



# FOSATU WORKER NEWS

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**SPECIAL  
EDITION**

## FOSATU SETS CONDITIONS FOR REGISTRATION

FOSATU has decided that it will test the new law strongly and directly. We stand by certain principles that have been fought for by workers. To test if the new law accepts or rejects these principles we will seek:

1. REGISTRATION FOR UNIONS THAT ARE NON-RACIAL IN THEIR MEMBERSHIP AND EXECUTIVES.
2. REGISTRATION THAT IS FINAL REGISTRATION AS GRANTED TO PRESENT REGISTERED UNIONS. WE WILL REFUSE PROVISIONAL REGISTRATION.
3. REGISTRATION FOR OUR EXISTING BROAD BASED INDUSTRIAL UNIONS AND NOT SMALLER DIVIDED UNIONS.

We stand for the right of workers irrespective of race or creed to join the union of their choice. We are against Government interference and control of trade unions. Therefore we cannot accept registration if the law will continue to be used to divide workers and control their organisations.

By submitting applications setting out conditions for registration based on our strong beliefs we have taken a clear stand. Now it is for the -

MINISTER OF MANPOWER UTILISATION to show everyone whether this new law will be used to divide and control workers or whether it is a real step forward in the struggle for freedom of association and against racism.

EMPLOYERS to decide whether they will negotiate with non-racial unions or whether they will continue to hide behind racism and apartheid. Also let us ask employers if they would be happy if their Registrar could interfere in their companies without giving reasons.

WORKERS to show that they will continue to struggle for their rights and not be confused by the "parallel" unions who now with the help of employers and government have found the courage to organise African workers.

UNITY IS STRENGTH

## WORKERS BEWARE

After long years of struggle there has been a change in the law. We know that this change is not yet enough. But for those who have not struggled it seems to be good enough and they are racing to organise African workers. Can these unions help workers and grow strong? Workers ask yourself the following questions about these unions.

WHERE WERE THEY DURING ALL THESE YEARS THAT WE STRUGGLED AGAINST EMPLOYERS AND THE GOVERNMENT?

WHY WERE THEY SO SCARED OF THE MINISTER OF LABOUR THAT THEY FORCED AFRICAN UNIONS OUT OF TUCSA?

WHY DID THEY NOT ASSIST OUR UNIONS WHEN THEY STARTED?

WHY WERE THEY SILENT WHEN OUR OFFICIALS WERE BANNED?

WHAT KIND OF UNION NEEDS THE HELP AND SUPPORT OF EMPLOYERS TO ORGANISE WORKERS?

WHO STARTED THESE UNIONS - WAS IT WORKERS OR WAS IT THE OFFICIALS OF REGISTERED UNIONS AND THE EMPLOYERS?

Workers! Do not be confused. These unions cannot answer these questions, they are opportunists who will never be able to fight against the employers who have helped create them.

## UNIONS TAKE A JOINT STAND

The FOSATU Central Committee decided in September to seek a joint stand with other trade unions on the new law. At a meeting on 3rd November in Johannesburg the 14 FOSATU unions met the African Food and Canning Workers' Union, the Food and Canning Workers Union and the Western Province General Workers Union.

Unfortunately members of the Consultative Council of Black Trade Unions did not attend the meeting.

The unions at this important meeting all agreed that we should not follow the example of the majority of registered unions and sacrifice our principles. They agreed that we could not accept registration that was not on the basis of the three important conditions which are the same as the FOSATU conditions for registration set out in the article above. FOSATU unions will test these principles when they submit applications based on them.

### FOSATU CENTRAL COMMITTEE STATEMENT

So as to avoid any confusion the full statement adopted by the FOSATU Central Committee on the 3rd November 1979 is reprinted on the back page.

# FOSATU CENTRAL COMMITTEE STATEMENT ON THE AMENDED INDUSTRIAL CONCILIATION ACT

## WHAT HAVE WE BEEN STRUGGLING FOR

There is no doubt that it is the years of struggle by workers and their representative organisations that has led to the changes in the legislation. However the acceptability of these changes depends on what we have been struggling for.

Our struggle has been for the right to freedom of association as set out in the internationally accepted I.L.O. Charters and to build an effective and powerful labour movement. Our struggle has not been to achieve registration as an end in itself.

We have struggled to eliminate the legislatively enforced racial divisions in the labour movement that have weakened it and made it largely ineffectual.

We have struggled to limit State interference in labour relations to a minimum. The powers of the State and its officials must be minimal, clearly defined in law, open to question and with a guaranteed right of appeal by affected parties to the independent judiciary.

We have struggled for the fundamental principle of worker control of their own independent trade unions through free elections in their factories.

We have struggled to establish broadly based industrial unions on a national basis so as to escape the fragmented, craft based divisions that characterise the weak registered union movement.

## HAVE WE WON OUR STRUGGLE?

Both the Amended Legislation and the unprincipled actions of the majority of the registered trade unions must cause us to answer NO to this question.

## THE LEGISLATION:

1. Retains racial restrictions on membership and racially segregated executives in the case of mixed unions.
2. Retains restrictions on the right to registered union membership.
3. Introduce new areas of Ministerial discretion and powers of exemption.
4. Introduces new areas of discretion to the Registrar in the form of pro-

visional registration where in addition he need give no reasons for his actions.

5. Introduces a National Manpower Commission with wide powers of investigation and recommendation but no legislatively established guidelines as to the procedures of investigation.
6. Introduces an Industrial Court that will adjudicate on disputes of right and of interest and in addition will establish its own rules of conduct. The Industrial Court cannot replace the independent judiciary and the normal courts.

## THE ACTIONS OF THE MAJORITY OF REGISTERED UNIONS:

The Principles outlined above have been fought for with valour and at great cost to the labour movement throughout the world.

Regretably here in South Africa the leadership of the great majority of the registered trade unions seems incapable of taking any stand on principle. The majority of this leadership have shown that their actions are governed by expediency.

Unfortunately it would appear that in general only those registered unions adopting a misguided racist stand have shown themselves prepared to defend principles.

Since the decision on the amendment to the Industrial Conciliation Act in 1956, the registered trade union movement, with a few heroic exceptions, have done very little to organise African workers. On the contrary they have expelled African unions from their ranks after Ministerial threats, and in the 1970's generally adopted a hostile stand toward the independent unregistered unions.

Now these registered unions are falling over themselves to form new unions for African workers without a single word of criticism for the substantial shortcomings that remain in the legislation. Furthermore, these unions are receiving employer backing and support in a well planned offensive against the existing independent unregistered unions. We do not hold all members

of these unions or all registered unions to account for these actions. We are confident that there are those who will still act with integrity and in the best interests of workers. However, we despair of most of their leaders ever taking any principled action.

## SHOULD WE REGISTER?

In considering our joint course of action in the present situation we have been strongly influenced by the unprincipled actions of the majority of the existing registered unions and the support they are receiving from employers and potentially the State.

We believe that we would be sacrificing the best interest of all workers if we were to surrender our present role as a representative voice of integrity and allow the voice of expediency to dominate.

However, it would be pointless to seek registration in order to maintain our position but in doing so to sacrifice the principles set out above.

We therefore resolve that:

1. We will act as F.O.S.A.-T.U. and that a registration group will be set up to co-ordinate the actions of our unions in seeking registration on the following basis:
  - a. It is of paramount importance that non-racial unions will be registered with no racial divisions in their executive structure.
  - b. Provisional registration will not be accepted; we want final registration as presently embodied in the Act.
  - c. That the spirit of registration will be such that it is designed to acknowledge existing unregistered unions and not eliminate them.
  - d. Registration will be for broadly based industrial unions and will not be used to fragment and localise existing organisations.
2. Whether registered or unregistered we will strive to eliminate all restrictions on Union membership other than those prescribed by union constitutions and all areas of unnecessary State discretion and control.

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