

E 76.1.4

SOUTH AFRICAN CONGRESS OF TRADE UNIONS

P R E S S S T A T E M E N T

SABOTAGE BILL.

The new Bill, proposed by the Minister of Justice, is a recognition of the devastating blows dealt the Government by the resistance to Apartheid. The Bill is a last ditch stand of the white supremacists. It subverts the rule of law, prohibits expression through the medium of the written word and restricts freedom of speech, assembly and association. It abrogates all civil liberties and transfers the power of the Courts of Law to the police. It involves the lives of the entire population and it affects all our institutions.

The penalties under this proposed law are unmistakably crimes against humanity and the perpetrators of these crimes will be called to account before the people.

The Nationalist Government has failed dismally in its stated aim of 'bleeding the African trade unions to death'. Now, under the pretext of dealing with saboteurs, the Minister of Justice brazenly plans to make all trade union activity illegal, with the possible exception of the handling of minor cases of dismissal, underpayment and other welfare matters. It attacks the fundamental rights of all workers, white and non-white, and of all trade unions, registered and unregistered.

In the proposed Bill it will be sabotage to do any of the following:

+ Further or encourage any political aim, including bringing about social or economic change.

This outlaws traditional methods of negotiating economic changes.

+ Cause substantial financial loss to anybody or the State.

This is naked intimidation of the workers whose traditional weapon is strike action to protect their living standards and conditions of work. Strike action invariably causes losses to individual employers, and, in State enterprises, to the State itself. All strike action (not only political strike action) will henceforth be sabotage.

+ Interrupt seriously the supply or distribution of light, power, fuel, water or sanitary, medical or fire extinguishing services.

Workers in these industries already suffer severe restrictions in their right to take strike action. This provision will ensure that they will have no method of improving their wages or conditions as a 'go-slow' or any other form of protest would be defined as sabotage. This is an open invitation to permanent exploitation.

+ Embarrass the administration of the State.

This provision is so nebulous that any trade union leaflet could be used as evidence of an attempt to embarrass the administration of the

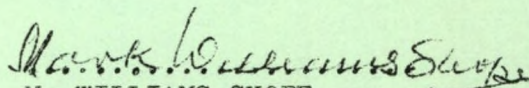
State.

The South African Congress of Trade Unions has already informed the major international trade union bodies of the proposed Bill and has asked for concrete measures to be taken against South Africa. It has also invited the Trade Union Council of South Africa to co-operate in opposing the Bill.

The South African Congress of trade unions states categorically that bans, banishments, deportations, imprisonment, fines, confining orders and mass arrests have not stopped the workers of South Africa from welding themselves into a powerful trade union movement. The threat of death by hanging, imprisonment without fine, house arrest and all the Nuremberg measures proposed in the new Bill will also not stop them. They have not been intimidated in the past and will not be intimidated now.

Time is on our side, not on the side of the Nationalist Government. World opinion is also on our side and as the result of these new and drastic measures, the Government will find to its cost that it has brought upon itself the anger of organised workers throughout the world.

The South African Congress of Trade Unions believes that the Government can be prevented from promulgating this bill if all democratic, moral, peace-loving people stand together in implacable opposition to it.


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General Secretary.

S.A. Congress of Trade Unions,
P.O. Box 17133, Hillbrow.

Johannesburg
South Africa.

15th May, 1962.

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SOUTH AFRICAN CONGRESS OF TRADE UNIONS

TO: ALL AFFILIATED TRADE UNIONS
ALL LOCAL COMMITTEES
ALL SHOP STEWARDS AND
FACTORY COMMITTEE MEMBERS

PRESS STATEMENT

THE T.U.C. OF S.A. AND THE SABOTAGE BILL

1. On Wednesday, 23rd May, 1962, a deputation representing the Trade Union Council of South Africa (T.U.C.S.A.) had an interview with the Minister of Justice concerning the provisions of the "Sabotage Bill" - (the General Law Amendment Bill). The deputation consisted of Mr. L.C. Scheepers, President of the T.U.C., Mr. T. O'Donoghue, its General Secretary, and Messrs. R. Budd, T.P. Murray, L.A. Petersen and F.C. Gallant.
2. After the interview with the Minister, Messrs. L.C. Scheepers and T. O'Donoghue gave a Press interview to the representative of 'Die Burger', whose report also appeared in 'Die Transvaler' of 24th May. Upon receiving the news of what transpired at the interview with the Minister, the South African Congress of Trade Unions (S.A.C.T.U.) accused the representatives of the T.U.C. of "selling the trade union movement down the river." This provoked Mr. O'Donoghue to accuse S.A.C.T.U. of "mudslinging" (Rand Daily Mail, 26/5/62). Moreover, on the 25th May, Mr. O'Donoghue issued a circular letter (no. 28/1962) in which he reported on the interview with the Minister.
3. In view of the allegation of "mudslinging" levelled against S.A.C.T.U., and, in particular, because of the startling disclosures made by the General Secretary of the T.U.C. in his circular, S.A.C.T.U. considers it its duty to elucidate its reasons for accusing the T.U.C. of betraying the interests of the trade union movement.
4. According to the Report in 'Die Transvaler' (24/5/62), the T.U.C. delegation was "completely satisfied" by the explanation of the Minister that the Bill "is not aimed against the trade unions." In view of this Mr. Scheepers is reported as saying that the "T.U.C. no longer has any objection against the Sabotage Bill and supports it wholeheartedly". Mr. Scheepers also said that the deputation "assured the Minister that it supports him one hundred per cent against any form of sabotage" (our emphasis). Mr. Scheepers added that the T.U.C. would not participate in "any demonstration or protest against the Bill". He said: "I have been invited to co-operate in protests but I rejected this invitation." In fact the T.U.C. has not participated in any protests, although asked to do so by S.A.C.T.U.
5. In his circular Mr. O'Donoghue donfirms that the T.U.C. "accepted the assurances of the Minister." Except for pointing out one minor inaccuracy in the press report, Mr. O'Donoghue does not deny the contents of the report.

However, according to a report in the Rand Daily Mail of 31/5/62, the T.U.C. has now denied that it supports the principle of the Bill, and without condemning the Bill, the T.U.C. merely explains that "the deputation did not discuss the general implications of the Bill with the Minister."

At the time S.A.C.T.U. made its original accusation against the T.U.C. this denial had not appeared, and S.A.C.T.U. therefore assumed the "Transvaler" report to be correct.

We are now glad to learn that this report was a distortion and we assume - although this is nowhere made clear by the T.U.C., that Messrs. Scheepers and O'Donoghue did not make the startling statements attributed to them.

However, there are a number of aspects of the interview with the Minister which still cause S.A.C.T.U. the gravest concern, and which fully justify our accusation that the T.U.C. has betrayed the trade union movement.

What were the assurances of the Minister which the T.U.C. deputation accepted?

6. According to the circular "the Minister was emphatic that the Bill will not interfere with the trade unions in any way." However, at the request of the T.U.C. and after discussions with the Minister of Labour, the Minister agreed "to consider" inserting a clause in the Bill excluding from certain of its provisions such trade unions as are registered in terms of the Industrial Conciliation Act, (i.e. of White, Indian and Coloured workers), as well as the officially recognised White railway unions.

No attempt whatsoever appears to have been made by the T.U.C. delegation:

- (a) to dispute the Minister's "assurance";
- (b) to protect the interests of African workers and trade unions;
- (c) to attack the principle of the Bill.

7. Prior to the interview with the Minister, S.A.C.T.U. placed the T.U.C. in possession of an analysis of the Bill prepared by Counsel which made it absolutely clear that the Bill would most seriously interfere with all trade unions, and would make a great variety of trade union activity and almost all militant trade unionism, illegal. This is quite apparent from the provisions of Clause 21 which plainly means that any worker who goes on an illegal strike whether contrary to the Native Labour (Settlement of Disputes) Act or the Industrial Conciliation Act, thereby - in the words of the clause - "endangers" any one or more of a number of matters such as "the health or safety of the public," "the maintenance of law and/or of sanitary, medical or fire extinguishing services" or "the free movement of any traffic .." or "any property .." Once this is proved by the State, the onus will be on the striker to prove that "objectively regarded" his offence was not likely or intended to "seriously prejudice any industry or undertaking" or to "cause substantial financial loss" to any person. The striker would also have to prove that his act was not likely or intended to result in eight other consequences named in the clause.

The T.U.C. deputation knows full well that it would be virtually impossible for a striker - whether white, coloured or African, to discharge the onus upon him.

The T.U.C. delegates refrained from rejecting the Minister's "assurances", which they must have realised were quite at variance with the actual provisions of the Bill.

8. The Minister agreed "to consider" excluding the registered unions from some of the provisions of the Bill. Which of the provisions they will escape is not stated, nor is it yet definite that they will be excluded at all.

Most significant is that at no stage of the interview did the T.U.C. representatives mention the African trade unions. Mr. O'Donoghue in fact went so far as to state in the Rand Daily Mail (26/5/62) that "the Minister might consider it impertinent had the T.U.C. raised the question of un-recognised trade unions." In his circular, Mr. O'Donoghue makes the most revealing confession of all - he discloses that after the interview the T.U.C. deputation saw Mr. Norman Eaton M.P. and discussed with him the position of the African Trade Unions. It was then agreed "that the Minister would again be approached by the T.U.C. to extend his provision in the Bill to embrace all African unions which were acceptable to the T.U.C."

This fantastic disclosure hardly deserves comment. However, we must point out that when the T.U.C. recently dropped the colour bar from its constitution, S.A.C.T.U. sincerely welcomed this move and decided to seek forms of co-operation with the T.U.C. But this view must now be modified in view of the grossly cynical attitude taken by the T.U.C. to the African workers. The T.U.C. dares to set itself up as the judge of what African unions are "acceptable" enough to escape the provisions of the nakedly fascist Bill. Not only has the T.U.C. betrayed the workers by "accepting" false assurances; it has gone one step further. It has indicated its preparedness to classify the African unions into those which are "acceptable" and so need not be persecuted, and those which the T.U.C. dislikes and so must face the onslaught of Vorster's Nazi laws. The T.U.C. is allying itself with a fascist Government in order to break the militant African trade unions and win over a few tame African "welfare" societies into its ranks.

9. Although Mr. O'Donoghue's circular states that the "general merits of the Bill were not discussed by the deputation with the Minister" the deputation accepted the Minister's word that the Bill did not reverse the ordinary legal procedure in relation to the onus of proving guilt, and that all he was trying to protect was not the Government of the day, but the State itself, as an institution.

We repeat - and this has been pointed out as well by legal bodies such as the General Bar Council - that once the State proves that the accused committed some unlawful act (such as trespass in order to put leaflets under the owner's door; or possession of a firearm without a licence; or an illegal strike) - the accused will then have to discharge the onus that he did not have the intent and that his offence was not likely to do any one of ten different things. As pointed out by the Bar Council, it will be virtually impossible to discharge this onus.

10. We repeat also that this measure has but one aim - which has been apparent to all shades of political opinion but not to the "workers'" leaders of the T.U.C., - namely, to uphold the foul policy of the Nationalist Government by brutal methods of fascist repression.

It is alarming that the T.U.C. at no stage attacked this aim, thus failing to uphold the vital liberties which should be the concern of every working class organisation. In fact, according to the Star of 4/6/62 the T.U.C. "did promise the Minister support for steps against sabotage, but did not go into the question of what sabotage is in giving this undertaking."

11. We call on all workers and genuine trade unionists inside and outside the T.U.C. to express their firmest disapproval of the weak-kneed attitude taken by the T.U.C. deputation. We call upon them to unite to fight apartheid and fascism.

Fascism shall not pass !

1st June, 1962.

Mark Williams-Sheps
General Secretary
Johannesburg.

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FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963

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