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Final

Amended at Bulawayo  
meeting 24/4/57.

INDUSTRIAL CONCILIATION BILL.

(A.B. 21, 1956).

MEMORANDUM.

submitted to

THE HONOURABLE, THE MINISTER OF LABOUR

Southern Rhodesia

by the following Unions, registered  
in Southern Rhodesia and the Union of  
South Africa.

Amalgamated Engineering Union. X

Amalgamated Society of Woodworkers.

S.A. Boilermakers', Iron & Steel Workers'  
& Shipbuilders' Society.

S.A. Society of Bank Officials.

S.A. Typographical Union.

April, 1957.

INDUSTRIAL CONCILIATION BILL.

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(A.B. 21. 1956.)

MEMORANDUM

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THE HONOURABLE, THE MINISTER OF LABOUR.

1. The Unions party to this Memorandum are as follows:-
  1. Amalgamated Engineering Union.
  2. Amalgamated Society of Woodworkers'.
  3. S.A. Boilermakers', Iron & Steel Workers' & Shipbuilders' Society.
  4. S.A. Society of Bank Officials.
  5. S.A. Typographical Union.
  
2. The total membership in Southern Rhodesia represented by the five Unions is approximately 5,000.
  
3. Although gazetted 14th February, 1957, copies of the Bill introduced by the Minister came into our possession only late last month.
  
4. It cannot be expected that there has been sufficient time for us to study the Bill and, more particularly, all its implications, having regard to the nature of our Unions with membership in Southern Rhodesia, South Africa and, in some cases, also in Northern Rhodesia, Nyasaland, South West Africa and the High Commission Territories.

/5. The .....

5. The Industrial Conciliation Bill proposes a number of extremely important changes to the existing legislation, all the effects of which could not be assessed in the time available before the Bill was introduced. These include

(1). SECTION 2.

- (a) interpretation of the terms
  - (i) "Employee",
  - (ii) "employers' organisation",
  - (iii) "statutory commission trade union",
  - (iv) "trade union"
- (b) The inclusion of by-laws or rules as part of the Constitution of a trade union.

(2). SECTION 4. APPLICATION OF ACT.

Sub-section (2) (e).

(3) PART 1. WORKS JOINT COMMITTEES.

(4) PART 111. REGISTRATION OF TRADE UNIONS AND EMPLOYERS' ORGANISATIONS.

- (a). Section 30,
- (b). The proviso to Section 31,
- (c). Section 32,
- (d). Section 34 (1) (c),
- (e). Sections 36 and 37,
- (f). Section 41.
  - (i) Sub-section (1) Paragraphs (g) (m) and (n)
  - (ii) Sub-section (3)
  - (iii) Sub-section (5),
- (g). Section 44
  - Sub-section (5),
- (h). Section 45,
- (i). Section 46,
- (j). Section 47
  - Sub-section (1) Paragraph (e),
- (k). Section 49.

(5) PART 1V. INDUSTRIAL COUNCILS, CONCILIATION BOARDS, MEDIATION AND ARBITRATION.

- (a). Section 52,
- (b). Section 53.
  - (i) Sub-section (2) Paragraph (c)
  - (ii) Sub-section (4) Paragraph (b)
  - (iii) Sub-section (9),
- (c) Section 54.

- (d) Section 55,
- (e) Section 58,
- (f) Sections 60 and 61 vis-a-vis the provisions of Part 1,
- (g) Section 70 vis-a-vis Section 47,
- (h) Section 89,
- (i) Section 90,
- (j) Section 93 (5),
- (k) Section 108,
- (l) Section 124.

6. The position of the Africans who have come into industry and will continue to do so in increasing numbers, is analogous to that of the emergent workers who came to man the industries of Britain at the time of the Industrial Revolution.

We must state that in principle we agree that it is the right of all workers, regardless of their stage of development, their race, colour or creed, to become members of trade unions.

There are, however, certain practical considerations which lead us to the equally strong belief that the duties and responsibilities of modern trade unionism cannot be foisted upon people who are only beginning to emerge from the state of feudalism in which they have lived for some time.

The workers of early-Eighteenth Century Britain would be in no better state of development to accept these duties and responsibilities in the trade unions of today than are the African workers. Naturally, it would be ridiculous to expect that African workers should wait one hundred and fifty years and suffer all the experiences of past trade unionists before attaining completely unqualified and equal status with the presently more advanced members of trade unions.

The techniques of education, training and communication in modern society are such that - and the philosophy of Governments and employers in enlightened countries has developed to a stage in which - the African workers are actually in a far more advantageous position than were their counterparts in Eighteenth Century Britain. It is inevitable, therefore, that within a

measurably short time they will have <sup>bridged</sup> ~~breached~~ the gulf of one hundred and fifty years between their present emergent state and modern industrial society of which trade unions are an integral part, and thus will shortly have gained all the qualifications required for their full and unfettered participation in all the varied and sometimes complicated functions of a modern trade union.

We, therefore, hold the view that the relative provisions of the Bill should not be as specific and restrictive as they at present appear to be. In this respect we support the representations of the National Industrial Council for the Engineering Industry.

We consider that, while it is necessary to make provision for the acceptance of the principle stated above, it is equally necessary that a correct formula be found, acceptable to all parties, whereby the African workers' position in industry and their further development will be secured, and at the same time they will not be saddled with duties and responsibilities which at present they are only beginning to understand.

7. From such examination of the Bill as we have had time to make, we cite the following as examples of some of the difficulties which we foresee:-

(1) On the question of the admission of Africans to membership -

- (a) whatever our desire may be, we believe that to admit Africans to unqualified membership in Southern Rhodesia would create the danger of deregistration of our unions in South Africa. All the unions concerned will, therefore, have to examine the matter very carefully indeed so as to decide upon the special constitutional provisions required and upon a number of procedural and administrative matters.

/(b) Almost ...

(b) Almost the first problem that comes to mind is the position of an African member in Southern Rhodesia who goes to South Africa where the law does not permit him to be a member of a registered trade union and where, whether the union likes it or not, he would not be allowed to attend a meeting of the union of which he has become a member in Rhodesia. He would thus not be able to exercise his membership right. Furthermore, since he could not be a member of the union in South Africa, he would be deprived of the benefits to which his membership entitled him.

(2) (a) The only alternative, if Africans are to be admitted to membership of these unions without any qualification, is for our members in Southern Rhodesia to sever their connection with South Africa.

(b) Assuming, for example, that the S.A. TYPOGRAPHICAL UNION in Rhodesia severed all connection with the union in South Africa, the present members in Rhodesia would forfeit the considerable benefits to which their membership entitles them.

(c) On the present contributions, and even with additional membership gained should the Africans become members of a purely Rhodesian Union, the benefits presently payable could not be maintained by an Industrial Council or a union in Southern Rhodesia.

(d) The benefits payable to journeymen members are as follows:-

i.	Pension	. . . . .	£ 8.5.0	per week
ii.	Sick Pay	. . . . .	£ 6.0.0	" "
iii.	Unemployment Pay	. . . . .	£ 6.0.0	" "
iv.	Medical Aid Benefits	. . . . .	£200.0.0	per annum
v.	Mortality Grant	.. . . .	£300.0.0	
vi.	Legal Assistance			

- (e) The foregoing, then, is what members would lose by a break with the present union.

Clearly the vast majority of them will wish to retain their benefits and, unless the Bill is amended in such a way as to overcome all these difficulties, it can hardly be doubted that the majority will return or migrate to South Africa.

- (f) If Rhodesian members of our unions sever their connection with the existing unions, we will also be faced with the problem of workers employed in a particular industry who are constantly moving from one town to another and from one country to another, sometimes of their own volition and sometimes on transfer at the instance of the employer.

The SOUTH AFRICAN SOCIETY OF BANK OFFICIALS, the S.A. BOILERMAKERS', IRON & STEEL WORKERS' & SHIPBUILDERS' SOCIETY and the AMALGAMATED SOCIETY OF WOODWORKERS are cases in point.

Members in South Africa will move here and to other countries. While out of South Africa they will become members of local unions. For example, a boilermaker or woodworker will be sent by the firm which employs him to work on a power station and from there to a water filtration plant and then to a cement manufacturing concern. Wherever he moves he will be covered by a different union in Southern Rhodesia. He may then be sent to Northern Rhodesia, Kenya, even Ghana, before being sent back to South Africa. The difficulties involved are surely apparent.

Those who voluntarily come here to work may also eventually return to South Africa. In either case it will further complicate their position since, unless

they are prepared, during their absence, to pay contributions to their original union, as well as to the local ones, the benefits to which they have become entitled will, in these circumstances, also be affected.

While on this point we might add that it is only by continuing to pay contributions to each of the unions of which they become members while working in different industries here, will they be able to enjoy any of the benefits provided by such unions. The position will become farcical for every move will mean an accumulation of subscriptions.

(g) In the case where Africans form a separate union there may also be complications. For example, the Constitution of the S.A. Society of Bank Officials limits its membership to whites. In South Africa there are already a number of Africans employed as bank officials in "Native areas" and clearly it will not be too long before a similar process takes place here. Such Africans will have to form a union of their own and will then be entitled to representation on any industrial council for the Banking Industry. What the exact effect of such an event on the registration of the S.A.S.B.O. in South Africa will be is one which we have yet to assess and which will obviously require careful analysis.

(3) If the principle of vertical trade unions, i.e. one union, one industry, is applied, the AMALGAMATED SOCIETY OF WOODWORKERS' and the S.A. BOILERMAKERS', IRON & STEEL WORKERS' & SHIPBUILDERS' SOCIETY provide the typical example of the difficulties involved therein.

(a). Members of these Societies are engaged in many industries

/and .....



and, particularly in Southern Rhodesia, there is a great amount of movement from one industry to another. Workers generally will change from one industry to another where better conditions prevail or better opportunities for employment exist and this is especially the case in an expanding industrial society.

- (b) Workers who change from one industry to another will have to change their membership from one union to the other, e.g. woodworkers and boilermakers employed by statutory Commissions, the railways, the mines, the building industry proper, municipalities, etc., moving from one to the other, will have to move from the statutory commission union to one or other of the two Railway Unions, to the Mine Workers' Union, to the Building Trades Union, etc.
- (c) Workers such as woodworkers, boilermakers, will find themselves insignificant minorities in the vertical industrial unions. This can only lead to dissention and dissatisfaction.
- (d) After having served his apprenticeship, a journeyman expects and wants to be a member of a union representing his occupation and not the industry in which he may at any particular time be performing his occupation. He is proud of his craft and wants his trade union to represent him and guard his interests in whatever industry he may be employed.
- (e) We will use the Amalgamated Engineering Union as an example. Its members are employed in a large variety of industries, in each of which the Union has successfully represented them. Representatives of this union sit on a number of Industrial Councils besides that for the Engineering Industry. On the Engineering

Industrial Council itself in South Africa several trade unions are represented. As a matter of fact, the provisions of the Bill envisage similar representation of more than one union on an Industrial Council.

(f) Section 53 (4) (b) of the Bill provides that the Minister may not approve of an Industrial Council for more than one particular undertaking, industry, trade or occupation. Despite this, however, Section 55 (1)(c) provides that if the Minister is satisfied that an Industrial Council is not sufficiently representative of any branch or section of the undertaking, industry, trade or occupation for which it is registered, he may, in his discretion and of his own motion (after consultation with the Council or at its request), vary the area for which the Council is registered. Having excluded a branch or section from that Industrial Council it appears that such branch or section could then form another Industrial Council on the grounds that it represents a different trade or occupation in the undertaking, industry, trade or occupation covered by the existing Council. If it so happened that the employees in the branch or section were Africans, this would certainly complicate the position. (See paragraph 7 (2)(g) hereof.)

(g) Again, despite the provisions of Section 53 (4)(b), Section 55 (1)(e) provides that if the Minister is satisfied that the interests of employers and employees in a particular branch or section of the undertaking, industry, trade or occupation covered by an Industrial Council would be better served by the formation of a separate Industrial Council, he may in similar manner vary the interests for which the Industrial Council is registered.

It is implicit in the wording of paragraph (e) that in such a case a second Industrial Council would be established.

(h) There are several other provisions in regard to which we shall have to seek clarification as to their interpretation and legal implications. For instance -

(i) we are rather perturbed although this provision appears in the existing Act, as to the possible interpretation of a paragraph which appears in several places in the Bill. Section 26 Sub-section (2) is one such place. The second paragraph of the Sub-section refers to "class of employees" etc., and permits of differentiation or discrimination in making a specification or definition of such class based on "age, sex .... or any other method". It seems to us that this will permit of discrimination in such matters on the basis of race also.

(ii) Section 19 (2) permits the Minister to appoint the same person as Secretary of two or more Boards. Section 32, however, prohibits the same person from being an official of more than one trade union or of more than one employers' organisation, this despite the interpretation of the term "official" which, correctly, describes such a person as either a full-time or part-time employee of a trade union or employers' organisation. We consider that this is an unjustifiable restriction on the unions insofar as the employment of part-time officials is concerned.

#### 8. GENERAL OBSERVATIONS.

(1) It will not be disputed that in order to meet the labour

demands of an expanding economy workers are needed who are already trained and highly skilled. It will not be disputed either that an expanding industrial economy requires skilled labour of a versatile rather than of a specialised type. In Britain with its long industrial history labour has already become specialised, whereas in Southern Africa, which is still young in industrial development, skilled labour is still of the type which is versatile.

(2) It is clear, therefore, that it is an absolute necessity for Southern Rhodesia to obtain skilled labour from South Africa. In the nature of things, however, workers, while they will seek employment where they can obtain higher earnings, are also anxious for stability and security.

(3) We have a very real fear that the effect of some of the provisions of the Bill will cause general dissatisfaction and unsettlement among a very large section of the skilled workers, and that this will cause them to move to South Africa for the reasons indicated in earlier parts of this document.

9. We understand, of course, that this country has entered an entirely new phase in its development and in the development of its people. We fully appreciate the necessity for changes, some of them drastic, in the basic industrial law so that this development will be facilitated. We are desirous not only to assist, but to play our full part in building up an industrially healthy country, a healthy and contented people.

10. In all the circumstances we urge you most strongly to refer the Bill to a Select Committee before the second reading. This will give all concerned an opportunity of examining the provisions

of the Bill and its implications and effects very fully and from the point of view of the best interests of the country and its people.

Such a procedure, we feel convinced, will ensure that a measure which is likely to have the support of all sections can be produced instead of one which has created a number of grave doubts in the minds of important sections of the workers, employers and others.

On behalf of the Unions as indicated.

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AMALGAMATED ENGINEERING UNION:

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