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The migrant in Europe

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FALSE analogies are often drawn between the migrant labour situation in South Africa and in the rest of the world, particularly migrant labour in Western Europe.

The reconstruction of post-war Europe created new labour problems. Many died during the war and many Europeans emigrated rather than face rebuilding new lives in the ashes of the past. The Marshall Plan with its redevelopment of the infrastructure of devastated Europe as a bastion against the Communist East together with the determination and know-how of the people resulted in the remarkably short space of two decades in the emergence of a vast new European industrial giant. The central and northern European countries because of acute labour shortages became immigrant countries.

West Germany for example, despite the influx of 13 000 000 East Germans, before the borders were sealed, found an acute shortage of labour in the unskilled, semi-skilled and service work forces. This was both because the industrial giant created upward mobility for the workers and because Germans themselves felt an increasing revulsion for jobs in the lower categories. Germany needed workers from the less industrialized Mediterranean basin — with its long tradition of under-employment, unemployment and rural poverty. Higher wages and the chance of acquiring a skill and subsidising their families at home attracted these workers and money held them.

France too, with its old tradition of using foreign workers in certain industries, such as coal mining, and a long colonial history, became an immigrant country as did Belgium, Holland, Switzerland and the Scandinavian countries.

Today every fifth child born in Germany has foreign parents, the euphemistically named Guest Workers. Ten per cent of the work force is foreign. This figure is expected to rise to 20% by the early 1980's. France has 3,7 million foreign workers and 80% of the economically active population of Switzerland is foreign.

New problems arise with the new workers, particularly in the area of housing. The notorious bidonvilles — the tar paper and corrugated iron slums of Nanterre in Paris, and all major French cities, the evil worker barracks of Amsterdam and the overcrowded tenements of German industrial towns evoked the disgust and wrath of all civilised people. The host countries are tackling the problems as rapidly as possible and every

attempt is being made to eliminate the slums. Germany, for example, is currently building 600 000 housing units per annum.

It is calculated that a short term migrant costs the host country \$10 000 in social investment. Depending on the country of origin figures vary for migrants accompanied by their wives and families. The social investment includes housing, health services and schooling for both children and adults. At least 13% of migrant workers in Germany have indicated their wish to live in Germany permanently and this of course will increase the social investment to cover old age and pensions. Germany is considering a policy by which after ten years of residence and a police clearance migrants would become citizens.

Initially migrants were afraid to voice their discontent about housing and discrimination. But they are becoming increasingly vocal as demonstrated by their participation in the May Day ceremonies last year in France, and the Trade Unions movement is recognising the necessity of incorporating these workers in the Union movement. Obviously in times of recession the foreign workers are the first to be laid off, but there is general acknowledgement that the host countries must offer social security benefits in exchange for their dependence on the foreign workers. Governments, the Churches and the Trades Union movement are considering these problems very seriously. Guaranteed minimum wages being offered in France and Switzerland show no pay discrimination.

Despite Switzerland's attempts in the early 1960's to decrease her dependence on foreign workers, conditions of those allowed in were liberalised. Between 1955 and 1964 the proportion of workers in Switzerland with 12 month permits who had been in the country for less than three years fell from 75% to 44% and the proportion of those who had been in the country for five years or more rose from 11% to 42%.

In general the host countries are admitting their dependence on foreign workers and accepting, after prodding by the Church and the Universities, that they have responsibilities to their immigrant population, and the problems are being resolved.

The South African scene can in no way be compared with the European scene. Other than the 12% of the work force which comes from outside South Africa to work mainly in the mines, the oscillating migrant of South Africa is not an

immigrant at all. He is a South African working in the land of his birth. But every second Black worker in South Africa is a "migrant" by definition but not in fact. He is not a Turk working in Germany because he wishes to do so. His "migrancy" is a result both of the natural urban drift of an emerging industrialised society and of the labour regulations which demand the compulsory registration for work of all Black men in the homelands who are over the age of 15. The registration and recruitment of labour is Government controlled. The South African "migrant" is not permitted to have his wife and family with

him in the area where he is employed. His position is not voluntary but subject to coercion. His mode of life is unacceptable, his chances of bettering himself remote and of establishing himself negligible.

In Northern Europe government responsibility for its foreign work force is acknowledged an investment made in its social security. In South Africa, responsibility extends only to the return of the work force to the Bantustans when no longer needed, and minimal investment is made in the social security of the South African Black worker.

Here are some statistics based on hundreds of questionnaires and thousands of interviews which clearly demonstrate how illegitimacy, desertion and disloyalty, all the direct result of the disruption of African family life, are associated with malnutrition.

- 60% of malnourished children are illegitimate.
- 80% (legitimate and illegitimate) have been deserted by their fathers, most of whom are working in the cities, but do not support their children.
- 10% have fathers who are sick, unemployed or dead; which leaves
- 10% who receive any sort of support from their fathers.

In contrast

- 80% of well nourished children are legitimate, all of whom are supported by their fathers.
- 50% illegitimate children who are well nourished are also supported by their fathers.
- 90% of well nourished children are maintained by their fathers.

A comparison of the guardianship of malnourished and well nourished children also vividly

illustrates the effect of the separation of family members.

Ninety-five per cent of well nourished children are being cared for by their mothers, the other 50% being cared for by their grandmothers and adequately supported by the parents of these children.

In contrast only 40% of malnourished children are in the care of their own mothers, and this number includes a high proportion of sick, defective, epileptic or mad women. Some are widows, or have been deserted by their menfolk with no resources to tap, but have chosen to stay with their children, rather than leave them at home while they go to the town to work for them, or are unable to find anybody who is willing to care for them. Indeed for many women, the hunger of their children is the end point, the signal, the precipitating factor, forcing them to leave them, no matter how unsuitable their available guardian, because the alternative is certain starvation. The 40% also includes a growing number of young unmarried girls who display "psychopathic" attitudes and behaviour towards their children, being affectionless, irresponsible and uncaring, lacking in "instincts", which is probably attributable to their own emotionally deprived infant and childhood experiences.

Dr. Trudi Thomas.

REGULATIONS

JEAN SINCLAIR

THESE REGULATIONS cover areas within the orbit of the Bantu Land Act, Trust Land and Homelands but exclude the Transkei and the area of jurisdiction of the Management Board of Sebokeng.

ESTABLISHMENT OF LABOUR BUREAUX

Labour Bureaux are to be established in the area of the Tribal Authority, the District Authority and the Territorial Authority and these bureaux shall have jurisdiction to the exclusion of any other labour bureaux.

POWERS AND FUNCTIONS.

Tribal Labour Officer:

(a) To endeavour to place workseekers in employment. (b) To collect and correlate data and to furnish information to District or Territorial Labour Officers or the Director of the Bantu Reference Bureau as to vacancies or availability of workseekers. (c) To ensure that no workseeker leaves his area for employment elsewhere except in accordance with regulations.

District Labour Officer:

Responsible for the efficient running of the tribal labour office — he has access to all records, books and accounts. He must keep the Territorial Officer informed of the number of workseekers and he shall receive requisitions for labour from the Territorial Authority and allocate them to the Tribal Labour Bureau. He collects fees and will keep the Director of the Bantu Reference Bureau informed of the movement of Bantu workers in his area. He will be responsible for the registration and placing in specific categories of employment of all Bantu who are physically and mentally fit. He will also organise seasonal workers.

Territorial Labour Officer:

Has jurisdiction over District and Tribal Labour Bureaux. He will also receive requisitions for labour and allocate them. He will also rehabilitate and place in employment any Africans removed from urban areas who have been convicted under Section 10 or 12 of the Urban Areas Act.

EMPLOYERS TO BE REGISTERED

All employers must register at Tribal Bureaux and must notify vacancies and engagements within 14 days; but registration of employees cannot

be refused regardless of whether the employer is registered or not.

The Tribal Officer is to keep a record of all employers and their employees.

REGISTRATION OF WORKSEEKERS.

Every Bantu domiciled in the area of a Tribal Labour Bureau who is unemployed but is dependent on employment for his livelihood shall within one month of these regulations coming into force or within one month of becoming unemployed, or within one month of attaining the age of 15, or of ceasing to be a full time pupil or student, have himself registered as a workseeker.

The Tribal Labour Officer must classify every workseeker in a particular category of employment, (if possible according to the wishes of the workseeker) — record the information and inform the Bantu of any vacancies and endeavour to place him in employment either in the territorial authority or in accordance with requisitions for labour received. If the Bantu cannot be placed in employment, he will be asked to call at the office on specified dates.

The following people will not have to register as workseekers:—

- (a) Those under 15 years of age.
- (b) A female unless she wishes to work.
- (c) men over 65 years of age.
- (d) those who are physically or mentally incapable in (in the opinion of the Tribal Labour Officer).
- (e) pupils or students.
- (f) Casual labourers or independent contractors.

CATEGORIES OF EMPLOYMENT.

- (1) Agriculture.
- (2) Mining and Quarrying.
- (3) Fishing.
- (5) Domestic servant.
- (6) Manufacturing.
- (7) Construction.
- (8) Wholesale and Retail trade.
- (9) Accommodation and catering services.
- (10) Transport.
- (11) Other private business services.
- (12) Semi-government Institutions.

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- (13) South African Railways and Harbours.
- (14) Local Authorities.
- (15) Government Departments and Provincial Administrations.
- (16) Open employment.
- (17) Unemployable.

EMPLOYMENT WITHIN BANTU AUTHORITY AREA.

Any person who employs a Bantu in the Bantu Areas, whether he is registered as a work seeker or not, shall, after entering into a contract within 14 days, record the fact in the Bantu's reference book of his (the employer's name and address and date of engagement and within 14 days notify the Tribal Labour Officer.

These provisions shall not apply to Bantu who are working temporarily for less than 14 days, or casual labourers, or to independent contractors, or to those who have been registered to the same employer, have a valid contract and are working temporarily in another area or who are attested for employment at the same labour bureau as the one in which he is employed.

ZONING OF EMPLOYMENT AREAS

The Director of Bantu Labour may zone areas in which Bantu workers may be made available except those recruited under licence and then those workers may work in these areas only.

REQUISITION FOR LABOUR

Requisition for labour may be forwarded to a Territorial Labour Officer who can enter and sign a written contract of employment with a Bantu as if he were authorised by the person who signed the requisition.

When he receives a requisition for labour the Territorial Officer shall enter it in a register and refer the requisitions to a District or a Tribal Labour Officer depending on the availability of workseekers.

A previous employer, approved by the Director of Bantu Labour can request permission to employ a previous employee.

RECRUITING OF LABOUR.

Workers can be recruited by a licensed agent even though the Bantu is not registered as a workseeker but then he must register at his Tribal Labour Office as a workseeker. He shall then be deemed to have been placed in employment by the Tribal Labour Bureau.

CONTRACTS OF EMPLOYMENT TO BE ATTESTED

A Bantu who accepts employment offered to him shall enter into a written contract and, unless exempted, make arrangements for remittance of part of his wages to dependents. A contract must be attested to by an attesting officer

before the man starts work. At the attestation of a contract of employment the employer may be represented by a Labour Officer, and a Recruiting Agent may be represented by an approved person with a special power of attorney.

Contracts under Regulation 8 above may be attested in terms of this regulation (12).

CIRCUMSTANCES WHEN A CONTRACT OF EMPLOYMENT SHALL NOT BE ATTESTED.

No contract shall be attested unless a contract is in proper form and fully completed and the Bantu has had the terms of the contract fully explained to him and he consents to work in the category of work offered to him; or if the contract is in contravention of any law or if the contract is for a period of more than 360 shifts or 270 shifts for a Bantu under 18 years of age; unless he has a reference book or document of identification; or if another contract is still valid; Bantu under the age of 16 and women must have the consent of a parent or guardian; or if he is to occupy accommodation (other than on a farm) which is not situated in a Bantu residential area or an approved area if he has not the permission to be in the area; and unless adequate arrangements have been made to transport him from his home to his place of work and to repatriate him at the termination of his contract; unless the officer is satisfied that adequate arrangements have been made by the Bantu for the refund of money advanced by his employer or for remittance of part of his wages to his dependents.

EXTENSION AND TERMINATION OF CONTRACTS OF EMPLOYMENT.

The Director of Bantu Labour may authorise a longer period of employment than 360 or 270 shifts provided that no contract shall be extended save after payment to the officer approving such extension as a credit to the labour bureau concerned of the appropriate fee. The provisions of regulations 7 and 8 of Chapter VI of the Bantu Labour Regulations, 1965 operate.

TRANSPORT OF WORKERS

The employer is responsible for paying for the transport of a worker to his home on the termination of the contract whether he recovers the money from the employee or not.

DISPOSAL OF CONTRACTS OF EMPLOYMENT.

After the attesting of a contract of employment, the labour officer shall send the original contract to the labour officer concerned, hand a copy to the employer or recruiting agent, send a copy to the Municipal Labour Officer where the contract is to be performed and retain a copy for the records.

ENDORSEMENT OF REFERENCE BOOK

The attesting officer shall forthwith (a) endorse

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the reference book or document of identification "permitted to proceed to _____ for the purpose of taking up employment (state category) with _____ under attested contract of employment"; and sign and date such endorsement over his designation.

LABOUR BUREAU RECORDS TO BE ANNOTATED.

On receipt of a contract of employment the Tribal Officer shall make appropriate entries on the record card of the Bantu registered as a workseeker.

MEDICAL EXAMINATION

If the employer or recruiting agent requires the Bantu to be medically examined a fee of 50c is payable by the employer if the Bantu is found to be fit. An attesting officer may, prior to attestation, order the Bantu to submit to vaccination. The employer is then not liable to pay the fee.

If the medical officer is satisfied that a Bantu is healthy and vaccinated he must endorse on an appropriate document, other than a reference book, but which may be the document of contract. If a Bantu requires to be vaccinated the medical officer must do so and endorse the said document.

No Bantu may enter into a contract in a category of employment for which he has been declared medically unfit, or if he is suffering from V.D. or T.B. or from any other illness dangerous to public health.

SEASONAL WORKERS

A Labour Officer shall organise teams of work-teams as labour units under a particular leader. The fee payable by an employer is to be paid in respect of the registered leader only. The leader is to be regarded as the employer of individual members of that team and members are to be registered in the name of the leader as contractor at the Tribal Labour Bureau.

IRREGULAR DEPARTURE FROM BANTU HOMELANDS

No Bantu may leave his homeland unless he is registered at a Tribal Labour Office and his contract has been attested. This does not apply to a Bantu proceeding to an attesting officer to have his contract attested.

DEPOTS

Depots for residence of workseekers are to be established in the area of a Regional Labour Bureau. The Regional Labour Officer is to be responsible for the supervision, conduct and control of depots. He may delegate his power to District and Tribal Officers or to a member of their staff.

The Regional Labour Officer is responsible for preserving law and order among inmates of

depots and offenders may be summarily ordered to leave.

LABOUR BUREAU FEES

A fee of R1 is to be paid by an employer in addition to any other fees payable for each Bantu at the time of attestation of the contract. Where the contract is extended for a period longer than 360 shifts a further R1 is to be paid by the employer to the Bantu Authority concerned for every period of 1 year or 360 shifts or part thereof. No contract can be attested unless the fee is paid. The fee is not recoverable from the worker.

Fees are payable for every Bantu in the Bantu areas including casual labourers and independent contractors. If a contract is terminated through no fault of the employer, other than death, after investigation by the Director of Bantu labour, the fee or pro rata part of the fee shall be refunded.

FUNCTIONS OF DIRECTOR OF BANTU LABOUR

To ensure the efficient functioning of labour bureaux under these regulations.

APPEAL TO TERRITORIAL LABOUR OFFICER

There can be an appeal to the Territorial Labour Officer by any person aggrieved by any decision of the District or Tribal Labour Officer. The appeal must be in writing in the form of an affidavit and must be lodged within 7 days.

The Tribal and/or District Labour Officer shall within 7 days furnish the Territorial Labour Officer with the reasons for the decisions.

OFFENCES

Any person who contravenes the regulations 5(1) (Registration of employers), 6(1) (Registration of workseekers), or 21 (Irregular departure from the Bantu Homelands) shall be guilty of an offence and subject to a fine of R25 or imprisonment not exceeding 14 days. Any fines to accrue to the revenue of the Tribal Authority.

These regulations are in addition to the regulations of 1965. If there is any inconsistency these regulations shall prevail.

6A list of guardians of mainourished children can be set out thus:

- 40% are in the care of their own mother, many of whom are unsuitable
- 25% are in the care of their grandmothers, some of whom are senile, sick or blind.
- 35% are cared for by an odd assortment of makeshift guardians — young children, sick fathers, and grandfathers, great aunts and great grandmothers, aunts and hired women.

Dr. Trudi Thomas.

The vital statistics

DR. FRANCIS WILSON has calculated that there are 1 305 000 migrant workers in registered employment in the Republic. If each man is conservatively estimated to have four people who are part of his close family unit, whether they be parents, siblings, children or wife, then six and a half million people are intimately and directly affected by the system.

Migrant workers may never have a house in the areas where they work nor may they ever bring their wives and children to live with them where they work.

J. A. Horner, in his paper "Black Pay and Productivity in South Africa" has this to say of migrant labour. "This is one of the pillars of our labour system, some 2 000 000 men being involved. In 1966, of the economically active one quarter million men in the Transkei, 85% worked outside the area. The Tomlinson Commission estimated that migrant workers spent, on average, 62% of their available productive time in employment; this would mean working for 22,6 years, retiring at 41 and spending 20 years of expected working life away from the labour market. Of a total of 1 140 000 man-years available annually only 480 000 were economically used. The impact on productivity speaks for itself."

Only 14% of the total land area of the Republic is set aside for the African people, that is for sixteen million people. The other 86% is for the six and a half million White, Coloured and Asian people. Muriel Horrell in "The African Homelands of South Africa" says: "The average density of the de facto population in the homelands in 1970 was 119 per square mile. In the rest of the Republic the average density of the White, Coloured, Asian and African people was 35 per square mile."

The migrant labour system and influx control are designed to enforce this inequitable distribution of our resources.

68% of our economically active population is African. The homelands are labour pools to supply the needs of White industry. The social distortion in the homeland communities caused by this fact may be gauged from the figures for Vendaland where the ratio of female to male between the ages of birth and 19 is 1:1 but between the ages of 20 to 54, that is the working years of a lifetime, the rate is 3,6 women to 1 man.

In the year 1970-1971 615 075 people were prosecuted for pass law offences, that is, an average of 1 685 per day. During 1973 138 000 people were referred to the 16 Government Aid Centres in the main urban areas. Of these 92 000 were returned to their homelands, 44 000 were subsequently not prosecuted and 1 600 were as-

sisted to find employment. Mrs. Helen Suzman said of these figures, "Although I know the aid centres were not meant to be employment bureaux, it seems to be a thoroughly unrewarding exercise just to return people to the homelands where they will not find work. They then repeat their journey to the cities and the whole inevitable cycle start all over again.

Professor Harry Seftel, professor of African medicine at the University of the Witwatersrand, says that hostel life and the migratory labour system is the major contributory cause of heart diseases among Witwatersrand Africans. Alcoholism and chronic malnutrition result from the unnatural living conditions to which migrant workers are subjected. 70% of male patients with idiopathic cardiomyopathy come from the hostels. He also says that venereal disease promiscuity and illegitimacy are rife. "These social evils are an indictment of the migratory labour system and hostel life. Both need to be demolished. People need to live in families. The great need is for better housing."

South Africa's prosperity depends on the labour of the African population. 565 100 Blacks are employed on our mines and of these 99% of the African workers must live as migrants without their families.

On 14th February, 1972, the Minister of Bantu Administration and Development gave the following figures for the number of workers registered in each category of labour during 1971:

Agriculture, etc.	382 390
Manufacturing	602 186
Mining (not affiliated mines)	129 853
Affiliated mines	518 161
Construction	301 924
Wholesale and retail trade	216 714
Financial institutions	22 259
Private transport	43 520
Accommodation and catering services	105 466
Other private businesses	52 495
Public corporations	46 311
S.A.R. & H.	96 642
Governments	119 264
Local authorities	126 372
Semi-government organisations	12 443
Domestic servants	606 153
Other	88 680

We use their labour and abuse their humanity.

According to Dr. Wilson only 12% of the Africans registered in employment in the Republic in 1969 were foreigners. The rest were South African citizens. 51% of our legally registered work force are oscillating migrants.

These are people, not labour units

MR. MKWANAZI has a wife and three children. He came to Johannesburg illegally and found himself a job but he cannot get permission to work in it. His employer is not allowed to make application for him by name. He must go on waiting at his labour bureau at home and hope to be recruited. Meanwhile his family has no income whatsoever.

MR. RADEBE is forced to work on contract because a previous employer transferred him from Johannesburg to Natal so he lost his right of residence. He is registered as a workseeker in KwaZulu but his wife and four children are lawful Johannesburg residents and he has no way of ensuring that he will ever again be offered employment in Johannesburg. Unless his wife gives up her rights and those of their children and asks for resettlement to his homeland (where there is no employment for her) they may never again be able to live together as a family unit.

MR. JANSEN has a driver's licence but, as he must work as a migrant, he could only get recruited to work as a labourer. He came to Johannesburg to an unknown employer on contract. He is very unhappy in his job and very dissatisfied with his wages but is tied to this employer for the year.

MR. MBAZI is an educated man who must work as a migrant. He was under the impression that the job he was recruited for was a skilled occupation but when he got to Johannesburg he found that his employer expected him to work as a labourer. He found another job that suited him but is tied by his contract. He also found that even if he managed to persuade his current em-

ployer to release him he would not be allowed to accept the better job.

MR. SONTEKWA has a wife and three children. He has worked for the same employer since 1966 and was hoping that he would qualify as 10(1)(b) in 1976 so that he could apply for a house. But he lost his reference book in 1972 and when he reported to the labour officer with the new book to have his registration stamped in it he was placed on one year contract. So now he will never qualify and never be able to rent a house in Soweto.

MR. KHEREBE waited at his labour bureau for three months without being offered any sort of employment at all. He has a wife and two children so he just came to the city to work illegally because he had to earn something somehow.

MR. MOSIA works on a farm. He has matriculated by correspondence but has been refused permission to leave farm labour to work anywhere else... He wants to enrol with the University of South Africa to work for a B.A. degree but wonders if the work and expense will be worthwhile if he is condemned to farm labour for the rest of his life.

MR. MANYAAPELO was born in Johannesburg but was resettled to BaphutaTswana with his parents as a child. He work in Johannesburg on annual contracts and is married to a woman who qualifies to remain in Johannesburg in terms of Section 10(1)(b). They have four children who are also legally resident in Johannesburg. He wants a house but because he can never qualify for permanent residence he will never be allowed family accommodation in Johannesburg.

Collection Number: AK2117

DELMAS TREASON TRIAL 1985 - 1989

PUBLISHER:

Publisher: **Historical Papers, University of the Witwatersrand**

Location: **Johannesburg**

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