

A TRADE UNION GUIDE FOR SOUTH AFRICAN WORKERS



BY

ALEX HEPPLÉ, M.P.

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The African Worker in South Africa (1955)



MR. ALEX HEPPLÉ, M.P.

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*“Come, shoulder to shoulder, ere the world grows older!
Help lies in nought but thee and me.”*

(WILLIAM MORRIS)



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PUBLISHER'S NOTE

It is a pleasure and a privilege for the S.A. Congress of Trade Unions to publish this "Trade Union Guide for South African Workers", written by Mr. Alex Hepple, M.P. As leader of the Labour Party in Parliament, Mr. Hepple has waged many a doughty battle on behalf of workers and voteless Non-Whites.

He has made a deep study of the industrial laws of the country and the history of the trade union movement. What he has to say on these and other matters in this booklet will, we are sure, prove extremely interesting and rewarding to all trade unionists and workers, and it is our earnest wish that this publication will find its way into the hands of many workers of all races, and that they will deeply ponder its lessons.

The S.A. Congress of Trade Unions is the only trade union co-ordinating body in our country which welcomes workers' organisations freely into its ranks, irrespective of the race or colour of their members. S.A.C.T.U., unlike other co-ordinating bodies, does not restrict affiliation to unions which have secured "official" recognition and registration. Such registration, as Mr. Hepple points out, is automatically denied to unions which include members of the majority section of workers — the Africans.

We of the Congress of Trade Unions believe that the hopes of the working people for fair wages and conditions and for a full share in the affairs of the country depend not upon the favours of a capitalist government, nor upon the goodwill of the employers, but upon the unity, determination and class-consciousness of the workers themselves. As a contribution towards this end we welcome Mr. Hepple's "Trade Union Guide for South African Workers".

The contents of this booklet first appeared in serial form in the Southern Sotho language in "Workers' Unity", S.A.C.T.U.'s monthly newspaper.

L. MASSINA.

Secretary—S.A. Congress of Trade Unions.

INTRODUCTION.

Those who wish to understand South Africa's labour laws must first of all understand the policy of apartheid or White supremacy. This policy is given many names, such as "White Leadership", "Segregation", "Separation", "Separate Development", "Christian-Trusteeship", "Blanke Heerskappy" or "Baasskap". In practice, all these things mean the same and describe the policy of excluding Africans from the benefits of a free society and applying to them special, discriminatory laws.

The burden of such laws falls with particular severity upon urban Africans, who work in the homes, offices, shops and factories of the White man. The basis of South Africa's "Native Laws", such as the Natives (Urban Areas) Act, Native Labour Regulation Act and the Native Labour (Settlement of Disputes) Act, is that Africans have no right to be in the urban areas, and are allowed there only to serve the needs of the White population. This policy was recently expressed by Mr. M. C. de Wet Nel, M.P., a leading member of the Nationalist Party and a member of the Native Affairs' Commission. Addressing the Nasionale Jeugbond on the 5th September, 1955, he said:—

*"There will always be thousands of Bantu on the Whites' farms, in the mines, in industry and also as servants in the Whites' homes. The difference, however, will be that the Natives will be there, not as a right, but at the bidding and by the grace of the Whites. At best, they will be visitors in the White area."*¹

This is the political philosophy that inspires all legislation affecting African workers. It explains why special labour and other laws are made to apply to Africans. It explains why African workers are strictly controlled through Labour Bureaux and why their freedom of movement is severely limited. It explains why Africans are excluded from the Industrial Conciliation Act and the rights of collective bargaining, and prohibited by law from becoming members of trade unions registered under that Act.

At present it is mainly the Africans who are feeling the hardships caused by the laws that impose the policy of apartheid. In the long run, however, all workers will suffer. Slowly but surely the Government is finding itself compelled to interfere with the rights and freedoms of all sections in its endeavours to make this policy work. White, Coloured and Indian workers are beginning to realise that the trade union movement is slipping rapidly downhill because of racial division imposed by law. The problems which are arising every day for workers of all

¹ See also Dr. H. F. Verwoerd (p. 21).

racism cannot be satisfactorily solved, because there is a lack of co-operation and workers' solidarity.

The growth of trade unionism in South Africa is being retarded by racialism. Colour prejudice engenders such suspicion, fear and hostility that African workers, who are trying to organise trade unions, are having an agonising struggle.

Those in authority behave as though the extension of democratic labour practices to African workers would result in upheaval and revolution. They cannot or will not see that a sound trade union movement is democracy's greatest hope in Africa. Trade unionism has become an essential part of orderly society and South Africa is taking a grave risk in stubbornly resisting its spread to Africans.

In their own interests, White workers and employers should encourage African workers to become good trade unionists. The major effort, however, must come from the Africans themselves.

African workers have an important job to do in preparing the foundations for racial unity in South Africa. They have the power to build a strong trade union movement, if they make the effort.

At present, White and Coloured workers are in the fortunate position of belonging to trade unions which are recognised by law. But they are only a minority of all workers. The Africans are the majority. More Africans are employed in industry and commerce than all other races together.

Unfortunately, African trade unions have no legal status. On the contrary, they are looked upon with disfavour by the Government and even considered to be subversive. But this should not discourage Africans from getting on with the urgent job of building their trade unions and striving for workers' unity.

African trade unions are not illegal, and African workers should take courage from the experiences of other workers, in other countries, and in other times. Today the British trade unions have more than 8,000,000 members and their federation, the T.U.C., wields enormous power in the economic and political affairs of Britain. That was not always so. There was a time when British workers were far worse off than are African workers today. That was some 150 years ago, at the time of the Industrial revolution.

Peasants were being forced off the land and they flocked to the towns to work in the factories, just as Africans, because of the Head Tax, the poverty of the Reserves, and the need for

their labour in industry, have left home to work in the towns and cities of the Union.

In England, towards the end of the 18th Century, factories were springing up everywhere, just as they have been doing here in South Africa since the end of the last war.

The feudal system of lords and serfs was being steadily eliminated by industrial development and the new lords and masters were the factory bosses. There were no laws to check their gross exploitation of their employees, whom they treated abominably. Men, women and children slaved from twelve to eighteen hours a day in ill-lighted, congested and fume-ridden factories, for starvation wages. There was no Factory Act, Wage Act, or Workmen's Compensation. Most of the miners were serfs, and even their womenfolk had to haul coal trucks underground, like pit ponies. Children, some only four years old, toiled in the textile mills, kept awake by the foreman's whips.

There were no trade unions. Workers were prohibited by law from combining or organising to fight for better conditions. The penalty was imprisonment, flogging, branding or transportation. Parliament was for the rich only. The workers had no vote; they were considered unfitted for the franchise. Even the bravest reformer shrank from suggesting that the vote be given to the mass of unwashed, illiterate, uneducated workers who slaved in the mines and factories of Britain. Such a proposal would have been considered nothing short of treason, just as some consider the Freedom Charter in South Africa today.

Africans can learn from the history and experience of other workers in other lands. The successes of organised workers in the major countries of the world should give them encouragement.

There is a hard but exciting task ahead. The organising of trade unions and the welding of workers' solidarity in the common struggle for a decent life, for economic security and for social justice, are inspiring labours which will bring breathtaking rewards.

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CHAPTER ONE

HISTORY AND BACKGROUND OF AFRICAN TRADE UNIONS

The first attempt to organise African workers in trade unions was made in 1919, when the Industrial and Commercial Workers' Union (ICU) was formed. It was a general union, open to Africans in any kind of employment, and soon had a large membership, estimated at one time to have been as high as 100,000.

For reasons which I shall not examine here, the ICU did not fulfil its original promise. Because of its size, the diversity of its interests, and its lack of trained trade union organisers, the ICU was unable to function as an efficient trade union or satisfy the needs of all its members. This Union lasted about 10 years and was a milestone in South African trade union history. Its chief importance was that it gave Africans their first experience in workers' unity.

At the time when the ICU came into existence the White trade unions were engaged in their own struggles for higher wages and decent conditions. These struggles with the Gold Mining Companies, private employers and the Government had been going on for a long time. Big strikes of White workers had taken place in the mines, railways and industry in 1907, 1911, 1913 and 1914. In the 1914 strike, soldiers were used against the strikers, some of whom were shot down in the streets of Johannesburg. Nine labour leaders were seized by the Government, put on a ship at Durban, and deported without trial to England.

The 1922 Strike

The leading unions of those days were craft unions, for skilled workers who had served apprenticeships. They did not try to extend trade unionism to African workers, who were their unskilled assistants. Of course, some White trade unionists saw the need to organise all workers, although they took no steps to do so. As far back at 1902, at the Annual Conference of the S.A. Typographical Union, Mr. W. H. Sampson (who many years later became Minister of Labour in the Nationalist—Labour Coalition Government) proposed "*that a subsidiary union of Natives be formed*".

In 1922 the worst strike in the history of South Africa took place on the Rand. It involved White Workers only and ended

in open revolt, with many people being killed and wounded. The chief cause of this strike was an attempt by the Chamber of Mines to employ Africans in jobs, previously held by White miners, at lower rates of pay. The slogan of the strikers was "Unite and Fight for a White South Africa", but this did not mean that they were anti-African. The White workers were afraid that the bread would be taken out of their mouths by those who were willing to work for lower wages. They were afraid that once the Chamber of Mines was allowed to cut wages in this way, they would extend the practice to all jobs and so reduce the standard of the White worker, without raising the standard of the African. In reality it was a struggle to prevent the exploitation of one group of workers at the expense of another. The mining employers were anxious to take advantage of inexperienced and innocent Africans by getting them to do another man's job for less money, exactly what happened this year with the dock workers at Port Elizabeth, when the Government brought in tribal men from the Transkei to take over the jobs of the African dockers who had refused to work overtime unless their wages were increased.

The White workers lost the Strike of 1922, but they were able to hit back at the Smuts Government of that time, which had been responsible for their defeat. Two years later, in the Parliamentary elections of 1924, the party of the workers (the Labour Party) made a pact with the Nationalist Party and so defeated the party of the bosses. This was a good example of democracy at work, showing how workers, if they have the vote, are able to get rid of a Government which treats them badly.

Three Labour Laws

The 1922 strike had another result. It produced three important labour laws. First, the Industrial Conciliation Act, to provide for collective bargaining and for the peaceful negotiation and settlement of disputes between workers and their employers. Second, an amendment to the Mines and Works Act of 1911, to reimpose the colour bar in the mines, and reserve certain mining jobs for Whites only, (this law was the mother of Section 77 of the Industrial Conciliation Act of 1956, which gives the Government the power to reserve employment in any trade, industry or occupation on a racial basis.)

The third law was the Wage Act, which is the most important of the three, as far as African workers are concerned. This law was amended three times, until radically changed this year and re-enacted as Act. No. 5 of 1957.

Because they are excluded from the Industrial Conciliation Act, Africans must rely upon the Wage Act for protection against exploitation, and as a means to improve their wage standards. I shall explain these three laws in a later chapter..

African Trade Unions

During the years when the Industrial Conciliation Act and the Wage Act were born the ICU was showing signs of losing its appeal. There was no other trade union activity among Africans until 1926 and 1927 when the Communist Party embarked upon an intensive campaign to organise African workers in industry. Unions were formed in the Laundry, Baking, Clothing and Furniture industries, and by 1928 the Non-European Trade Union Federation had been established. This development stirred the South African Trade Union Congress (which, although it had no colour bar, was composed almost entirely of White unions), to recognise the need of closer association with African workers. Accordingly, it recommended to its affiliated unions in 1929, *"the enrolment of all employees in their respective unions, irrespective of race or colour . . . or, alternatively, that a policy of parallel branches in the unions be adopted"*.

A story of those days, which has special interest at the present time, concerns the ICU. By 1927 the Government had become very worried at the activities of the ICU and its friends and therefore brought a Bill before Parliament to amend the Native Administration Act, giving itself wide powers to deal with the "agitators", as they called the leaders of the ICU. The Labour members in the Labour-Nationalist Pact Government were unhappy about this Bill and several of them (including Mr. Arthur Barlow, who has now become a strong supporter of this kind of law) stood up in Parliament and stoutly defended the ICU and its leader Mr. Clements Kadalie. They succeeded in getting the Cabinet to take out one of the bad clauses. The following year, Mr. Walter Madeley, Minister of Posts and Telegraphs, agreed to meet a deputation from the ICU to discuss the wages and conditions of 60 African workers in the Post Office. This made General Hertzog, the Prime Minister angry, because he wanted no dealings with the ICU. His attitude was like that of the present Government, which also dislikes meeting deputations from the African people. Although the Prime Minister ordered Mr. Madeley not to meet the delegation, he did so, and was immediately told to resign from the Cabinet. This he refused to do, so General Hertzog dissolved the Cabinet and formed a new Cabinet, without Mr. Madeley.

The Struggle for Recognition

The development of African trade unions proceeded slowly from 1929 onwards, but was stimulated after the outbreak of World War II. Several strikes of African workers, which emphasised the lack of official channels of communication between the strikers and the authorities, awakened the Government to the need for some form of recognition.

In 1939, the Trades and Labour Council, successor to the Trades Union Congress, had urged the Government, by way of

Communism Act in 1950, many trade union leaders and officials were ordered by the Minister of Justice to resign from the unions which they had served faithfully for many years. Conservative and right-wing unions began to break away and they were followed by most of the "middle of the road" unions.

At this stage the Government saw its chance to drive home its advantage, and produced its amended Industrial Conciliation Bill, to enforce apartheid in the unions. The majority of unions declared their opposition to this Bill and in 1954 an all-in Conference was held in an endeavour to re-unite the unions in one powerful federation. This was unsuccessful. All that happened was a reshuffle of affiliations, to the disadvantage of the African trade unions.

The Trades and Labour Council went out of existence and a new Trade Union federation took its place. This was the South African Trade Union Council. It specifically excluded African trade unions and unions whose membership was open to Africans, but its Constitution provided for the establishment of a liaison committee with "the Council of Non-European Trade Unions or any such other Co-ordinating body of African trade unions".

Birth of SACTU

After the majority of registered trade unions came together and formed the South African Trade Union Council, the African trade unions were left isolated. This brought about the birth of the South African Congress of Trade Unions, which opened its doors to all trade unions irrespective of race or colour. It absorbed the old Council of Non-European Trade Unions. SACTU came into being at a Conference held in Johannesburg in March 1955, attended by 35 unions with a membership of 41,643.

SACTU, at its first Annual Conference held in Cape Town in March 1956, adopted an important policy statement, which declared:—

"The South African Congress of Trade Unions is conscious of the fact that the organising of the mass of the workers for higher wages, better conditions of life and labour and the successful struggle for them is inextricably bound up with a determined struggle for political rights and for liberation from all oppressive laws and practices It follows that a mere struggle for the economic rights of the workers without participation in the general struggle for political emancipation would condemn the Trade Union Movement to uselessness and to a betrayal of the interest of the workers.

"It is for this reason that the S.A. Congress of Trade Unions allies itself without reservation with the struggle for the Freedom Charter, the great united struggle of the

people of South Africa for a new basic constitution, which will guarantee equal rights to all people in South Africa."

The organisational work of SACTU is severely handicapped by lack of funds and personnel, aggravated by the many discriminatory laws which hamper the movements of African workers and restrict their activities. The banning, this year, of the leaders of SACTU under the Riotous Assemblies Act and the Suppression of Communism Act (even though they cannot be listed as Communists) has been a further hardship imposed upon this organisation. Several of SACTU's leaders are also among those who are now being tried on charges of treason.

Unity Is Strength

It is not surprising therefore, that the building of African trade unions has progressed very slowly. While this state of affairs continues, conditions will remain bad and wages low. The only way workers can improve their lot is by joining together in strong, well organised trade unions.

"What is a trade union?" "What can it do for me?", ask some workers. These are not new questions. They have been asked at some time or another by every worker in the world. Many workers cannot answer these questions, nor do they worry about them. The trade union movement in South Africa is generally weak because of the apathy of workers of all races. They belong to their trade union only if they have to. They are like thirsty men who refuse to drink the water that is offered to them.

Every worker should belong to a trade union. He should also be an active member of his union. Most of all, he should learn what trade unions are for, what they can do for him and his fellow workers, and how they must be run. The basic principle of trade unionism is workers' unity or solidarity. To be successful, a trade union must demonstrate through the unity and loyalty of its members that "an injury to one is an injury to all". Loyalty must not be confined to a worker's own union only; it must extend to fellow workers in other trades and in other countries.

"Every Worker A Trade Unionist"

By having strong, well organised trade unions, workers are able to raise their standards of living. If the employees are not properly organised, or if their trade unions are weak, the employers will take no notice of them. The democratic trade union movement believes in peaceful discussion and negotiation with employers. It seeks economic justice and the civilised ways of settling differences and remedying grievances. The main task of the unions is to protect the interests of their members. To succeed, they must speak from strength, that is, unity.

Seventy years ago, Tom Mann, the President of the British Dockers' Union told his fellow trade unionists:—

"There is no divinely ordained reason, no natural reason, why any man, woman or child need be short of food or clothing, or the necessities of human existence . . . the work of us trade unionists at the present time is to get the workers so effectively organised that we can insist on the necessary changes taking place."

"Organise and Educate" was the slogan of those days when there was the same necessity to build strong trade unions. It should be a slogan of our unions today, coupled with another — "Every worker a trade unionist!"

CHAPTER TWO

LABOUR LAWS

There are many good reasons why every worker should be a trade unionist. One is that, by combining together in trade unions, workers are able to obtain expert assistance which they could not afford otherwise.

For a small weekly or monthly subscription to a trade union, a worker can achieve much more than if he acts on his own, struggling to reason with his employer and to understand the law. The trade union represents the collective strength of many workers and therefore offers greater hope of success than many individuals acting separately in their own interests. In a properly run trade union office, there are officials who study the law and keep a constant watch over the interests of their members.

There are many laws affecting workers and their employment. The number of such laws increases every year. Most of these laws are very complicated and workers often suffer because they do not know their rights. By belonging to trade unions, workers are able to have trained and experienced people to advise them as to their rights and to help them to get higher wages and better working conditions.

"Labour Laws" or "Industrial Laws" are those which relate to employment, the payment of wages and the conditions of work in shops, offices and factories. The following are some of the Labour Laws of which trade unions must have a good understanding.

The Factories Act (Act. No. 22 of 1941)

This Act provides for the registration and control of factories, the regulation of hours of work and conditions of employment in factories, the supervision of the use of machinery, precautions against accidents, and similar matters.

The sections of this Act which refer to hours of work, sick leave, holidays and the payment of wages do not apply to workers who are protected by other Wage Regulating Measures (i.e. by Industrial Council Agreements, Conciliation Board agreements, Wage Determinations or Wage Awards).

The Shops and Offices Act (Act. No. 41 of 1939)

This Act applies to shops of all kinds, including wholesale houses, auction marts, markets, restaurants, tea-rooms and eating houses.

The regulation of the hours and the days during which shops may remain open for business falls under the authority of the Provincial Councils. The working hours and conditions of employment of workers in shops and offices are regulated under the Shops and Offices Act.

As in the case of the Factories Act, the provisions of those sections of this Act relating to hours of work, annual and sick leave, etc., are not applicable to employees covered by any Wage Regulating measure.

The Mines and Works Act (Act. No. 27 of 1956)

The Mines and Works Act controls conditions of work and safety in mining and allied operations and is in ways similar to the Factories Act. The original Mines and Works Act was passed in 1911. It was used to prohibit Africans from doing skilled work in the mines and therefore became known as the "Colour Bar Act". It specifically excludes Africans from engine driving, blasting, surveying and other occupations. The present law is mainly a consolidation of the old law and its various amendments.

The Wage Act (Act. No. 5 of 1957)

The first Wage Act was passed in 1918. It was considerably changed in 1925, amended on four occasions and finally replaced by Act No. 5 of 1957.

The purpose of the Act is to provide machinery for the fixing of wages and conditions of employment of unorganised workers and others not able to use the Industrial Conciliation Act (which see below). As Africans are denied registration under the Industrial Conciliation Act, they must depend almost entirely upon the Wage Act for protection against unscrupulous employers. The Wage Act does not cover farm workers, domestic servants and State employees. Farm workers and domestic servants are completely at the mercy of their employers, for there is no law to protect them against exploitation.

The Wage Act lays down the procedures to be followed in investigating the wages and conditions of work in any trade. The Minister of Labour has wide powers to order investigations and has the final say as to whether the recommendations of the Wage Board are to be enforced. If he chooses, the Minister may take no notice of the Board's recommendations, as he did in the case of the Unskilled Workers of the Witwatersrand in 1948.

In one respect the Wage Act affords valuable protection to African workers who belong to trade unions. This law makes it a criminal offence for an employer to discharge a worker, or demote him, or punish him in any way because he belongs to a

organised African workers. The Act provides that should a dispute arise, a Native Labour Officer (White) must report accordingly to an Inspector (White), who in turn informs a Regional Committee (comprising a White Chairman and three African members — all appointed by the Minister). If an Industrial Council, established in terms of the Industrial Conciliation Act, exists in the industry concerned, the Regional Committee must report the dispute to that Council. Between them, all the foregoing persons and committees must endeavour to settle the dispute. If they fail, they must refer the matter to the Native Labour Board (comprising a Chairman and as many members as the Minister may decide to appoint — all White) which body will bring everyone, except the workers, together, in order to seek a basis of settlement. If this further effort fails, the matter goes to the Minister of Labour who, if the Board recommends it, may request the Wage Board to investigate and make recommendations. After this long and involved procedure, the Minister will finally publish an order declaring the terms of the settlement, which is binding upon employers and employees.

Strikes are totally prohibited and punishable by a fine of up to £500 or three years' imprisonment, or both fine and imprisonment. Despite this, the number of strikes of African workers steadily increases. In 1954 there were 33 strikes, in 1955 there were 72 and in 1956 there were 92.

The Apprenticeship Act (Act No. 37 of 1944)

This law governs the registration and training of apprentices in skilled trades. It provides for the establishment of Apprenticeship Committees in each industry. On the recommendations of these committees, the Minister of Labour lays down the conditions of apprenticeship, including minimum age, educational qualifications, period of apprenticeship, technical classes to be attended, rates of pay, maximum hours of work, etc.

The majority of apprentices are trained in five industries, viz. Building, Engineering, Motor, Mining and Printing, which together accommodate about 90 per cent of all apprentices. In May 1956 there were 33,040 White and 3,213 Coloured apprentices in the Union.

Although the law does not exclude Africans from apprenticeships, they are denied that right by an established practice in all trades, whereby employers do not sign contracts of apprenticeship with Africans.

The Training of Artisans Act (Act No. 38 of 1951)

This law was passed when South Africa was suffering an acute shortage of skilled artisans. In an effort to avoid the entry of Africans into the field of higher skills, the Government first tried to attract artisans from overseas. The response fell far short of the need, so it was decided to create more skilled artisans by providing a short cut to qualification by reducing the

period of training. The Training of Artisans Act was intended to be an apprenticeship scheme for adults but with a more lenient and shorter training course.

Despite its seeming attractiveness to those seeking an easy way of becoming skilled artisans, the scheme has not been a success. At the end of 1956 (five years after the commencement of the Act) only 190 persons had achieved artisan status.

The Native Building Workers Act (Act No. 27 of 1951)

This Act has two purposes. The first is to provide for the registration and training of Africans as building workers and the regulation of their wages and working conditions; the second is to protect White and Coloured building artisans against competition from these lower-paid African building workers by prohibiting the latter from working in "White" areas.

The Act commenced in 1951 and by the end of 1956, a total of 1,205 Africans had obtained the status of "Native Building Workers", while another 1,072 were in the course of training.

The wages paid to African building workers are about one-third of those normally paid in the trade. A White or Coloured artisan in the building industry earns upwards of £15 per week of 42 hours, while a "Native building worker" earns not more than £5 per week of 45 hours.

The Workmens' Compensation Act (Act No. 30 of 1941)

This is a State-controlled accident insurance scheme, under which employers of labour are compelled to insure their employees against accident and industrial diseases. Workers who are injured at work or who contract industrial diseases arising from their work, are entitled to receive medical expenses and compensation on scales defined in the Act.

The Pneumoconiosis Act (Act No. 57 of 1956)

This is a law to provide for the payment of compensation to workers who contract phthisis and other diseases during the course of their employment in the mines.

The first Phthisis Act came into force in 1912. Since 1910 many Commissions and Select Committees have investigated the phthisis question and the law has been changed many times, often too late to help the unfortunate miners who lived and died in agony as a result of lung diseases contracted while working underground.

The present Act was passed as a result of the findings of the Oosthuizen Commission in 1955, and has several improvements on the old law, although the rate of compensation for both White and Non-White workers is still low. The Oosthuizen Commission stated that of 1,120 African ex-mineworkers examined in 1949-50, more than 66 per cent had one or other compensable disease.

The Unemployment Insurance Act (Act No. 53 of 1946)

As its name implies, this is an Act to insure workers against unemployment. On the basis of their earnings, employees pay a weekly contribution to the Unemployment Insurance Fund. Employers must also pay to the Fund in respect of each employee. When out of work, employees are entitled to receive a weekly cash benefit, subject to certain conditions.

Originally, all workers were covered by this law, but soon after coming into power, the Nationalist Government excluded the majority of Africans. Only those Africans earning more than £5-3-3 per week can belong to the Unemployment Insurance Fund and draw benefits when out of work.

CHAPTER THREE

OTHER LAWS

In addition to the Labour Laws described in the previous Chapter, there are many other laws which concern workers. Africans particularly, are affected in their employment by many laws which are not "Labour Laws". Chief of these are the Native Labour Regulation Act, the Natives (Urban Areas) Act and the Natives (Abolition of Passes and Co-ordination of Documents) Act.

It is impossible for an African to obtain employment or remain in a job unless he complies with the many requirements of these laws. He is not free to sell his labour in the best market, as is the White worker. The following is a brief description of these three laws:

The Native Labour Regulation Act (Act No. 15 of 1911)

This law, first passed in 1911, was designed to control the recruitment and the conditions of service of African labourers in the mines. It contains many penal offences and regulations, for the rigid control of young tribal Africans recruited in the Reserves and brought to work underground in the mines, under fixed contracts. These workers are housed in strictly supervised compounds and therefore easily subjected to the severe code of the Native Labour Regulation Act. The Mine owners find this law a convenient means of disciplining their migrant African employees.

In recent years this law has been extended to cover a wider field of labour. In 1949 and 1952 it was drastically altered to empower the Minister of Native Affairs to extend its provisions to African workers in commerce and industry. The rigorous law of 1911, designed for migrant tribal African labourers in the mines, can now be imposed upon urbanised, detribalised African workers in all other spheres, regardless of their standard of education or industrial skill. Although the Minister has so far not exercised these powers, he can do so at any time, and thereby subject all African workers outside the mines to the penalties of this law. This trend in legislation is significant. It seems that if other laws cannot adequately direct and control Africans employed in factories, workshops and elsewhere, the Native Labour Regulation Act is to be invoked.

Labour Bureaux are established under this Act, and any African "over the age of fifteen years, who is unemployed and is mainly dependant upon employment for his existence" is subject to the direction of a Labour bureau. This year the Act was further amended, indicating that the Government intends making greater use of it in the future.

The Native Labour Regulation Act is complementary to the Natives (Urban Areas) Act and these two must be considered together, for always the one or other is used to direct African labour.

The Natives (Urban Areas) Act (Act No. 25 of 1945)

This is the law which rules the lives and destinies of all Africans residing in the urban areas. Its declared purposes are to control the influx of Africans into the urban areas; to set apart certain areas for their accommodation in locations, villages and townships; to control and direct their employment; to impose curfew regulations upon them; and to discipline their general activities.

The Urban Areas Act severely limits the freedom of movement of African workers and denies them the free choice of employment. The provisions of Section 10 of the Act are so severe that no urban African can be sure of his security of domicile. Workers who struggle for elementary human rights can easily fall foul of this law and be ordered out of the urban area. Those who emulate White workers and go on strike to remedy a grievance or to obtain higher wages, are liable not only to severe punishment for striking but also to banishment from the urban area where they may have spent the best part of their lives.

Apart from hampering the social and economic advancement of the African people, the Urban Areas Act has the effect of lowering their efficiency and productivity. The real purpose of the Act is apparent from official statements such as that made by Dr. H. F. Verwoerd, Minister of Native Affairs, in Parliament on the 9th April 1957:—

"Our attitude is that when the Native is employed in the White area (i.e. urban area) — even if he has been here for one or two generations — then he is here in the service of the White man whose territory it is . . . They cannot have permanent rights in Johannesburg or Cape Town or in any other White city. They are there as long as they are employed there and as long as the White community continues to accept them there . . ."

This gives the impression that Africans are unwelcome in the urban areas. This is not correct. The Whites are unable to do without the services of African workers, who are being employed in increasing numbers in commerce, industry, mining, domestic households and all other spheres. If the African people de-

cided to migrate from the "White" or urban areas tomorrow, there would be widespread panic.

Natives (Abolition of Passes and Co-ordination of Documents) Act (Act No. 67 of 1952)

Despite its title, this law does not abolish passes for Africans. As a matter of fact, the pass system is now being applied to African women. Before the passing of this Act, African males over the age of 16 had to carry a number of documents, generally referred to as "passes". Now, all Africans are compelled to carry a Reference Book, which must be produced on demand to policemen or specified Government and Municipal officials.

The Reference Book contains a photo of the bearer, his Reference number, the name of his ethnic group and his tribe, as well as sections dealing with the bearer's registration at a Labour Bureau, his Union and Bantu Authorities Tax Payments, details of his employment and other particulars. The book must be signed every month by the bearer's employer.

The first pass law was introduced in the Cape in 1760, so that masters could permit their slaves to move between urban and rural areas. The first important application of a pass law was made by British Governor of the Cape, Lord Caledon, in 1809. Other pass laws came into being in various parts of South Africa and by the end of the 19th Century had become common in the Cape, Natal, Orange Free State and the Transvaal.

The main purpose of the pass laws was to secure control over the labour of Africans, especially for farming. With the discovery of diamonds and gold, the pass laws became a valuable instrument in the utilisation of Africans as labourers in the mines. History records that in 1895 the Chamber of Mines prevailed upon President Kruger to tighten up the Pass Laws of the Transvaal Republic, after complaining that, "*Owing to the existing inadequate pass laws and regulations for the control of Native Labour, it is impossible to secure such combination on the part of employers as would enable Native wages to be reduced to a reasonable level*". The wages were £3 per month.

The pass laws prevent Africans from selling their labour in the best market; they restrict the right of freedom of movement; they impose hardships and irritations upon the African people; they result in large numbers of arrests upon purely technical offences; they introduce thousands of law-abiding citizens to the atmosphere of the gaols.

Trade Unions and the Law

From the foregoing it will be seen that while some laws protect workers against exploitation and injustice, others make life more difficult. "Ignorance of the law is no excuse" is an old saying but it takes a wise man to know the law.

There are three ways in which workers can obtain advice and assistance on problems concerning their work. One is through

the Department of Labour, another is through a lawyer and the third is through their trade union. For many reasons the trade union is able to offer the best service. In the first place, the shop steward or trade union organiser is quickly and easily available. Secondly, the union knows and understands the workers' problems best. Above all, it is sympathetic to all complaints. In any case, the trade union has more time than the worker to take up matters with the Department of Labour or to seek the advice of the legal profession.

Experienced trade union leaders know how to handle workers' problems; they know the laws affecting the members of their organisations; and they know how to negotiate with employers. All these things are important to African workers in their struggle to improve their wages and their living conditions.

To give good service, trade unions must have good members. Not only must every worker be a trade unionist, but every worker must be a good trade unionist. In another chapter I will deal with this important matter.

CHAPTER FOUR

HOW WAGES ARE FIXED

Who decides how much workers should be paid? How are wages fixed? Why are wages better in some jobs than in others? What must a worker do to get higher wages? Every worker should know the answer to these questions.

The methods by which wages are fixed and the right way to go about improving wages and working conditions are matters of great importance. The problem of securing a living wage is not an individual one which can be solved by each man on his own. It must be the chief concern of the trade unions, acting on behalf of many employees.

Wages are determined in one of the following ways :—

1. By agreement between employers and employees (i.e. through collective bargaining).
2. By Conciliation Boards or Arbitration Awards (i.e. by the decision of independent arbitrators, after employers and employees cannot agree).
3. By Wage Determinations, (i.e. by the Government).
4. By employers (i.e. where there is no legal wage).

Wage fixation in the two first-mentioned ways (collective bargaining, conciliation and arbitration) are part of the Industrial Conciliation Act. These procedures are not available to African workers, because they are excluded from the rights of this Act. In spite of this, agreements or awards made in terms of the Industrial Conciliation Act are generally applied to African workers.

The four methods of wage determination operate as follows :—

Collective Bargaining

The Industrial Conciliation Act establishes the machinery for the fixing of wages and working conditions by means of collective bargaining between organised employers and organised workers. The employers' organisations and the trade unions form an industrial council, where representatives of both sides meet to discuss and decide problems of employer/employee relations.

It is the custom for the industrial councils to fix wages for all categories of work in their particular trade or industry, includ-

ing those in which Africans are employed. The Minister of Labour then makes the industrial council agreement applicable, not only to those who have made the agreement, but also to the African employees. This means that African workers, although they neither take part in the negotiations, nor share in the collective bargaining, are bound to accept the wages and conditions determined by this method.

In terms of the Native Labour (Settlement of Disputes) Act, Government officials may attend meetings of the industrial councils to represent the interests of African workers. As these officials do not consult the African employees and never seek the guidance of African trade unions, they are hardly in a position to state a case for those whom they are supposed to represent. The law does not permit African employees or representatives of African trade unions to attend industrial council meetings.

In January 1956, there were 72 industrial council agreements extended to cover African workers. These agreements applied to 198,613 White and Coloured workers, (i.e. those who had been party to the agreements), and to 220,659 African workers, who had no say in the making of them. These figures show that the system of collective bargaining, as it operates in South Africa, permits a minority of workers to decide the wages and conditions of the majority. The Industrial Legislation Commission (U.G. 62—1951) has pointed out that in the process, the interests of African workers have suffered.

Conciliation Board Agreements and Arbitration Awards

These procedures are also part of the industrial conciliation system. In cases where employers and employees cannot come to agreement in any dispute, the matter may be referred to a conciliation board at the request of either party. If the dispute cannot be settled by the conciliation board, the matter may then be referred to arbitration. This procedure is voluntary, except in essential services, where arbitration is compulsory and strikes and lockouts prohibited.

The terms of settlement, however arrived at, then become the legal conditions binding upon the employers and employees in the industry or trade concerned.

Wage Determinations

The Wage Act is supposed to provide wage protection for all unorganised workers. This Act is an example of how the real intention of a law becomes frustrated with the passage of time. In 1924, when the first Industrial Conciliation Act excluded pass bearing Africans, the Wage Act was designed as a sure alternative to collective bargaining, for the use of all unorganised workers, as their protection against exploitation. The Wage Act. (No. 27 of 1925) gave workers of all races the right to obtain an investigation into their wages and conditions. The Wage Board was obliged to conduct investigations into the

wages and conditions of employment in any trade upon the request of any trade union, or where no trade union existed, upon the request of a representative number of employees. This was changed in 1957. Now, only the Minister has the power to order such investigations.

After the Minister receives a recommendation from the Wage Board, he has the absolute right to decide its fate; he can make it law or he can ignore it altogether. If he approves a recommendation, the Minister publishes it in the Government Gazette as the Wage Determination applicable to the trade or industry concerned, thereby binding both employers and employees to its terms and conditions. The Minister can exempt certain persons and classes of persons from Wage Determinations.

While it is essential to have a law of this kind, so that all workers can have wage protection, the Wage Act has several weaknesses which are to the disadvantage of workers outside the scope of the Industrial Conciliation Act.

The first is that the sole power to order investigations is vested in the Minister who, for political or other reasons, may be reluctant to exercise this power when urged to do so by workers. A second drawback is that investigations take a long time and Wage Determinations are often out of date almost as soon as they are published and therefore fail to meet the needs of changed conditions. In times like the present, when the cost of living is continually rising, and Cost-of-Living allowances are pegged, this is usually the case. A third, and perhaps most serious disadvantage, is that investigations are often obstructed by industrial council agreements, which cannot be superseded by Wage Determinations. The Wage Act stipulates that Wage Determinations shall not apply where industrial council agreements are in operation. As such agreements usually provide unsatisfactory wage rates for jobs filled by Africans, and are continuous by virtue of their regular renewals, there is virtually a permanent blocking of African workers' demands for improvements.

Wages Fixed by Employers

There is no legal minimum wage in South Africa to protect workers not covered by any of the procedures mentioned above. In jobs where there is no Industrial Council Agreement or Wage Determination, employers are free to pay their workers whatever they choose. Wage rates in such cases usually vary according to the need and the disposition of the employer.

The Wage Act does not apply to domestic service, agriculture and State employment. In addition, there are many trades and occupations which come within the scope of the Wage Act, but are not covered by Wage Determinations. For example, minimum statutory wages have not been applied to any section of the mining industry. In the gold mines, the wages and conditions of the 30,000 White mineworkers are decided through an

arrangement of collective bargaining with the Chamber of Mines. The wages and conditions of the 300,000 African mine-workers however, are decided by the Chamber alone.

How To Get A Fair Wage

It is not a simple matter to get higher wages. There are many difficulties in the way. Workers must have sufficient organised power to command attention to their just demands. They must speak with one voice. Whether their wages are fixed through the procedures of the Industrial Conciliation Act, or by the Government, or by their employers alone, workers cannot gain real improvements without unity.

"Registered" trade unions, despite the advantages of the Industrial Conciliation Act, have to be constantly vigilant in order to protect their members. African trade unions, having no legal recognition, and harrassed by official hostility, are in a more difficult position. Their task can be made easier only if they are strongly supported by their members.

In order to live, the worker must sell his labour power. Those who buy that labour power are not always willing to pay enough to provide the worker with a decent human existence. When there are more jobs than workers, employers pay more than they do when there are more workers than jobs. In bad times, when many people are out of work, many employers are quick to bring down wages. They play off one worker against another; they try to persuade desperate job-seekers to accept lower wages, as a step towards bringing down the wages of all.

The surest safeguard against this sort of wage cutting is to establish legal minimum wage rates for every job and to insist that such rates are strictly observed. The first step towards this protection, is the establishment of trade unions in every industry. Only by joining together in trade unions can workers find real security. Because Africans are not permitted to belong to "registered" trade unions, they must form their own organisations. This does not mean that they should become rivals or opponents of the "registered" unions. It is most important for African trade unions to win the friendship and co-operation of the "registered" trade unions; they must persuade White and Coloured workers to consult them before signing Industrial Council agreements and to assist them in their struggle for a higher standard of life.

Employers, too, must be won over. They must be made to realise the value of their African employees. They must be persuaded to deal with the elected leaders of their African employees and to recognise African trade unions.

These things will require tact and tenacity. The rewards of the effort will be well worth while. This is the road to workers' solidarity, to the loyalty of every man to the common cause, each inspired by the thought that "An injury to one is an injury to all!"

CHAPTER FIVE

THE COLOUR BAR*

The industrial colour bar needs consideration here not only because it is embraced in our labour laws, but also because it forms an important part of the country's labour structure.

The colour bar has its origins in our early days of industrial development, when skilled White workers came into conflict with employers who wanted to make use of the large resources of African labour at low rates of pay. At that time the wages paid to White workers were low enough, yet the employers sought to reduce those miserable rates still further.

The mining industry was the first to make a determined effort to replace White workers by lower-paid Africans. Their excuse was that unless labour costs were reduced, many mines would become unpayable and would have to close down. Naturally, the White miners strongly opposed this threat to their livelihood.

The controversy soon developed into a major political issue. It provoked the devastating 1922 Strike, in which many lives were lost. It gave birth to dangerous political slogans such as "Unite and Fight for a White South Africa", which distorted the real character of the conflict, making it appear to be racial instead of economic, as it really was.

In a country where the franchise is limited to the White section of the population, slogans proclaiming the maintenance of White civilisation are a sure way of fooling the White electorate. Many White workers really believe that the colour bar slogans offer a safeguard to their living standards, and cannot be persuaded by the facts of the situation. The facts show that while the politicians have been shouting the slogans, the industrial colour bar has been crumbling. During the past quarter century, South Africa's economy has absorbed so many Non-Whites in so many occupations that industry shows few signs that it has been kept "White", as some workers fondly believe. Between 1925 and 1952, the number of Whites employed in private manufacturing industry increased from 53,000 to 217,000, while the number of Non-Whites increased from 99,000 to 524,000.

Before 1948, the industrial colour bar existed in three forms. First, the statutory colour bar, as expressed in the Mines and Works Act, which specifically excluded Africans from employ-

* The greater part of this Chapter has appeared as a separate article in the "Forum" of October 1957.

ment in certain mining occupations. Second, the conventional colour bar, expressed in the practice of not accepting Africans as apprentices in any skilled occupation. Third, the State's "Civilised Labour Policy", whereby Whites were given preference in all unskilled Government jobs.

Since 1948, when the Nationalist Party came to power, renewed efforts have been made by the Government to widen the scope of these colour bars.

The Statutory Colour Bar

The first statutory colour bar was contained in the Mines and Works Act of 1911. After that, there was no extension of this principle until 1951, when the Government passed the Native Building Workers Act (Act No. 27 of 1951). This law prohibits Africans from doing skilled building work in the urban areas (i.e. "White" areas), but at the same time affords Africans legal entry into the building industry, to learn the trades of brick-laying, carpentering, plastering, painting, plumbing, etc. The difference between White building artisans and African building artisans is that the latter receive a shorter and inferior training and when qualified receive less than one-third the wages paid to Whites.

This differentiation is based upon two theories. One is that equal training and equal pay would infer equal status, an insult it is claimed, the White worker would not tolerate. Another is that lowly-paid Africans cannot afford to live in houses built at "White" rates of pay. These peculiar theories are defended in many ways but the Minister of Transport, Mr. B. J. Schoeman, frankly declared their basis in Parliament in 1954, when he said (Hansard Vol. 86, Col. 5854):—

"The statutory colour bar as well as the conventional colour bar ARE in conflict with economic laws. The question, however, is this: What is our first consideration? Is it to maintain the economic laws or is it to ensure the continued existence of the European race in this country?"

This attitude has prompted the Nationalist Government to endow itself with the power to extend the colour bar to other trades and occupations.

When amending the Industrial Conciliation Act in 1956, the Government took the opportunity to insert the principle of the colour bar in that Act, by adding a Clause entitled "Safeguard Against Inter-racial Competition". This gives the Minister of Labour the authority to order the Industrial Tribunal (comprising five Government appointees) to investigate "the desirability" of reserving any industry, trade or occupation for the employment of members of a particular race.

If the Tribunal recommends job reservation of this kind, the Minister has the power to apply it, whereupon it becomes a criminal offence for a worker of one race to perform work reserved for members of another race.

So far, the Minister has ordered the Tribunal to investigate the Road Passenger Transport Industry in the Cape Peninsula and Durban, the Traffic and Fire Departments of the Cape Town municipality, the Clothing Industry and the Iron, Steel, Engineering and Metallurgical Industries. At the time of writing, none of these investigations had been reported upon.

The Conventional Colour Bar

The conventional colour bar finds its expression mainly through the Apprenticeship Act. Although the Apprenticeship Act makes no reference to race or colour, the signing of indentures of apprenticeship by Africans is unknown. A minor reason is that the educational requirements are higher than those usually acquired by Africans seeking manual work. The main reason is that there is a mutual, unwritten agreement between employers and "registered" trade unions that Africans should not be apprenticed.

The conventional colour bar, which was of major significance in the early years of industrialisation, has now lost much of its effect. Because of the vast changes in industrial processes this form of Colour Bar has not prevented Africans from acquiring industrial skills. On the other hand it has been responsible in some measure for the exclusion of Whites from employment in many of the new industries. While White workers concentrated upon competing for the jobs in the closed preserves of the skilled crafts, they neglected the opportunities in the new undertakings, which used specialised and mass production techniques. Instead of skilled artisans, these industries sought men who could be quickly trained as operatives and semi-skilled specialists.

At the same time, even the older industries were being converted to modern methods of production. In the engineering and building industries the changes were especially noticeable. Adaptation to mass production, simplified manufacturing techniques and new processes, curtailed the need for the old type skilled artisans. Africans were readily absorbed in the new occupations and this changed the labour pattern of even the most protected industries.

For example, the Amalgamated Engineering Union reported (A.E.U. Monthly Journals December 1953 and January 1954) that 95% of the manufacturing divisions in the engineering industry are manned by Africans, while the percentage of skilled artisans has dropped to 13% of the total labour force. In the Motor trade the Wage Board found that the ratio of White to Non-White directly employed in the assembly of motor vehicles, fell from 82% to 54% between the years 1949 and 1954. In the Commercial Distributive trade, the percentage of Whites employed as motor vehicle drivers dropped from 57.5% in 1937 to 20.2% in 1951 (Dept. of Labour Report 1953). In the clothing industry, the percentage of White workers dropped from 60.9% in 1938/39 to 29.1% in 1952-3.

These figures are the latest available and relate to the situation five years ago. As this process of change is known to be continuing, it is obvious that the ratio of Non-White to White is even higher today.

The "Civilised Labour" Policy

The "Civilised Labour" policy was first applied in 1924, when the Government of the day instructed all State Departments and Provincial Authorities to employ "civilised" labour in place of "uncivilised" labour. "Uncivilised labour" was defined as "the labour rendered by persons whose aim is restricted to the bare requirements of the necessities of life as understood among barbarous and undeveloped people".

The instruction was intended to apply to all unskilled grades of work, principally that done by messengers, cleaners and attendants, and including labouring jobs on construction and maintenance works. It was accepted as meaning that no Africans were to be employed in these occupations if Whites were available.

In 1949, soon after his party gained power, Dr. Malan instructed all Government departments to strictly apply the "Civilised Labour" policy of 1924. Within two years, 1,290 Africans had been replaced by White labourers. The extra cost in wages amounted to £226,310, as the Whites were paid higher rates than the Africans.

The revival of this colour bar was short lived, however. The growing shortage of labour throughout the country turned the trend in the opposite direction and before long the Government was employing more Africans than ever before. The Railways, at the end of March 1956, were employing 15,353 Non-Whites in jobs previously occupied by Whites. In the Western Province, notwithstanding the replacements in the period 1949-1950, the number of Africans employed by the State had increased from 2,365 to 3,208 by the end of 1954.

The definition of "Uncivilised Labour" as stated in 1924 is incongruous today in relation to the urban African proletariat. However, for political purposes it still serves to justify the official policy of preferential treatment for Whites in taking on unskilled workers.

What White Workers Think

What is the attitude of White workers to these colour bars? Generally, there is not a very clear understanding of their meaning, but a belief that they protect the livelihood of White workers.

The "registered" trade unions have always maintained that the industrial colour bar is in fact a "Cheap labour bar". They consider it to be essential in preventing the widespread use of Non-White workers to undermine their own hard-won standards. They have advocated, as an alternative, the application of "equal

pay for equal work" or the "rate for the job", to ensure that a worker should be paid according to the job he does and not according to the colour of his skin.

A considerable section of White workers, however, will not even go as far as to agree to the principle of "equal pay for equal work". They flatly declare that skilled jobs are "White" jobs and if Africans are given access to them, even at equal rates of pay, not only will the status of these crafts be lowered but they would very soon be completely captured by Black men.

In face of this opposition, the skilled crafts remain closed to Africans and there seems to be little likelihood that the "registered" trade unions, as an earnest of their alternative of "equal pay for equal work", will couple with it a promise to allow Africans access to skilled jobs, or even with an offer to make a quota of apprenticeships available to Africans.

What of the Future?

The facts show that, despite all colour bars, Africans have assumed a dominant position in industrial employment. They now constitute 54% of the total labour force in private manufacturing industry. Not only that, they are also invading spheres of employment that were always considered to be either beyond their capacity, or the preserve of the White man.

The Wage Board, after a special investigation in 1956, commented that "the Clothing Industry is, in fact, tending to conform to the general pattern of employment in South African industry, for in 1951/2, 29.5% of the employees in all private secondary industry were Europeans".

But where does this transformation end? What magic influence will stop this tendency "to conform to the general pattern" when the White quota of 29.5% is reached? What will prevent it falling even lower?

The Government believes it has a formula in "Job Reservation", in spite of its conflict with economic laws, and in spite of its inevitably harmful effect upon the wellbeing of the whole South African community.

The colour bar issue has reached a most interesting phase. It is now for the Industrial Tribunal to offer South Africa its solution. Their findings and recommendations on the various undertakings they have investigated, will be of far-reaching importance.

CHAPTER SIX

SOUTH AFRICA AND THE I.L.O.

In 1944, forty-one member states of the International Labour Organisation met at Philadelphia, U.S.A. and accepted the Declaration of Philadelphia, which was subsequently written into the Constitution of the I.L.O.

The Declaration was welcomed as the "Workers' Charter" for the brave new world that was expected to arise after the defeat of fascism. The war was not yet won and men were still promising each other that never again would poverty and oppression be tolerated anywhere.

Among other fine principles, the Declaration contains the following:—

- I. *The Congress reaffirms the fundamental principles on which the organisation is based and, in particular, that—*
 - (a) *labour is not a commodity;*
 - (b) *freedom of expression and of association are essential to sustained progress;*
 - (c) *poverty anywhere constitutes a danger to prosperity everywhere;*

- II. (a) *all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;*

- III. *The Conference recognises the solemn obligation of the International Organisation to further among the nations of the world programmes which will achieve:—*
 - (b) *the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make the greatest contribution to the common well-being;*

 - (e) *the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive effi-*

sation have no knowledge of the peculiar conditions and of the difficult problems resulting from the existence of a large group of primitive and illiterate people in a multi-racial state”.

To justify its policy of *baasskap apartheid*, our Nationalist Government would like the world to believe that the majority of our industrial workers are, and always will be “primitive and illiterate people”. They alone want to decide if and when Non-White South Africans should enjoy the full rights of the Declaration of Philadelphia.

This year, Senator Jan de Klerk, the present Minister of Labour, attended the 40th Session of the I.L.O. He went to get first-hand information on its activities, because the South African Government is considering its position in relation to the organisation. Obviously, the Union Government does not feel at home in international circles where non-discrimination becomes the theme of all discussion. There is a danger that South Africa may leave the I.L.O. and take refuge in isolation. The trade unions must oppose such a move and insist upon South Africa remaining a member.

CHAPTER SEVEN

PROBLEMS OF ORGANISATION

The trade union movement in South Africa is weak and divided. It is weak because it is divided and it is divided because it is riddled with racialism. Two codes of labour and two classes of trade unions based upon the policy of apartheid, create barriers between workers that are hard to surmount.

This unhappy situation drives many workers into a state of apathy, to the advantage of active disrupters.

The "Registered" Unions

The plight of the "registered" trade unions is a sorry one. Their members may have as many rights as trade unionists in other countries but their enthusiasm for their unions is at a low ebb. They have freedom to organise, to form legally recognised trade unions, to engage in collective bargaining, and to sell their labour where they will. These rights were won for them by their predecessors. Not having made the effort themselves, they are not fiercely jealous of these valuable rights. Their thinking has been dulled by the plague of racialism.

"Registered" trade unions are composed mainly of White workers. Some have a sprinkling of Coloured or Indian members, who usually leave the Whites to run the show. A few "registered" unions in Natal and the Western Province have a majority of Indian or Coloured members. All these workers were on an equal footing until 1956, when the Government amended the I.C. Act to segregate the races in the unions and to make it illegal for the Coloureds and Indian members to be elected to the Executive Committees of mixed unions. The law was further amended to facilitate the break-up of old-established unions into separate racial unions.

There was serious disunity among the "registered" unions before the Government began to meddle in union affairs. That disunity arose mainly from disagreement on racial questions, and consequently it was easy for the Government to interfere. Efforts to unite workers against the Government were frustrated by the fact that too many White workers were either apathetic or on the side of the Government.

A partial rallying of forces brought the South African Trade Union Council into existence, but real unity of "registered" unions did not materialise. Three federations, the S.A. Trades

Union Council, the S.A. Federation of Trade Unions, and the Co-ordinating Council of S.A. Trade Unions are now competing for the support of the "registered" unions. A fourth, the Federal Consultative Council of S.A. Railways and Harbours Associations, stands on its own, while several unions remain aloof from all these groups.

The compulsory apartheid provisions of the 1956 I.C. Act are now becoming effective and causing disruption in several unions, so that further divisions and breakaways can be expected. This is the price that the "registered" unions must pay for apartheid. Their one-time advantages, which established them as a privileged aristocracy of labour, are now undermining them. Their tacit, if not open approval of racial discrimination over the years has made it impossible for them to defend their established rights.

They are now subject to Government interference in their domestic affairs to such an extent that they are losing the traditional character of real trade unions. Their once-declared purpose, as defined in our labour laws before the Government made a change, was "protecting or furthering the interests of the employees or some of the employees". Most unions, however, shrink from making a public stand on any issue, including those vitally affecting the interests of their members, on the grounds that the trade unions must keep out of politics. This "non-political" attitude has caused many "registered" unions to degenerate into tame benefit societies, sustained by nothing more than the subscriptions of inactive members.

African Trade Unions

African trade unions are also weak. While it cannot be said that they are also divided, they must beware of that danger. There are many forces at work which will try to create dissension and disunity among African workers and the stronger African unions become, the greater will be the efforts of disrupters.

African trade unions are growing — but not quickly enough. The general standard of living of urban African families is very low and will remain so until the workers are well organised and able to compel a change. The most important task to be tackled now is the building of African trade unions. There are, of course, many obstacles in the way of organisation. There are laws, regulations and prejudices which hamper all efforts to organise African workers. But, in spite of that, the job can be done.

African trade unions are not illegal. They are subjected to so much opposition that some people believe that they are unlawful organisations. But there is no law prohibiting African trade unions and it is perfectly legal to belong to them.

It is true that the Government is afraid of organised Africans and therefore tries to stifle the growth of African trade unions. It is also true that only a few employers will have dealings with

African trade unions; others are either hostile or afraid to offend the Government.

African trade unions are not as free to operate as "registered" trade unions. Their right to meet is circumscribed; there are few places where they can meet; many of their leaders are banned from attending meetings or restricted in their freedom of movement; their activities are observed constantly by the Special Branch of the Police; their organisers and shop stewards are denied the rights normally afforded union officials in the factories; their members are denied the right to strike under any circumstances; they are all very poor.

The various "Native Laws", the Pass Laws, the Suppression of Communism Act, the Riotous Assemblies Act and considerable administrative powers are used to harrass organisers and active members of African trade unions at every turn.

In face of all these handicaps, the problems of organisation are many. Yet African trade unions can and will grow.

CHAPTER EIGHT

TOWARDS A BETTER LIFE

Africans must realise that their progress depends largely upon themselves. They cannot expect to get higher wages because of the generosity of their employers nor can they expect to get decent living conditions and social justice merely by the good grace of the Government.

The wages and conditions enjoyed by White workers today were won by the workers of yesterday. The fathers and grandfathers of the present generation had to fight many bitter, and often bloody battles before they gained improvements in their wages and working conditions.

We live in a capitalist society, where profit is the incentive. Employers and employees are caught in a struggle for existence where only the strong can hope to survive. The experience of workers in other capitalist countries teaches us that only after they have become strongly organised can workers secure economic justice.

Out of the struggle between capital and labour there has emerged one satisfactory formula for preventing constant upheaval and strikes. That formula is based upon industrial democracy and the system of collective bargaining. In other capitalist countries employers have learned to get together with the trade unions around the conference table, to discuss their differences in a civilised manner. In South Africa, too, employers are willing to follow this procedure when dealing with their White employees. They must now be persuaded that it is in their own interests to extend the practice in their relations with their African employees.

They must recognise and negotiate with African trade unions. Management must know that industrial peace can be assured better by way of consultation than by the cruel sanctions of the Native Labour (Settlement of Disputes) Act. They must be shown that friction can be eliminated, mistrust removed, and co-operation gained, if they act sympathetically towards the organisations of their African employees.

Not long ago, South Africa's industrialists were ready and willing to recognise African trade unions. In August 1948, the Transvaal Chamber of Industries, supporting the official recognition of African trade unions, said, "it would probably be a progressive step to give statutory recognition to Native trade

unions". Unfortunately, perhaps because of the attitude of the Government, industry is more hesitant today.

Notwithstanding this change, many businessmen acknowledge that the time has come for a new deal in the relations between employers and their African employees. On the other hand, there are some who argue that Africans are not qualified or experienced to engage in collective bargaining with their employers. They say that the workers will always come off second best. This argument is used merely to conceal other objections. The answer is that Africans can scarcely fare worse than they do now. In any case, they could always rely upon able friends and advisers to assist them while they learn the art of negotiation.

There are others who fear that, given the chance, Africans will misuse bargaining procedures to present impossible and unrealistic demands. Such fears and conjectures are the refuge of those who dislike progress and change.

Not only employers have to be persuaded to make this new deal; Africans must also win the support of the "registered" trade unions. They must seek the friendship of White, Coloured and Indian workers, so that all may collaborate in a united effort that will guarantee the security of all workers and not only a section.

White workers must be convinced that they have no real security in colour bars and artificial barriers to African advancement, such as Section 77 of the I.C. Act, "Safeguard Against Inter-Racial Competition". They must be shown that the surest safeguard against cheap labour is workers' solidarity, uniting workers of all races against policies of low wages.

After Africans have built their unions, persuaded their employers to deal with them, and won the collaboration of the "registered" unions, what then? The next step must be to intensify the struggle for economic equality, for the legal recognition of African trade unions, for the repeal of discriminatory labour laws and other unjust laws.

The virtue of a good trade unionist is loyalty to his fellows, beginning in his own union and spreading to fellow trade unionists in other trades and in other countries. Workers' solidarity grows out of the belief that "An injury to one is an injury to all". Even if South Africa's laws prevent workers of different races mixing in the unions or belonging to the same unions, they can build unity in collaboration by other means. By making common cause on issues which affect the welfare of workers generally, South Africa's trade unions can win a better life for all.

Are You A Member of a Trade Union?

IF NOT, WHY NOT?

Let

**SACTU
Guide You!**



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An Injury to ONE Is an Injury to ALL!

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