

Statement on Industrial Conciliation Bill (Cont.)

will make it increasingly difficult for European and Coloured workers to do so. Apart from accepted restrictions owing to the existence of agreements and awards, strikes cannot take place unless two-thirds of the Union approve by secret ballot. As past experience - both here and overseas - has shown, however, strikes cannot always be prevented by law and if illegal strikes take place, the whole system of law and order is brought into disrepute. Laws which cannot be enforced should not be enacted. It can be foreseen that illegal strikes by Non-Europeans, who are most likely to be affected detrimentally by the provisions of this Bill, will be likely to occur with increasing frequency.

PROPOSED INDUSTRIAL TRIBUNAL.

10. In its evidence to the Industrial Legislation Commission, the Institute advocated the setting up of a permanent Industrial Tribunal. It did so because it considered that Industrial Councils tend to work in isolation and to consider only their own interests to the exclusion of the interests of the general public; that the consuming public had a right to the protection of its interests; that there was a great need for the co-ordination of wage rates, and for the examination of the effects of Industrial Council agreements on employment. In putting forward this proposal the Institute considered that any such Tribunal should be permanent, should have the status of a higher court of law and that, to secure it from political pressures, its presiding officer should have a

status/....

Statement on Industrial Conciliation Bill (Cont.)

status equal to that of a judge of the Supreme Court with consequent security of tenure.

11. The Institute therefore considers that the proposals contained in the Bill for the composition of such a Tribunal are unsatisfactory: the chairman alone is required to have legal training, the appointments, to be made by the Minister, are for five years, the Minister designates those unions and organizations which will participate in the appointment of members, the Tribunal has no representative of consumers interests, and has no clearly defined principles laid down to enable it to consider the wider interests of the country. The status accorded to the Tribunal is inadequate.

APPEALS.

12. Under the Industrial Conciliation Act of 1937, appeals from the Industrial Registrar's decisions could be made to the Minister and thereafter to the Supreme Court and, if desired, to the Appellate Division. The Courts were empowered to examine the facts. Under the Bill, there will be no appeal from any decision made by the Tribunal except on questions of law. The Institute is opposed to the suggestion that the right of appeal from bureaucratic decisions should be curtailed.

GENERAL.

Statement on Industrial Conciliation Bill (Cont.)

GENERAL.

13. The Institute is of the opinion that if the provisions of this Bill are passed by Parliament, racial friction will be increased and industrial unrest will have added to it racial animosities. The artificial fostering of sectional and racial approaches to employment and conditions of work will not only seriously hamper the full economic development of the country, but will also lead to greater racial unrest. In the Institute's opinion, the present labour and wage structure of the country already impedes its healthy economic development and the present Bill, in its efforts to impose an ideological pattern divorced from economic reality, is undesirable in the interests of Europeans and Non-Europeans alike. The rigid pattern which the Bill seeks to impose will render more difficult of achievement those adjustments which South Africa's continued industrial development will demand.

DEFINITION OF "EMPLOYEE" IN THE ACT.

Despite the passage of the Native Labour (Settlement of Disputes) Act, the Institute reiterates its belief that the interest of the country as a whole would best be served by bringing all workers, including all African workers, under the definition of the term "employee" as used in the Industrial Conciliation Act (1937).

Apr 12/4

7th May, 1954.

The Regional Secretary,
Regional Office,
S.A. Institute of Race Relations,
18, Orange Street,
CAPE TOWN.

Dear Mrs. Greshoff,

Just a note in reply to your letter of May 3rd to say that you may keep the copy of the 3rd Draft of the Industrial Conciliation Bill sent to Dr. van der Horst in your office.

Yours sincerely,

Quintin Whyte,
Director.

P. 111
Say it may be kept
SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

(INCORPORATED) W.O. 219

Head Office: P.O. Box 97, Johannesburg.

Regional Officers for the Cape Western Area:
Chairman—Mrs. W. F. GRANT.
Regional Representative—Mr. D. B. MOLTEÑO.
Hon. Reg. Treasurer—Mr. P. D. SANTILHANO.

Telegrams and Cables—UBUNTU, CAPE TOWN.

Telephone 3-2318.

Regional Office—18 ORANGE STREET,
CAPE TOWN.

~~Postal Address—P.O. Box 1998, CAPE TOWN.~~

in reply please quote

3rd May, 1954.

Mr. Whyte
Mr. Q. Whyte,
Director - SAIRR,
P.O. Box 97,
JOHANNESBURG.

3 MAY 1954

Dear Mr. Whyte,

Please let me know whether the copy of the 3rd Draft of the Industrial Conciliation Bill sent to Dr. van der Horst, should be returned to Head office or may be kept here.

Yours sincerely,

E. de Groot

E. de Groot
REGIONAL SECRETARY.

U R G E N T.

26th April, 1954.

B/2/9/1
Dr. Sheila van der Horst,
Cape Western Regional Office,
18 Orange Street, CAPE TOWN.

Dear Sheila,

I enclose comments on the proposed Industrial Regulation Bill. The comments have been made on the Third Draft, which we have been able to obtain confidentially, but not on the Final Draft, which we cannot get. I believe, however, that there will not be any major changes in the Final Draft and that our comments on the Third Draft will still stand. I send down also the Third Draft for your confidential use, together with comments by Miss Horrell on it. You will see I have considerably modified Miss Horrell's draft statement, but Ellen said she would like an economist to look particularly at paragraph 8 of Miss Horrell's statement.

I shall be very glad to have any comments you wish to make as soon as possible.

Yours sincerely,

Quintin Whyte,
Director.

Encls:

HOUSE OF ASSEMBLY,
CAPE TOWN.

26 MAY 1954

25th May, 1954.

Miss Muriel Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

Dear Miss Horrell,

Mrs. Ballinger has asked me to thank you for your letter of the 17th inst., and also for the articles on the industrial colour bar which you enclosed. She will refer back to you if there is any~~thing~~ further information she requires.

Yours sincerely,

Jean Boerne
(Mrs)

Private Secretary.

M.H.
File

Ref: B/L/9/1

29th March, 1955.

The Joint Secretaries,
South African Trade Union Council,
P.O. Box 5592,
JOHANNESBURG.

Dear Sirs,

Thank you very much indeed for sending us a copy of your most interesting Supplementary Memorandum to the Select Committee on the subject of the Industrial Conciliation Bill.

We have noted that this is to be treated as confidential for the time being.

With many thanks,

Yours faithfully,

ME/K

M.H.
MURIEL HORRELL (Miss),
TECHNICAL OFFICER.

MAR 28 1955

SOUTH AFRICAN TRADE UNION COUNCIL

P.O.B ox 5592,
Telephone : 22-0847

515-522, 5th Floor,
Saker's Corner,
34 Eloff Street.
JOHANNESBURG.

Mr. Quintin Whyte,
Director,
South African Institute of Race Relations,
P.O.B ox 97,
JOHANNESBURG

21st March, 1955.

Dear Sir,

We have pleasure in forwarding a copy of the Supplementary Memorandum submitted by the Council to the Select Committee on the subject of the Industrial Conciliation Bill, which document we would request you to treat as confidential in view of the fact that Parliamentary procedure does not permit of the publication of evidence until the Select Committee itself has made its report thereon.

Yours faithfully,

T.P. Murray

T.P.MURRAY - W.A.COULL
JOINT SECRETARIES.

B/C/9/1/

The Government Printer,
Bosman Street,
P R E T O R I A.

8th November, 1955.

Dear Sir,

I shall be grateful if you will send to me 3 copies of
the Industrial Conciliation Bill (A.B.53-'54)(A.B.16-'55)
(Select Committee).

Please send the account to above address.

Yours faithfully,

Quintin Whyte,
DIRECTOR.

Telegrafiese Adres } „ARBEID“.
 Telegraphic Address }

Verwys in u antwoord asb. na
 In replying please quote

Alle briewe moet gerig word aan die
 SEKRETARIS VAN ARBEID.

All communications should be addressed
 to the
 SECRETARY FOR LABOUR.



No. 1164/1.

UNIE VAN SUID-AFRIKA.—UNION OF SOUTH AFRICA.

NOV - 7 1955

DEPARTEMENT VAN ARBEID,
 DEPARTMENT OF LABOUR,
 PRIVAATSAK 117,
 PRIVATE BAG 117,
 PRETORIA.

~~- 5-11-1955~~

The Director,
 S.A. Institute of Race Relations,
 P.O. Box 97,
 JOHANNESBURG.

Dear Sir,

Industrial Conciliation Bill.

With reference to your letter of the 1st November, 1955, it is regretted that this office is unable to supply copies of the Bill to members of the public.

The Bill is obtainable from the Government Printer who should be asked for a copy of the Industrial Conciliation Bill (A.B.53-'54)(A.B.16-'55)(Select Committee).

Yours faithfully,

A. S. ...
 SECRETARY FOR LABOUR.

B/4/9/11

1st November, 1955.

The Secretary for Labour,
Compensation House,
215 Schoeman Street,
P R E T O R I A.

Dear Sir,

I should be very grateful if you could forward to me two copies of the Industrial Conciliation Amendment Bill, which, presumably will be presented to Parliament and which may have been altered in light of the report of the Select Committee.

Yours faithfully,

Quintin Whyte,
DIRECTOR.

B/49/11

Dr. Sheila van der Horst,
21 Rugby Road,
Oranjezicht,
CAPE TOWN.

31st October, 1955.

Dear Sheila,

INDUSTRIAL CONCILIATION BILL.

The Select Committee on the Industrial Conciliation Bill has reported and it is likely that the original Bill will be modified in light of this report. I brought this matter up at the General Purposes Committee meeting and have suggested that you are really the only qualified person to study the Bill. I have asked Pretoria to send me two copies of the Bill and shall send you one as soon as they arrive. I wonder if you could do this for us so that we may be prepared beforehand for any comments and representations we may wish to make next year.

I have a copy of the Select Committee's report, but I am sure that you have that yourself in Cape Town, so unless you wish, I shall not send it to you.

I know this is a wearisome time of the year for you with the examinations and corrections, but I do hope that you find the time to relax.

With all good wishes,

Yours sincerely,

Quintin Whyte,
DIRECTOR.

action to camp

N O T E:

WITBANK REGULATIONS : QUINTIN WHYTE.

Had a discussion with Advocate Minty, who says that in view of the activities of the Land Tenure Advisory Board, it is possible that the regulations will not be put into force. The Indians may be shifted four miles out of town under the Group Areas act.

I suggested to him that I ask Miss McLarty to keep a watching brief on the Provincial Council ~~for us~~ for these regulations to appear. He does not think that it is necessary at this stage to take legal opinion on this matter in light of the other possible developments under the Group Areas Act.

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