has been able to pay thousands of pounds into the Consolidated Revenue Account, because workers for whom the money was collected can no longer be found. In fact it is alleged that it has become a deliberate policy of the Department to accentuate the delay, so that a larger proportion of arrears collected can go to the Consolidated Revenue Fund. If the worker does turn up later, he has to wait a further period of six months before the money can be reclaimed for him.

THE DEMAND FOR RECOGNITION:

At the Conference of African Trade Unions, held on 29th November, 1941, a resolution was unanimously passed demanding recognition of African Trade Unions on the same basis as other trade unions, and that the definition of "employee".....



"employee" in the Industrial Conciliation Act be changed.

The reasons why the African Trade Unions are so strongly demanding the above are:-

- (a) To have the right to bargain with their employers for their labour power.
- (b) To safeguard the wages and conditions which they may have obtained through Wage Determinations
- (c) To have the right to strike if negotiations have failed
- (d) To have a measure of say in the enforcing of agreements and Determinations
- (e) So that discrimination on racial grounds in industrial legislation should be done away with.
- (f) So that they can appoint an additional member to the Wage Board.

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