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EMPLOYMENT AND THE ECONOMIC SITUATION.

by

Mr. D.J. Schultz

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CONFERENCE OF THE COLOURED COMMUNITY

held at the Rheinallt Jones Memorial Hall,  
Auden House, 68 de Korte Street, Braamfontein,  
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The Coloured People in Industry.

The first Coloured people who came to the Transvaal with the Voortrekkers did so as drivers and servants, but, with the beginning of gold mining on the Witwatersrand, Coloured artisans from the Cape were attracted to the Republic. The succeeding expansion in industry also provided openings for Coloureds, many of whom were employed, both in skilled and semi-skilled jobs, as carpenters, building workers, furniture makers and leather workers.

"The Volksraad, when enacting the Transvaal's first mining regulations in 1893, debated the wisdom of a colour bar. The issue was presented as a safety measure. Should blasting operations be reserved for Whites? Members of the Raad who favoured a restrictive clause argued that Africans (or 'kaffers' as they were called) could not be trusted with dynamite, or that they should not be given so much right by law. A minority held that various capable Africans were well acquainted with the use of explosives. One member thought that it was unreasonable to pay £5 a month to a White man for doing work that an African could do as efficiently for £2. A member of the Executive Council suggested that Africans with a certificate of competency should be allowed to do blasting. But the State Mining Engineer said that he for one had no confidence in the work of an African. The Volksraad finally adopted a clause that prohibited not only Africans but also Asians and Coloured from performing blasting operations.

"The mining regulations were amended in 1896. Blasting could now be done by anyone who held a blasting certificate, but only qualified White persons could be employed as banksmen and onsetters or to operate winding machines used for hoisting and lowering people. The Chamber of Mines and the Association of Mine Managers lodged objections to these restrictions. Many persons of colour, they said, were as competent as Whites for the posts of onsetters, banksmen and

engine drivers. New regulations issued in 1897, opened the occupations of onsetters and banksmen to all 'qualified' persons, but retained the ban on the issue of a machine-driver's certificate to 'coloured' people." (1)

"Though firmly established in the mining industry, racial discrimination did not figure in the Mines and Works Act of 1911. Nor did General Smuts - who as Minister of Mines piloted the Bill through Parliament - indicate that it was the Government's intention to apply a statutory colour bar. But this is what he actually did when administering the Act. He went beyond the powers given to him, and made regulations that gave Whites a monopoly, in effect, over 32 mining occupations. Another 19 were reserved for them by custom, opinion and trade union pressure. In fact, said Sir Ernest Oppenheimer in discussing the monopoly, 'it is secured by custom, and custom is far more powerful than any law'. But General Smuts thought fit to reinforce custom with law, firstly by confining certain kinds of work to Whites and, secondly, by prohibiting the issue of certificates of competency to any person of colour in the Transvaal and Orange Free State. A certificate obtained by a non-White in Natal or the Cape, would not be valid outside the province in which it had been issued.

"A substantial number of Coloured miners lost their jobs because of the regulations, as can be seen from the terms of a petition presented to the House of Assembly on April 7, 1914, by A. Jacobs and 1,623 other residents of the Transvaal, asking for the removal of the colour bar from the Mines, Works and Machinery Regulations. A summary of the petition follows.

"Under the Regulations, coloured persons are placed under serious disability solely on the ground of colour and without reference to competence or ability.

"Your Petitioners are prevented from earning their living by following their trades as carpenters, engine drivers and other occupations. In this respect your Petitioners humbly refer in particular to the regulation denying certificates

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(1) Job Reservation and the Trade Unions, by Ray Alexander and H.J. Simons, Chapter 1, page 3, para. 4 & 5.

of competency to coloured in the Transvaal and Orange Free State, and further to the definition of banksmen, ganger and onsetter.

"Your Petitioners are denied blasting certificates, even though they may have had such certificates in the Cape Province.

"Wherefore your Petitioners earnestly pray that the word 'White' should be replaced by the word 'competent' and that the colour bar should be removed wherever it has been introduced in the Regulations.

"Parliament turned a deaf ear to the petitioners. But the Transvaal Supreme Court ruled in 1923 - after the White miners had defended their monopoly with armed force - that the discriminating regulations were invalid. Two years later the Nationalist-Labour (Pact) Government, representing mainly White farmers and workers, amended the Act so as to restore the barriers. Though Smuts and his party opposed parts of the amendment, they could not disown responsibility for the illegitimate regulations of 1911. South African Party, Nationalists, Labour Party - all had helped to erect the colour bar in mines and works." (1)

The development and expansion of the industrial life of the Coloured people, however, did not occur to any great extent until after the first World War, beginning with the Otto Shirt Factory in Diagonal Street employing Coloured workers. Thereafter Coloured workers were sought after by industrialists and, particularly in the clothing, footwear, leather, tobacco and furniture industries. A high percentage of Coloured workers were employed. When, in 1918, the first Trades Union was formed in the furniture industry, membership was confined to Whites but from 1926 Coloured members were also enrolled.

The Coloured industrial workers made rapid progress, quickly acquiring new skills and adapting easily to mechanisation. In the garment industry Coloured women were rapidly raised to supervisory positions, and were in great demand as workers in clothing factories. Similarly in the leather and furniture industries and in the building trade. The skill and initiative shown by the Coloured man put him in great demand. In other branches of industry and in commerce he also proved his worth. The Coloured workers have taken full advantage

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(1) Job Reservation and the Trade Unions, by Ray Alexander and H.J. Simons, Chapter 1, page 4, para. 4 and page 5, end of para.1.

of the openings offered to them.

Side by side with the progress made by the Coloured people, we should consider the industrial legislation of the country which either does, or did not, actually discriminate against the Coloured worker in the job itself.

The Industrial Conciliation Act allows Coloureds to appoint Industrial Councils.

The Factories Act provides for certain safeguards for all workers.

The Apprenticeship Act allows Coloured youths to be apprentices in the Furniture industry. This is the only industry which has an apprenticeship committee which caters for Coloureds.

#### Job Reservation

The greatest blow to the Coloured workers has been the introduction of Job Reservation.

"The Industrial Conciliation Act of 1956 sets up an industrial tribunal.... The tribunal consists of five members (all of them Whites) appointed by the Minister. Its functions include the hearing of appeals from the industrial registrar and acting as a compulsory arbitrator; but its main work is to operate the system of job reservation.

"In terms of the original wording the Minister could set the tribunal in motion whenever it appeared to him 'that measures should be taken in order to safeguard the economic welfare of employees of any race in any undertaking, industry, trade or occupation'. He would then instruct the tribunal to carry out an investigation and report whether or not job reservation was desirable.

"When making its inquiries the tribunal considers the views submitted by interested parties, and consults the industrial councils, employers and trade unions concerned.....

"The tribunal may recommend that work of any kind covered by its investigation should be reserved for persons of a specified race, and that no one else should be allowed to do such work. On receiving the recommendation the Minister may, if he thinks it expedient to do so, give legal effect to the tribunal's proposals. They then become binding on employers and employees, even though one or both of these parties may have objected to the determination. According to the original wording of the Act, however, a determination imposing job

reservation would not come into force without the consent of an industrial council in any industry or occupation covered by an industrial council agreement.

"The Act came into force on January 1st, 1957. On January 2nd, the Minister instructed the tribunal to investigate the clothing industry, because, he explained in the official notice, 'it appears to me that measures should be taken in order to safeguard the economic welfare of European employees' in the industry.....

"Investigations have been ordered in the following industries or occupations:

- "1. clothing industry in the Union of South Africa (G.N. 25 of Jan. 24, 1957);
- "2. road passenger transport industry in the magisterial districts of the Cape, Wynberg, Simonstown and Bellville (G.N. 199 of Feb. 8, 1957);
- "3. motor transport driving section of the cleansing department of the municipal undertaking of the City Council of Durban (G.N. 1042 of July 12, 1957);
- "4. that section of the iron, steel, engineering and metallurgical industries in the Union of South Africa concerned with the manufacture of window and door metal surrounds (G.N. 1040 of July 12, 1957);
- "5. traffic police, fire brigade, and ambulance departments of the municipal undertaking of the City of Cape Town (G.N. 1466 of Sept. 20, 1957);
- "6. that section of the iron, steel, engineering and metallurgical industries in the Union of South Africa concerned with the manufacture of refrigerators, electric stoves, electric geysers, hollow-ware and metal kitchen furniture (G.N. 1253 of Aug. 29, 1958);
- "7. building industry in the Orange Free State and Transvaal (G.N. 423 of June 27, 1958);
- "8. lift attendants in the municipal areas of Johannesburg, Pretoria and Bloemfontein (G.N. 469 of July 18, 1958);
- "9. tea, coffee and chicory industry in the municipal area of Pretoria (G.N. 316 of May 9, 1958);
- "10. occupations of White employees engaged in welding (including brazing, arc and/or gas cutting), painting (including polishing, staining, varnishing and/or veneering) and crane driving, in the iron, steel, engineering and metallurgical industry (G.N. 1050 of July 10, 1959);

- "11. the extent to which employees in the clothing industry (excluding clerical employees and unskilled labourers) should be protected against inter-racial competition (G.N. 1028 of July 3, 1959);
- "12. white employees in motor transport driving in specified industries and trades (cement products, meat, mineral water, quarrying, brick manufacturing, sale and delivery of sand, stonecrushing, transportation of goods) in the districts of Odendaalsrus, Ventersburg, Virginia and Welkom (G.N. 1029 of July 3, 1959).

"The terms of the tribunal's reports have not been made known in all these cases, but determinations have actually been made and published for the following industries and undertakings:

- "1. clothing industry: the work of machinists, supervisors, cutters or choppers-out, and table-hands was reserved for Whites (G.N. 1656 of Oct. 25, 1957); (see \* )
- "2. Durban's municipal cleansing department: the work of driving motor transport vehicles was reserved for Whites for a period of five years (G.N. 724 of May 23, 1958); (now in force);
- "3. iron, steel, engineering and metallurgical industries: fifteen kinds of work have been reserved for Whites in the manufacture of metal surrounds (G.N. 1066 of July 25, 1958); (came into force 2/6/59);
- "4. Cape Town's municipal undertakings; the jobs of traffic policemen above the rank of constables, firemen, ambulance drivers and attendants have been reserved for Whites; while no further non-White traffic constables may be employed (G.N. 1659 of Nov. 7, 1958); (now in force);
- "5. operation of passenger lifts in Bloemfontein, Johannesburg and Pretoria: reserved for Whites except for lifts used only for conveying Coloured and Africans (G.N. 979 of June 26, 1959); (came into force 4/1/60);
- (6. Building Industry - reservations for Whites only in many branches (G.N. of Sept. 18, 1959), in force from 18.3.60;
7. Engineering Industry - (manufacture of domestic appliances made of metal) (G.N. 1771 of Oct. 30, 1959) to be put into effect 30.4.60)

"The tribunal recommended that 84 per cent. of the jobs of bus driver and bus conductor under the City Tramway Company should be

reserved for Whites in the Cape Peninsula. The Minister made no determination in this case because of a supreme court judgment that set aside the determination for the clothing industry.

"No jobs have been reserved for Coloured, Indians or Africans...

"In so far as one can judge from public statements, all Coloured, Indians and Africans think that job reservation discriminates against them. Employers' organisations have generally denounced it as being disruptive of industry and prejudicial to economic growth. In the two instances in which a determination conflicted with an industrial council's agreement, the council refused to give its consent. The employers' association for the metal and engineering trades advised the council that:

'in the opinion of the manufacturing interests of the association, the whole system of job reservation in industry is repugnant, and accordingly these interests are not prepared to accept, during the currency of a negotiated agreement, a superimposed job reservation provision.'

"All the industrial councils in the clothing trade withheld their consent. Coloured, and African garment workers employed in occupations that had been reserved for Whites in the Transvaal, Port Elizabeth and Kimberley stayed away from work in November 1957, to demonstrate that the factories could not operate without them. The industry came to a standstill in these areas. The unions took the industrial tribunal to court. \*The Cape Provincial Division of the Supreme Court set aside the determination on the ground that the tribunal had misconceived its powers and had therefore not properly applied its mind to the problem of reservation of work.

"The Minister lost no time in asking Parliament to remove these obstacles to job reservation....

The inference is that most workers and employers object to job reservation. This being so, the Minister decided to abolish home rule in industry, for 'to give the industrial councils a right to veto government policy or the law of the country is intolerable'. What he meant was the councils had used rights given to them by an Act of Parliament to thwart his will. This he found 'intolerable'. Parliament accordingly amended the Industrial Conciliation Act in 1959....



"Another amendment relates to the Minister's directions to the tribunal. In the original Act, he was supposed to instruct it to make an investigation only if he thought that action was needed to 'safeguard the welfare of employees of any race'. Under the amended version, he is free to instruct the tribunal whenever he likes.

"This amendment, said Mr. de Klerk, was 'the crux of the matter'...

"He wanted to stop Whites from leaving certain occupation to get better wages elsewhere or to avoid 'undesirable contact' with Coloured and Indians doing the same kind of work. Certain types of employment should be preserved for Whites in the event of their wanting to go back to them in the future. He therefore demanded freedom of action even when the White workers' 'economic welfare' was not being threatened. What is more, he wanted to 'reopen avenues of employment which have already become almost completely lost to the Whites'.

"There are jobs so hard, unpleasant and badly-paid that few Whites would want them. In these Africans, Coloured and Indians can feel reasonably secure. For the rest, their right to work will depend on the Minister's whims. If he decides that work of a certain kind should be undertaken by Whites, he can take steps to have it reserved even though no Whites are actually employed in the occupation.

"Another amendment was introduced to forestall actions of the kind brought by the Garment Workers Unions against the determination for the clothing industry. The effect of the amendment seems to be that the tribunal can now recommend job reservation on any basis. If the tribunal so recommends, the Minister may prohibit the replacement of White employees by Coloured, Indians and Africans; prohibit the employment of a smaller percentage of Whites than that employed at a given date; require the employment of a specified minimum, maximum or average number or percentage of Whites, Coloured or Africans on prescribed kinds of work; and, generally, allocate jobs to workers of different colour groups 'on such other basis as the tribunal may deem advisable'." (1)

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(1) Job Reservation and the Trade Unions, by Ray Alexander and H.J. Simons, Chapter 5, p. 19, 20 and 21.

In spite of the enforcement of job reservation in certain occupations, many Whites are unemployed. There is an economic recession in this country affecting Whites and non-Whites alike. Amongst Coloureds unemployment is particularly bad in the clothing and leather industries.

Conclusion.

The Coloured people, like all others, have a great interest in the development of South Africa, economically and spiritually. History has proved that they are both competent and willing to play their part in the economic life of the country. Their progress in the industrial field has been gravely hindered by the policy of job reservation which hangs like a shadow over all Coloured workers.

In the past the Coloured people have not made great inroads into the commercial world. It is regrettable that one does not see in their community established factory and business owners. The indication that future policy will include the granting of loans to Coloured business men to operate in their own areas, offers possible hope to some, but will perforce have little effect on the people as a whole.

Where is the Coloured man to look for security in the future?

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