

Efr. 1. 4

SOUTH AFRICAN CONGRESS OF TRADE UNIONS

MEMORANDUM CONCERNING THE WITHDRAWAL OF THE REPUBLIC
OF SOUTH AFRICA FROM MEMBERSHIP OF THE INTERNATIONAL
LABOUR ORGANISATION, SUBMITTED BY THE SOUTH AFRICAN
CONGRESS OF TRADE UNIONS.

TO: The Director-General,
International Labour Organisation,
GENEVA,
SWITZERLAND.

AND TO: Delegations at the 46th International Labour
Conference (1962).

11th May, 1962.

Issued by: The South
African Congress of Trade
Unions, JOHANNESBURG.

SOUTH AFRICAN CONGRESS OF TRADE UNIONS

TO: The Director-General,
International Labour Organisation,
Geneva,
Switzerland.

AND TO: Delegations at the 46th International Labour Conference,
(1962).

MEMORANDUM CONCERNING THE WITHDRAWAL OF THE REPUBLIC
OF SOUTH AFRICA FROM MEMBERSHIP OF THE INTERNATIONAL
LABOUR ORGANISATION, SUBMITTED BY THE SOUTH AFRICAN
CONGRESS OF TRADE UNIONS.

I. THE REPUBLIC OF SOUTH AFRICA AND THE I.L.O.

The 45th Session of the International Labour Conference held in 1961 adopted the following resolution calling for the withdrawal of the Republic of South Africa from membership of the I.L.O. with 163 votes to nil with 89 abstentions:

"Whereas the International Labour Organisation, dedicated to the pursuit of lasting peace based on social justice has stressed the need for freedom of expression and of association, and the right of all human beings, irrespective of race, creed or sex to pursue both their material well-being and their spiritual development in conditions of economic security and equal opportunity, as fundamental to the attainment of the aims and purposes of the Organisation.

"Whereas the Organisation has adopted a series of conventions and recommendations calculated to implement these aims and purposes, especially as regards the promotion of freedom of association, the abolition of forced labour, the elimination of discrimination, the free choice of employment, and just and favourable conditions of employment.

"Whereas the Government of the Republic of South Africa, in spite of its long association with the International Labour Organisation, accepts and practises the obnoxious policy of apartheid, which said policy subjects indigenous African citizens to racial discrimination to their economic and social disadvantage, in contravention of the principles, aims and purposes of the International Labour Organisation.

"Now, therefore, this General Conference of the International Labour Organisation, meeting in its forty-fifth session in Geneva... hereby ---

- "1. Condemns the racial policies of the Government of the Republic of South Africa.
2. Expresses the utmost sympathy with those people of South Africa whose fundamental

rights are suppressed by the apartheid policy of the Government of the Republic of South Africa as well as those courageous people, who, irrespective of race and colour, are opposing apartheid.

3. Declares that the continued membership of the Republic of South Africa in the International Labour Organisation is not in the best interests of the organisation.
4. Resolves that the Governing body of the International Labour Office shall call upon the Republic of South Africa to withdraw from membership of the organisation."

The basis of the above resolution is that the policy of Apartheid practised by the present South African Government is incompatible with continued membership of the International Labour Organisation.

The Government representative of South Africa at the 45th Session announced that in spite of this resolution, his Government did not intend to withdraw from the I.L.O. Indeed, the South African Government has once again sent a delegation to the 46th Session of the International Labour Conference.

Through this memorandum the South African Congress of Trade Unions requests the member states of the I.L.O. to enforce the above resolution by expelling the present Government of the Republic of South Africa from the I.L.O. on the ground of the continued practice of the policy of Apartheid by the South African Government.

II. CONTINUED VIOLATIONS OF I.L.O. CONVENTIONS AND RECOMMENDATIONS BY THE SOUTH AFRICAN GOVERNMENT.

It is well known that far from heeding the above resolution, the South African Government has intensified the policy of racial persecution known as Apartheid since the resolution was adopted. It is not the purpose of this memorandum to itemise all instances of the continued practice of Apartheid during the past year but, in order to illustrate the fact that the South African Government continues to violate both the letter and spirit of the Conventions and Recommendations of the I.L.O. we wish to make mention of the following:

(1) "War" budget for the "defence of Apartheid".

The Minister of Finance of the South African Government has presented a budget for 1962-63 in terms of which direct and indirect taxes will be raised by R35,700,000 (£17,350,000). The Minister admitted that had it not been for an increase in spending on defence these new taxes would not have been necessary. In fact, defence spending is to be increased by 67% to make a total of R120,000,000 (£60,000,000) allocated to the Defence Account. According to the Minister the aim of this budget is "security against external attack as well as against internal disorder". The "external attack" referred to follows the completely unfounded allegations made by the Minister of Defence that African and Asian states are preparing for war on South Africa. The "internal disorder" must be taken to refer to demonstrations, strikes, etc., organised by the people of South Africa against the policy of Apartheid.

The South African Government is building a "warfare state" in which

industry is being put on to a military basis. This is being done for one purpose only, namely, the defence of Apartheid, a policy which has received the just condemnation of the I.L.O. and world opinion generally.

The war preparations of the South African Government constitute a grave threat to international peace and security.

(2) Enforcement of prohibition of strikes.

It is well known that in terms of the Native Labour (Settlement of Disputes) Act 1953, African workers who make up two-thirds of the total labour force are prohibited from striking. The penalties laid down by this measure are a maximum fine of R1,000 (£500) or three years imprisonment, or both such fine and imprisonment. Under the Criminal Laws Amendment Act severe penalties are laid down for urging or "inciting" workers to strike.

Despite these restrictions there were 453 reported strikes of African workers during the period 1954 - 1960. As a result of these strikes approximately 40,000 African workers have been prosecuted, many of them being fined or imprisoned.

Since June, 1961, there have been further strikes in which African workers have been victimised. The following are examples:

(a) Constance Caworth Institute for the Blind, Natal.

In August, 1961, 80 blind African workers at the above Institute, earning only £10.0.0. per month (about one-third of the estimated living wage according to scientific surveys conducted by the S.A. Institute of Race Relations) went on strike for higher wages. The South African Police were called to the Institute and all the workers were dismissed. They were told to re-apply for re-admission. 13 of these workers were not re-engaged and no wage increases were granted.

(b) Lion Match Company, Durban.

In August, 1961, 136 workers of the above company were charged with illegal striking after holding a lunch-hour demonstration with placards stating: "Recognise our Union. Demand £1 per day." The South African Police arrested these workers at the factory and they were imprisoned until their Trade Union had managed to raise bail of £5 each. They have since been charged with conducting an illegal strike and have been fined £5 each or 10 days' imprisonment. Leave to appeal to the Supreme Court against the sentences has been refused. The majority of these workers have lost their jobs.

(c) Klipfontein Organic Products, Transvaal.

These workers are recruited through the Bantu Administration Department (a Government Department). They live in compounds and receive the poverty wage of £7.0.0. per month, plus food and accommodation. Their only channel for having grievances redressed is the Bantu Native Commissioner at Germiston. Their experience of this official is that when they refer complaints to him, he has them dismissed and they are refused permits to seek work elsewhere in an urban area.

By July, 1961, these workers had become desperate and went out on strike. 600 were arrested, but only two were subsequently charged and after spending three weeks in gaol, were fined £20. 0. 0. each.

In reply to a letter from our Congress to the Minister of Bantu Affairs, listing the grievances of these workers, we were referred to

to the Bantu Native Commissioner at Germiston, the very official about whom these workers had originally complained.

(d) Bay Transport Company, Port Elizabeth.

193 African workers of the above Company were prosecuted for an illegal strike. Each worker was fined £7. 10.0.

In addition to the above strikes which were all of an economic nature, there was a national political "stay-at-home" at the end of May, 1961, in which many thousands of workers participated and as a result of which a large number of prosecutions under various laws were instituted.

(3) Anti-trade union propaganda carried out by Government Departments.

The South African Government is not a signatory to I.L.O. Convention No. 87 (Concerning Freedom of Association and Protection of the Right to Organise) and Convention No. 98 (Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively).

In the South African Railways and Harbours Administration which is a department of the South African Government, anti-trade union propaganda is carried on among the 99,800 African workers employed by the Administration. We quote hereunder an extract from UMQONDISO, an official publication of the Administration, which is circulated among non-white railway workers.

"The workers' representatives and the regional committee (appointed by the Administration) are the official medium for the purpose of making representations to the Department. They are, in fact, the only medium which are recognised by the Department and as such are the only bodies who have regular and direct contact with the Management. In this manner they have secured many benefits for the Bantu servants⁺ as a whole.... (Their emphasis).

On the other hand, there are organisations and and so-called Unions who influence non-European servants to join up and become a member of the organisation. The fees are high and are privately collected every month. They make it look legal by issuing a membership card and a receipt. These people are very sly and will even try to impress upon you that any benefits that have been awarded you by the Minister of Railways, have been derived through their achievements.

These so-called Unions do not enjoy Departmental recognition and the Management of the Railways or any of its officials do not, in any manner or form, on whatever subject, negotiate with these Unions. They cannot assist you in any of your service conditions; yes, they are only out to collect your money. They are living off the fat of the land, and that with your hard earned money which you contribute to them monthly. As a matter of fact, activities related to these unions, of whatever nature they may be, are not permitted on Railway premises. (Our emphasis).

If you become a member of one of these illegal so-called unions you may be called upon to pay a monthly subscription of 40 cents (4/-) or more which amounts to at least R4.80 (£2.8.0) per year..... (Our emphasis).

+ "Bantu servants" - African railway workers.

"To protect you from these unscrupulous people, the Administration has given strict instructions that no non-European servant may act as a collector for societies, firms, unions, associations or any other organisation or cause, without the written permission of the Head of Department. Nor is any person allowed to enter railway premises to collect any money from railway servants whether it be during working hours or not. Let this be a warning to you and do not allow others to mislead you." (Their emphasis). (Extracts from an article entitled "The Cat, the Eagle and the Sow" published in UMQONDISO, March, 1962).

These extracts contain defamatory statements about officials of the S.A.R. & H. Workers' Union (of African railway workers), a misstatement that the Union is illegal, but above all they show the implacable opposition of the Government (as expressed through its Railways Administration Departments) to free trade union organisation.

In addition to such anti-trade union propoganda, the Railways Administration, working in conjunction with the Security Branch of the South African Police, practises open intimidation upon African railway workers who join their trade union. In December, 1961, the office of the S.A.R. & H. Workers' Union, Johannesburg, was raided by Security Police and membership cards issued to individual workers who had joined the Union, were confiscated. Since then, the workers whose cards were so confiscated have been interrogated by Railway Police and threatened with dismissal if they did not resign from the Union. Many of those who refused to resign have either been dismissed or transferred to rural areas at lower rates of pay.

A complaint concerning this intimidation was lodged with the I.L.O. Committee on Freedom of Association on 29th December, 1961 by our Congress.

(4) Entrenchment of Apartheid in Trade Unions by Government legislation.

The separation of workers into racial groups within their own trade unions is entrenched in the Industrial Conciliation Act of 1956. The following extracts from JOB RESERVATION AND THE TRADE UNIONS by Ray Alexander and H.J. Simons indicate how this Apartheid is enforced.

"The Industrial Conciliation Act's segregation clauses distinguish between "Coloured" (of mixed blood) and "White" persons. The term Coloured is defined to include Indians. Africans are segregated by excluding them from membership of registered unions.

"No registered union formed after January 1st, 1957 may admit both Coloured and White members. The rule has one possible exception. If the Minister is satisfied that the number of White or Coloured workers concerned is too small to form an effective separate union, he may authorise the registration of an "open" union, i.e. one with both White and Coloured members. As far as is known, no new union has been registered with an open constitution.

"Members of an executive committee face a penalty of £100 fine or 12 months' imprisonment or both if they fail to amend the union's constitution in the manner required by the Act. Every succeeding executive would be liable to punishment as long as the constitution remained unamended.....

"Open Unions... must segregate White and Coloured members in separate branches and also establish an all-White executive. No member other than an official or office-bearer may attend or take part in the meeting of a branch from which he is debarred because of his skin colour.

"In terms of an amendment introduced in 1959, he may also not attend any other union meeting "which is not a meeting for the particular race to which he belongs." (Our emphasis).

"This provision rules out the possibility of holding general Conferences of all members or branch delegates. No Coloured member may attend a meeting of the all-White executive committee except to give information or answer complaints against him. A member who breaks the segregation clauses is liable to a maximum penalty of £100 fine or 12 months' imprisonment or both." (JOB RESERVATION AND THE TRADE UNIONS, Pages 22-23).

This legislation is a further indication that the South African Government is not fit to be a member of the I.L.O. where freedom of association of all workers, irrespective of race, colour or creed is a basic tenet.

(5) Job Reservation.

The present Government of South Africa has instructed the Industrial Tribunal to make a number of investigations in terms of Section 77 of the Industrial Conciliation Act 1956. This allows for the reservation of jobs for specific racial groups. As a result of legally binding determinations made by the Tribunal certain categories of work have been reserved for White persons only so causing grave hardship and injustice to Coloured, Indian and African workers. The following are the Determinations:

- No. 1. Clothing Manufacturing Industry (South Africa).
- No. 2. Motor Vehicle Cleansing (Durban)
- No. 3. Portion of the Engineering Industry (concerned with the manufacture of doors, metal surrounds, cliscoe windows and air light louvres. (South Africa).
- No. 4. Traffic Police, Ambulance Services and Fire Brigades (Municipality of Cape Town).
- No. 5. Passenger Lift Attendants (Bloemfontein, Johannesburg and Pretoria).
- No. 6. Building Industry in the Urban Areas (Transvaal and Orange Free State)
- No. 7. Engineering Industry (concerned with the manufacture of refrigerators, washing machines, electric stoves, etc.) (South Africa)
- No. 8. Clothing Manufacturing Industry (South Africa). This replaces Determination No. 1.
- No. 9. Motor Vehicle Driving (Health Department, Municipal undertakings, Springs, Transvaal).
- No.10. Road Passenger Transport Industry (Cape, Wynberg, Simonstown and Belleville)
- No.11. Motor Transport Driving (Odendaalsrus, Ventersburg, Virginia and Welkom, in the following undertakings - cement industry, motor driving in cements products, meat trade, mineral water manufacturing industry, quarrying, brickmaking, sale and delivery of sand, stonecrushing, goods transportation).

A study of these Determinations will show that it is not only skilled jobs which are reserved for whites only, but unskilled jobs such as driving a passenger lift. As the result of Determination No. 5 above, many hundreds of non-white lift attendants summarily lost their jobs.

(6) Persecution of Trade Unionists.

One of the features of the severe oppression of trade unionists during the past year has been the large number of banning orders served on active trade unionists in terms of the Suppression of Communism Act (which is used to persecute all opponents of the Government, both white and non-white) and the Riotous Assemblies Act. The following list of names, by no means exhaustive, indicates the extent of persecution of trade union officials

since the adoption of the I.L.O. resolution in 1961.

1. Melville Fletcher, Branch Secretary, Textile Workers' Industrial Union, Durban.
 - a) Confined to the urban area of Durban for a period of five years. Not permitted to enter any factory or any African Township, hostel or compound within the urban area.
 - b) Prohibited from attending gatherings for a period of five years.
2. Billy Nair, Secretary of the Durban Local Committee of the S.A. Congress of Trade Unions and Secretary of the Metal Workers' Union, Durban.
 - a) Confined to the urban area of Durban for a period of five years. Not permitted to enter any factory or any African Township, hostel or compound within the urban area.
 - b) Prohibited from attending gatherings for a period of five years.
 - c) Arrested for allegedly attending a gathering. Acquitted.
 - d) Arrested for allegedly promoting the interests of an illegal organisation. Acquitted.
3. Harry Gwala, Secretary of the Local Committee of the S.A. Congress of Trade Unions, Pietermaritzburg.
 - a) Banned from participating in the affairs of the S.A. Congress of Trade Unions.
4. U. Maleka, Secretary of the Furniture, Mattress & Bedding Workers' Union.
 - a) Arrested while assisting in a leaflet distribution for African mineworkers.
 - b) Charged under the Trespass Act of 1959 and sentenced to a fine of £2 or 14 days imprisonment.
5. R. Takalo, Secretary of the Metal Workers' Union, Transvaal.
 - a) Arrested while assisting in a leaflet distribution for African mineworkers.
 - b) Charged under the Trespass Act of 1959 and sentenced to a fine of £5 or 14 days imprisonment.
6. Brown Ndayemavota, Organiser for the National Organising Committee for Mineworkers.
 - a) Arrested while distributing leaflets to African mine-workers.
 - b) Sentenced to three months' imprisonment under the Urban Areas Act, without the option of a fine, for a pass offence.
7. R. Bapela, member of the S.A. Clothing Workers' Union.
 - a) Arrested while assisting in a leaflet distribution for African mineworkers.
 - b) Charged under the Trespass Act of 1959. Acquitted.
8. Leon Levy, National President of the S.A. Congress of Trade Unions.
 - a) Confined to the urban area of Johannesburg for a period of five years. Not permitted to enter any factory or any African Township, compound or hostel within the urban area.
 - b) Prohibited from attending gatherings for a period of five years.
 - c) Arrested and charged with allegedly attending a gathering. Acquitted.

9. Mark Williams-Shope, General Secretary of the S.A. Congress of Trade Unions.
 - a) Prohibited from attending gatherings for a period of five years.
 - b) Arrested and charged with promoting the affairs of an illegal organisation. Acquitted.
10. M. Lekhoto, Organiser of the General Workers' Union, Transvaal.
 - a) Detained at a placard demonstration.
 - b) Released - no charge brought.
11. Johannes Mebena, member of Shop and Office Workers' Union.
 - a) Arrested at a placard demonstration.
 - b) Convicted under 1959 Trespass Act. Fined £5.
12. Lawrence Ndzanga, Secretary of the S.A.R. & H. Workers' Union.
 - a) Arrested at placard demonstration.
 - b) No charge laid.
13. Columbus Nixishe, Organiser, S.A.R. & H. Workers' Union, Transvaal.
 - a) Arrested for allegedly impersonating a Railway Policeman. Acquitted.
 - b) Arrested for using European entrance of a Railway Station. Convicted under Trespass Act of 1959.
15. D. Sebolai, Assistant President, African General Workers' Union, Kimberley,
16. J. Mampie, Organising Secretary, African General Workers' Union, do
17. A. Motaung, Member, African General Workers' Union, Kimberley
18. A Mogoje, Member, African General Workers' Union, Kimberley
19. T. Sohleze, Member, African General Workers' Union, Kimberley.
20. M. Sebolai, Member, African General Workers' Union, Kimberley

The abovementioned officials and members of the African General Workers' Union, Kimberley are out on bail at present on a charge of entering a Reserve without permission.

These examples of violations of I.L.O. Conventions and Recommendations show clearly that the Government, far from abandoning its policy, is taking further steps to strengthen Apartheid and that South Africa is entering upon a period of fresh repressions of the trade union movement as a prelude to yet further racial persecution in the name of "separate development".

III. THE SOUTH AFRICAN DELEGATION AT THE FORTY-SIXTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

The Workers' Delegation to the 46th Session of the International Labour Conference was chosen after consultation with the Confederation of Labour and the Trade Union Council of South Africa. The former body is composed of 28 unions with a total of 150,158 White members and 175 Coloured members. The latter body (Trade Union Council) has 49 Unions with 110,427 White members, 44,726 Coloured and 11,850 Indian members. Until March, 1962, the Trade Union Council Constitution excluded Africans from joining the T.U.C. In March, 1962, however, the Constitution was amended so as to allow for the admission of Africans. To date, no Unions have affiliated to the Trade Union Council.

The South African Congress of Trade Unions, which submits this memorandum, has 55 affiliated trade unions with a total membership of 54,000 members, of which 41,000 are African. Since its inception in 1955, the South African Congress of Trade Unions has always admitted

African unions and is the only trade union co-ordinating body with a substantial African membership. . It therefore is the only truly representative workers' body in South Africa in terms of the I.L.O. Constitution.

We therefore point out that the workers' delegation from South Africa does not in any way represent the bulk of the African people, namely, the African workers. The Credentials Committee of the I.L.O. has time and again stressed the necessity for consultation with the S.A. Congress of Trade Unions in appointing the workers' delegate. The Government still refuses to do so.

We have not made any formal objection to the Credentials Committee at this year's Conference in this regard because of the above resolution of the 45th Session of the International Labour Conference. This resolution makes it quite clear that South Africa is not welcome in the I.L.O. and, in the spirit of this resolution and in support of the stand taken by member states, the South African Congress of Trade Unions does not in any way recognise the South African delegation at this year's Conference. No purpose would therefore be served by lodging an objection against part of that delegation.

IV. SUBMISSIONS.

In view of the foregoing, the South African Congress of Trade Unions earnestly submits:

- (a) that the Republic of South Africa should be expelled from membership of the I.L.O.

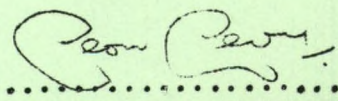
In this connection we contend that although the I.L.O. Constitution does not specifically provide for expulsion, nevertheless the International Labour Conference has the implied legal right to expel any member which contravenes the rules and conditions of membership.

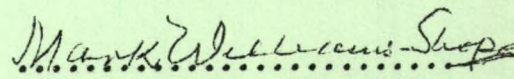
If, for any reason, it is felt that this implied legal right is insufficient to enable member states to expel South Africa, we call upon such states to move for an appropriate amendment of the Constitution.

- (b) that member states should refuse to recognise the Government, employers' and workers' delegation from the Republic of South Africa at the present Session of the Conference.
- (c) that member states should individually and collectively impose diplomatic, economic and political sanctions against the Republic of South Africa.

In taking such action member states will have the full support of the majority of the South African working people.

We respectfully remain,
Yours faithfully,


.....
LEON LEVY: PRESIDENT.


.....
M. WILLIAMS-SHOPE, GENERAL
SECRETARY.

For and on behalf of the National Executive Committee of the South African Congress of Trade Unions.

Johannesburg.

12th May, 1962.

Collection Number: AD1137

FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963

PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.