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DRAFT FOR A PAMPHLET ON THE NATIVE LABOUR ACT:

(Title to be decided).

WHAT IS APARTHEID ABOUT?

Deep down, all politics in South Africa are concerned mainly with one question: "What is the future of the African worker?". The "Native policies" of political parties such as the United Party, the Nationalists, the Liberals, are only expressions of opinion about how the labour of the African workers can be used to the best advantage of capitalists in South Africa. Against this, the policies of the working-class political movement, and of the national liberation movements, are concerned with winning for the people the right to decide for themselves how to use their own labour.

Because the Nationalist Party is in power, its "expression of opinion" on the matter has become law. So we have the different laws bringing about "apartheid". The policy of apartheid has only one meaning and one purpose: to keep the African worker as a cheap source of labour. All the "great theories (worked out only after the cry of apartheid had won the election in 1948) about development of their own areas, and so on, are but a screen to hide the truth. The truth is that all apartheid laws aim at preventing the African worker from uniting against, or escaping from his exploitation as cheap labour.

Thus "Bantu Authorities", ethnic grouping and the revival of tribalism aim at dividing the African workers and people against themselves. Bantu education is "education for slavery", the prevention of the spread of knowledge that would lead to a demand for an end to cheap and forced labour. Group areas and "separate amenities" are aimed at creating hostility between races to prevent people of different races from uniting for a free and democratic South Africa. The great number of laws which make us a police state are there to frighten us into taking things as they are, not to protest, not to struggle for freedom.

Apartheid is the greatest enemy to progress and happiness in our country. To the African worker it is the barrier to his future, to a fuller and more free and prosperous life. That is why the African worker must lead the way in uniting all people, of all races and language groups, and of different political views, who oppose apartheid in any respect.

THE NATIVE LABOUR ACT IS APARTHEID IN WAGES:

The Native Labour (Settlement of Disputes) Act is apartheid applied to the African worker at his work. It is apartheid as it directly affects his wages and his working conditions, and the way in which such wages and working conditions can be made better or can be made worse.

The Act can be divided into two parts: the one part lays down how the government can fix wages and working conditions for African workers: The other part forbids the African worker to do certain things: it forbids him to belong to the same trade unions as workers of other races, to strike, to take part in an organised way in deciding what their wages and conditions of work shall be.

We shall see which of these two parts the Government Labour Department has applied the most.

"A VERY CUMBOUS AND ELABORATE MECHANISM".

When the Native Labour Act was debated in Parliament, a United Party Member of Parliament said:

"Will this Bill make for a greater measure of industrial peace? I doubt it. This is a very elaborate and cumbrous mechanism... The African has got a little tired of the ingenuity of the White man. He asks for hope

Bewysstuk No.

Gekry by *A. Mahlangu*

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Deur: *A. Mahlangu*

Tot: *63 Progress St.*

Datum: *1948*

and we give him clockwork. He asks for faith and we give him red tape....."

Briefly, this machinery, this "elaborate and cumbersome mechanism" for deciding wages and working conditions of African workers, is as follows: It starts with the Labour Officer: If this European civil servant finds a dispute, or believes that one will take place, he reports to:

- a) the Labour Department,
- b) The Regional Committee and
- c) the Industrial Council (if there is one for that industry).

Regional Committees consist of the Native Labour Officer as Chairman, and at least three African members (all appointed by the Minister of Labour).

If all these bodies are unable to settle the dispute, they will refer it to the Central Native Labour Board. This Board consists of Europeans appointed by the Minister of Labour after consultation with Regional Committees.

If the dispute is still not settled, the Central Board refers it to the Minister of Labour. If the Board recommends it, the Minister will ask the Wage Board to investigate the dispute and to make recommendations to him. The Minister may turn these recommendations into orders. And these orders have the force of law and are presumed to settle the dispute.

While requests to the Wage Board to investigate a dispute must be notified in the Gazette, the Board need only consult "such persons or bodies...as in its opinion ought to be consulted".

BUT THIS MECHANISM PROVES NOTHING:

The Nationalists pretend to the world that this part of the Act is an example of that political fraud, "positive apartheid". It is supposed to help the African workers to improve conditions and settle disputes without the benefits of trade unions and collective bargaining.

What is the truth?

After the Act has been in operation for two years, only one order has been made!

This lone effort relates to the Dairy Trade in Johannesburg. But ever since 1945, wages in this trade have been fixed by means of arbitration awards in terms of War Measure No. 145. We would therefore, have had such an award even if the Act had not been passed.

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We know of two other instances in which the Act was applied. That of the Durban dockers is well known. It will be remembered that after threats of force and eviction from their quarters, these workers accepted an employer's offer. Afterwards, when the offer was put into effect, the workers said the employer's interpretation of it was not what had been put to them and what they had agreed to. The workers believed that they had been tricked into going back to work. Yet this instance was called a triumph for the machinery established under the Act.

In the dairy trade in Durban, the Natal Dairy Workers' Union started to organise the African workers in the trade. When the employers got to know of this they quickly assembled a few of the boss-boys as spokesmen for the workers. The Native Labour officials were then called in and an agreement was made giving the workers an increase of a few shillings a month. They were then told how good their bosses were and that they must not join the Union.

Clearly, this machinery produces nothing and goes nowhere. It is useless to the workers as a means of getting higher wages and better working conditions. And the so-called "positive part of the Act is a dead letter.

TRADE UNIONS - THE ONLY WAY:

But prices of food and clothes are going up. Because the Government has said that Africans must not be "subsidised", rents and train and bus fares are going up. All "Bantu education" school books must be bought. The cost of living of the African worker has greatly increased in the past few years. Workers are therefore demanding higher wages. How can they win wage increases for themselves?

Only by organising themselves and their fellow-workers into strong trade unions, and by means of unity through trade unions.

AFRICAN TRADE UNIONS ARE LAWFUL:

We often get reports of policemen, or bosses, or even Government officials, saying that it is against the law for African workers to belong to trade unions. THIS IS A LIE!

There is in the Native Labour Act not one word about African trade unions being illegal. In fact, Schoeman, when he introduced the Act in Parliament said: "We do not prohibit Native trade unions. Consequently, the question of freedom of association does not arise. They will still have the right to associate; they will have the right to form their own trade unions. We do

prohibit it."

HOW TRADE UNIONS WIN HIGHER WAGES:

The boss is one man, or perhaps he represents a few partners or directors or shareholders of a company. If he wants anything from the workers, he simply tells them about it. What if the workers want something from the boss? They must also meet and elect spokesmen to tell him what they want. But things happen at our work places all the time. So our meeting, or association, and our spokesmen need to be there all the time, and become a permanent organisation or union. Also one factory in one industry in which there are also other factories will not agree to higher wages unless the other factories also pay the higher wages. So the workers of the whole industry must belong to the Union.

By speaking to the boss, or the bosses association, 99 out of every 100 disputes are solved by discussion in a peaceful manner and often to the benefit of the workers.

What about the one case in a hundred where a settlement by means of discussion and negotiation is not possible.

THE MEANING OF A STRIKE:

What do you do when you work for wages? You are in fact selling a part of your life, your strength, your labour power, for an agreed price. You say, I will do so much work, and for this you will pay me so much.

Now suppose you are buying a shirt, the shopkeeper says, I want 30/-. You say that you will pay 27/6. The shopkeeper refuses to sell. He is within his rights. You can go to another shop.

Strikes take place when you refuse to sell your labour unless the "buyer" your boss, agrees to certain conditions.

This is how Mr. Leo Lovell, the Labour M.P. told what a strike is in Parliament.

"....The right to strike is the final sanction which workers have to fight against exploitation, to enforce their demands; that is what the right to strike is. It means the right not to be a slave. That is all that striking means...."

Because this Act does not allow to African workers the right "not to be a slave" it has become known as the "Slave Labour Act".

THE LEGAL DEFINITION OF A STRIKE:

But what a strike is in fact, and what the law says a strike is, are two different things.

In law, there is a strike, whenever workers, by agreement or understanding, among themselves:

- a) refuse, or fail to continue working: or
- b) work slower or prevent work being done: or
- c) refuse to restart work or accept ~~re~~-employment: or
- d) /^{all}give notice at the same time,

because they have demanded that their boss should, or should not, do something, which he has refused to comply with and if they do these things because they want to force him to agree with them.

It will be seen therefore that almost all stoppages of work by workers to enforce their demands are strikes. And strikes are unlawful. But not all stoppages of work are strikes. If your boss is changing conditions, for example, you are not obliged to accept those changed conditions. In several cases the Courts have found workers involved in stoppages of work to be "not guilty" of striking.

WHAT TO DO WHEN THERE IS A WORK STOPPAGE:

Only a fool or a liar will pretend that our industrial life can carry on without disputes and stoppages of work. All sorts of people, even bank clerks and doctors, have been known to strike.

Mr. Alex Hepple, the Leader of the Labour Party, speaking in Parliament, said ".....I am very keen to know how Native workers in any factory, especially where they have no trade unions, will be able to convey to the Native Labour Officer or the inspector, whoever the responsible party may be, that they are having a dispute with their employers. It is easy enough for the employer because he has his staff and he has education and he merely picks up the telephone and rings up the Department of Labour and says: Send out an inspector: I am having trouble with the natives at my factory".

This is exactly what happens whenever there is a stoppage of work. The boss phones the Labour Department (and the Police) and says "...there is trouble. Come out".

THIS IS WHAT WORKERS MUST DO:

- (a) They must immediately contact their trade union officer (or the nearest office of S.A.C.T.U.) to tell them that there is a dispute and ask them to send somebody out.

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- (b) If a trade union official is coming, tell the police and the Labour Inspector that you wish your Union to be represented at any discussions and that you want to wait till they arrive.
- (c) When the trade union official is there, they must insist on seeing him privately before starting discussions with the officials and the bosses.

If there is danger of a police baton charge, or other police action, it may be better for the workers to disperse and arrange to meet at some other place rather than to wait to be attacked. In this way they can then consider the situation calmly and if necessary call for advice.

PROSECUTIONS FOR STRIKING:

When it comes to fixing wages, we have seen that the Native Labour Act is not much used. When it comes to prosecuting workers for striking, the Act is very much used indeed. As the months have passed, it has in fact become clear that the main purpose of the Act has been to bring to Court workers who have "used their right not to be slaves".

If you are being charged for taking part in a strike, your first duty is to arrange with your own trade union, or with any workers' organisation that you know, or any progressive organisation, such as the Congresses, to assist with your defence. Get a suitable lawyer. Draw in workers in other places to raise money, and interest them in your case.

This is why there is today a new reason for workers to belong to their Trade Unions; any day, unexpectedly, without wanting to, a strike may be forced on you - because your boss does something so bad that you cannot accept it without losing your manhood. In that case your Trade Union will be aware of the law and will be able to defend you.

NEVER PLEAD GUILTY:

Whatever happens, never plead guilty when you are charged with striking. The law on this question is complicated. You must be proved guilty. That is a matter for the Court to decide, not for you, not for your boss, not for the Labour Department, not for the police.

FACTORY COMMITTEES:

Workers' spokesmen, or shop-stewards in each factory are the basis of trade union organisation. In bigger factories these shop-stewards will meet together and will form a factory committee. Shop stewards are elected by the workers, and they answer to the workers and the workers alone.

To make this oppressive law seem democratic, the Government accepted a Labour Party amendment to allow official factory committees. Have nothing to do with them. If you allow yourselves to have an "official" factory committee, you take part in your own oppression. When you ask your boss to recognise your factory committee, make it clear that yours is a democratic committee and not a Slave Labour Act Committee.

SEND SLAVE LABOUR OFFICIALS HOME:

Slave labour Act officials may come to your factories. They will say: You cannot have Trade Unions". THIS IS A LIE! They will say "We will speak for you". THAT IS A LIE!

Ask them: Where have you made things better for workers.

Ask them: How many workers have been fined and jailed under your law - and how many bosses?

Tell them "you are a man. We are men. You go home and look after your family. We will look after ours".

FREE WORKERS IN A FREE COUNTRY:

The Strydom Government, like some evil Samson, is trying to pull down over our heads the ideal of a South African Nationhood. Men of all races are opposed to him and his kind. The workers' true place is at the head of all men who seek a free South Africa for all to live in.

Not the African workers but the Government (and all who aid and abet them) seek strife and dispute. The African workers seek peace, harmony and prosperity, for only then will they themselves come into their own rights, only then will security and plenty come to them and their families.

This ideal of a new and different South Africa the people have written in simple words in a great document: The Freedom Charter.

In struggling against the Slave Labour Act, all good men are with us, and we are with them too. In struggling against the Slave Labour Act we are for freedom as expressed by the will of the people in the Charter.

THE TYRANTS WILL BE DEFEATED. FREEDOM WILL COME.
AND THE WORKING CLASS WILL TAKE ITS RIGHTFUL PLACE
AS THE LEADERS OF THE NATION. AS EACH OF US DOES
HIS DUTY, SO DOES THAT DAY COME SOONER.

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TREASON TRIAL, 1956 1961

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