

DETAILED COMMENTS

submitted

to the

SELECT COMMITTEE

appointed to inquire into

THE INDUSTRIAL CONCILIATION BILL

(A. B. 21, 1956)

SOUTHERN RHODESIA

by the following unions, registered in Southern Rhodesia  
and the Union of South Africa:

- Amalgamated Engineering Union,
- Amalgamated Society of Woodworkers,
- S. A. Boilermakers', Iron & Steel  
Workers' & Shipbuilders' Society,
- S. A. Society of Bank Officials,
- S. A. Typographical Union.

June, 1957.

INDUSTRIAL CONCILIATION BILL

(A. B. 21, 1956)

INTRODUCTION

11. The comments contained in this document are presented jointly by the following Unions :
  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.
12. This document is supplementary to the Memorandum submitted to the Honourable, The Minister of Labour and to the Select Committee.
13. The paragraphs and pages hereof are numbered so as to follow consecutively those of the April Memorandum and thus make for easier reference.
14. We deal herein largely with the Sections of the Bill listed under paragraph 5, pages 2 and 3 of that Memorandum.
15. The nature of our comments is such that it may not be possible to avoid some repetition of the statements set out in the April Memorandum.
16. Before proceeding we wish to express our appreciation for the opportunity of presenting evidence to the Select Committee. Our intention is most certainly not motivated by a desire to interfere in Southern Rhodesian affairs. Rather, since we have a considerable number of members in Southern Rhodesia, it is our duty as trade unions representing the interests of workers to direct the attention of the legislature to certain problems and difficulties which we believe would hamper the peaceful and progressive development of the economy of the country.

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We hope that our comments will assist in formulating what will be the fundamental industrial law in such a manner as to ensure that peaceful and progressive development in the interests of the peoples of Southern Rhodesia and the country itself.

DETAILED COMMENTSSECTION 2. INTERPRETATION OF TERMS.17. Sub-Section (1).

- (1) "employee". We have no comments on the definition itself, but arising therefrom we direct the Committee's attention to paragraphs 6 and 7 of the April Memorandum. We shall refer to this matter also when dealing with other Sections of the Bill.
- (2) "employers' organisation". We wish to point out that while the wording of the interpretation of this term is identical in relation to employers with the interpretation of the term "trade union" in relation to employees, the practical effect is quite different. One employer having interests in several different industries can be a member of the employers' organisation in each such industry at the same time. An employee, however, can be employed at his occupation in only one industry at a time although his occupation as such may be performed in several industries. He is therefore confined to the membership of the one particular trade union in which he will at any particular time be performing his occupation.

We suggest that the word "one" in this interpretation is unnecessary. We do not at the moment appreciate the reason for deleting paragraph (b) from the definition in the existing Act, but that is a matter for the employers.

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We shall refer to our attitude in regard to the similar provision which has been dropped from the definition of "trade union".

- (3) "secretary". We suggest that the interpretation of this term should apply also to the secretary of an industrial board, especially since the same person is to be permitted to be the secretary of more than one industrial board.

If the Bill is to provide for works joint committees of some kind, although in the appropriate place we make representations for the deletion of the whole of Part I, then this interpretation should apply also to the secretary of such a committee.

- (4) "statutory commission trade union". We submit, in view of our remarks in connection with Sections 30, 36, 37, 49 and 131, that this definition should be deleted. The definition of "trade union", subject to our remarks thereanent, would in any case permit of the formation of a union consisting of employees of a statutory commission provided that such union was fully representative, by free choice, of each of the numerous and diversified occupations usually performed in an undertaking such as a statutory commission.

- (5) "trade union". Having directed attention to the difference in the application of the definition of "employers' organisation" and that of "trade union" we refer the Committee to our remarks which appear in paragraphs 7(3)(a) to (g), pages 7, 8, 9 and 10 (April Memorandum). With reference to paragraphs (f) and (g) thereof, we would point out that the establishment of separate industrial councils presupposes the

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establishment of additional unions which itself appears to be contradictory to the definition of "trade union". However, reading the definition of "trade union" together with that of "undertaking, industry, trade or occupation" it seems to us that a purely occupational union could be registered. Such a union would, however, have to be separately registered in respect of "any one particular industry". For example the Boilermakers' Society could be registered as an "occupational" union, but would have to be registered separately in respect of each particular "undertaking, industry or trade" in which its members are employed.

In view of all the complications referred to in the Memorandum and our additional comments herein, we urge that the word "one" in the definition of "trade union" be deleted. The normal free development of trade unionism and the provisions of the Bill, if amended in accordance with our suggestions, we believe will not lead to the establishment of a multiplicity of unions representing the same interests. The provisions of Section 35 are a sufficient protection against the possibility of any such chaotic development.

Regarding the deletion of paragraph (b) of the definition in the existing Act from that in the Bill, we hold that the primary function of a trade union is to protect and further the interests of its members and other employees. In the course of carrying out this function, the trade union endeavours to regulate and negotiate conditions of employment with the employers. A trade union could protect and further the interests of employees in many other ways, including, for example,

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by making representations to Government and other authorities.

That the provisions of paragraph (b) are regarded as a primary object of trade unions is recognised in Section 122 of the Bill with reference to federations of trade unions. Sub-section (1) of that Section refers to such a federation as one which has as its object or one of its principal objects the promotion of the interests of employees. If such was not the main object of trade unions, it could hardly be the main object of a federation of trade unions.

(6) Sub-section (2).

A reading of this sub-section together with the provisions of Sections 33 and 34 seems to imply that every by-law and rule adopted by a union requires the approval of the registrar and requires to be submitted for registration, and thus also for certification. We suggest that this be clarified and that, in any case, registration and certification of by-laws and rules are not required even should it be deemed necessary that copies be submitted to the registrar.

SECTION 4. APPLICATION OF ACT.

18. Sub-Section (2) Paragraph (e).

In some unions apprentices are admitted to membership. Thus, as the paragraph now stands an apprentice bricklayer, for example, employed by a contractor building or extending a university, etc., will not be covered by the provisions of the Act whilst so employed. It is suggested that this paragraph requires clarification so as to exclude any such eventuality.

P A R T I.WORKS JOINT COMMITTEES.SECTIONS 6 TO 12.

19. We cannot agree with the provisions relating to the establishment of works joint committees.
20. These provisions will tend to by-pass trade unions where such exist and to discourage their formation in cases where they have not as yet been established.
21. No provision whatever is made for the participation in works committees of trade union representatives.
22. Works joint committees will be empowered under Section 11(2)(f) to deal with questions of wages and other conditions of service which is properly one of the functions of an industrial council and the employer and employee parties to such a council (see Sections 60 and 61).
23. Even with provision for trade union representatives the result of works committees' activities could be that in one industry (assuming no industrial council existed) wages and conditions could vary in every separate establishment.
24. Where an industrial council agreement would establish minimum conditions the same position could arise, for such conditions as a works joint committee could agree upon in excess of the minimum could also vary from one establishment to another.
25. It does not require much imagination to envisage the changing from one factory to another of workers in pursuit of the best possible conditions.
26. If the employees in any workshop, either on their own or in conjunction with their employers, desire to establish a works committee there is nothing, in any case, to prevent them from so doing. There certainly is no justification to provide for Government interference in the internal affairs of a

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workshop. In cases of dispute there is adequate provision in the Bill for settlement either by industrial boards, conciliation boards or industrial councils.

27. We suggest the deletion of the whole of Part I of the Bill.

P A R T II.

INDUSTRIAL BOARDS.

SECTION 26. EMPLOYMENT REGULATIONS.

28. Sub-Section (2).

The second paragraph of this Sub-Section (2) is referred to in paragraph (h)(i) on page 10 of our April Memorandum.

The provision permits differentiation or discrimination, in specifying or defining "class of employees", on the basis of age, sex, experience, length of employment, or type of work, or type or class of premises .... or any other method.

29. In Section 61 the proviso to paragraph (b) of Sub-section (1) permits an agreement to provide for a different minimum average rate of remuneration for different factions of any class of employees. Paragraph (c) provides for a minimum rate of remuneration according to experience or any other standard. Sub-section (2) defines "class of employees" and permits of any method of discrimination or differentiation on the same basis as the paragraph referred to in Section 26, Sub-section (2).

30. All these provisions permit of such discrimination or differentiation on the basis of race as also on those specifically mentioned.

31. We are naturally opposed to such discrimination being permitted on the basis of race and also of sex and age. As a matter of fact, it is difficult to understand why such

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race discrimination should be permitted in a Bill which seeks to apply equality in trade union membership and certain other aspects of our industrial life. The principle of "the rate for the job" is, if anything, more necessary for the advancement of the African worker than the sudden foisting upon him of all the responsibilities of trade unionism.

32. We may be permitted to express some surprise that in proposed legislation of an intended progressive character the outmoded theory of sex discrimination is to be perpetuated.

33. Our contention as to discrimination on the basis of age is based on similar principles.

34. We therefore urge that these three types of discrimination be eliminated in all labour legislation.

35. To conclude our remarks on this aspect of the matter we suggest that paragraph (o) in Sub-section (1) of Section 61, which refers to special conditions of employment for females and juveniles, be enlarged upon so as to ensure that such special conditions shall not be less favourable than the minimum conditions established in any agreement. The same principle should, of course, apply in conciliation board agreements, arbitration awards and industrial board recommendations.

P A R T   I I I .

REGISTRATION OF TRADE UNIONS AND EMPLOYERS' ORGANISATIONS.

36. We shall deal firstly with our arguments against the establishment of "statutory commission trade unions".

37. We propose the deletion of Section 30, the proviso to Section 31, Sections 36, 37, 49, 54, 58, 89 and all other references to

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"statutory commission trade union/s" including such references in Section 131.

38. Regarding the latter Section, if there are to be any such special provisions in relation to particular trade unions, they can be made without referring to such unions as "statutory commission trade unions".

39. It is our considered view that the provisions for "statutory commission trade unions" mean, quite simply, encouragement to establish "company unions".

40. Not even the sections dealing with the prohibition of strikes and lock-outs contain anything to justify any differentiation between the employees of a statutory commission and other employees.

41. There is certainly no justification in the economic or political spheres for any such discrimination between the interests of employees of statutory commissions and any other employees, this despite the distinction drawn between civil servants and other workers.

42. To illustrate this point by a practical example we ask what possible reason is there for the interests of a boilermaker employed by a private company to be regarded as separate and distinct from the interests of a boilermaker employed by a statutory commission; or for that matter, of a woodworker, a bricklayer or even an engine driver employed by the Rhodesian Railways as against one employed by another statutory commission?

43. What could be the separate and distinct interests of a woodworker employed by a private company operating under contract for a statutory commission, and one employed directly by such statutory commission? What could be the different interests of woodworkers employed by one statutory commission as against those of another such commission that would necessitate their being members of separate and distinct unions?

44. We maintain that these provisions of the Bill will impose a completely artificial division among the workers and a cumbersome, unnecessary superstructure on the trade union movement.
45. The provisions concerning these "company unions" are in direct contrast with the provisions of Section 106 which are intended to guarantee freedom of association.

SECTION 31. TRADE UNIONS AND EMPLOYERS' ORGANISATIONS MUST  
HAVE GOVERNING BODY IN COLONY.

46. This Section appears to be designed to eliminate all connection between unions in the colony and those outside of it.
47. For all practical purposes it affects the five unions party to this document not excepting the Amalgamated Engineering Union.
48. The latter Union will be excluded, in terms of the proviso to this Section of the Bill, only insofar as its separate registration as a "statutory commission trade union" for the Railway area is governed by Section 131.
49. We submit that this Section will cause unnecessary difficulties and complications.
50. As far as governing bodies are concerned, the provisions of the existing Act are not as stringent as the proposed new provisions and our five unions, whilst having governing bodies in South Africa, were permitted to arrange for governing bodies in the Colony. It is just possible that this position may be covered by the proposed new provisions.
51. It would appear that our registration may not be affected either in regard to local officials since most of our organisations have officials, either part-time or full-time, who are resident in the Colony.
52. It seems therefore that the new provision is intended to exclude what might be termed "head office officials" who are resident in South Africa from carrying out their functions in connection with trade union affairs in the Colony.

53. If that is so then it must be pointed out again that there are already a number of employers in South Africa who have established branches of their businesses in Southern Rhodesia.
54. The fact that employer organisations will be similarly restricted to having governing bodies and officials in the Colony does not put such employers in the same position as the workers.
55. Firstly, the employers themselves do not become full-time or part-time officials of their organisations. Secondly, there is nothing to prevent the head of a firm from South Africa becoming a member of the governing body of the employers' organisation in Southern Rhodesia, or even the Chairman of the organisation.
56. It is a well known fact that in employers' organisations it is the Chairman who exercises most influence, whereas in a trade union it is usually the paid official, i.e., the secretary.
57. There is nothing in the Bill to prevent employers from South Africa in the situation described above representing their organisation on an industrial council or any similar body, but the "head office official" of a trade union from South Africa could not represent his members on such bodies except by some devious method.
58. Thus, while the provision in the Bill in its wording suggests the same treatment for trade unions and employers' organisations, the practical effect will be quite different.
59. We have asked for the deletion of the proviso to this Section but it is nevertheless necessary to show the unfairness of distinguishing between a statutory commission trade union and other unions. A statutory commission trade union will be allowed to have officials not resident in the Colony if the undertaking, industry, trade or occupation of the statutory commission is carried on in the Colony and elsewhere.
- 60 We fail to appreciate the difference between that position and the

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position say, of the Typographical Union or the Bank Officials Society. The printing industry is carried on by the same firm or a subsidiary both inside and outside the Colony. Likewise, banking is carried on by the same firm both inside and outside the Colony. The same can be said in respect of a number of firms in the other trades and industries represented by the other three unions party to this document. Why then should they suffer greater restrictions than a statutory commission trade union?

61. We consider that this provision will detract from existing trade union rights, and that if there is to be any restriction as to the governing body of a union, the provisions of Section 7, Sub-section (2) of the existing Act sufficiently protect whatever it is that has to be protected by such a provision.

SECTION 32. RESTRICTIONS ON OFFICIALS OF TRADE UNIONS AND  
EMPLOYERS' ORGANISATIONS.

62. We fully appreciate the reason for paragraph (c) of this Section, although any such eventuality is probably unlikely to arise.
63. We have already referred, in paragraph (h)(ii) on page 10 (April Memorandum), to the restriction on trade unions contained in paragraph (a) of Section 32. If necessary we shall elaborate thereon in our verbal evidence.

SECTION 34. CONSIDERATION OF APPLICATIONS PRELIMINARY TO  
REGISTRATION.

64. We request the deletion from Sub-section (1) of the whole of paragraph (c). Apart from the fact that different individuals will have entirely different opinions as to the interpretation of the term "a responsible body", we submit that a union which is capable of preparing a constitution which complies with the provisions of any law and which contains provisions for its effective administration and functioning such as are required

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by the existing Act or will be required by the new one, is entitled to registration and a chance to prove it is reasonably capable of negotiating with the employers.

65. Furthermore, once a group of workers is refused registration under such a provision it is likely that they will become disheartened and lose interest in trade union organisation.

66. Such refusal of the registration may also have the effect on a certain type of employer of encouraging an anti-trade union attitude.

67. It may be as well at this stage to refer also to paragraph (e) of Sub-section (1) of Section 47, which provides for the cancellation of the registration of a trade union if the registrar believes that it is no longer a responsible body and reasonably capable of negotiating with the employers. We suggest that this paragraph also be deleted since the other reasons for which registration of a union can be cancelled would in any case be sufficient indication of a lack of responsibility somewhere in the union.

68. Paragraphs (a) to (d) and (f) in this latter Section are also sufficient grounds for the deletion of paragraph (c) from Sub-section (1) of Section 34 of the Bill.

69. With regard to Sub-section (2) of Section 34, we consider that the matter of the registration of those sections of a constitution about which the registrar is either not satisfied or in grave doubt is left somewhat up in the air.

70. The registrar should be obliged to inform the union of the reasons for his doubts or dissatisfaction, and afford the union an opportunity either of convincing the registrar or of amending those sections so as to satisfy him. The union would also then be in a better position to lodge an appeal to the Minister in terms of Section 118. It can certainly not be considered satisfactory

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for parts of a constitution to be registered and others not, especially where various sections may be inter-linked or inter-dependent.

SECTION 29. RESTRICTION OF NUMBERS OF REGISTERED TRADE UNIONS  
AND EMPLOYERS' ORGANISATIONS.

SECTION 35. REGISTRATION.

71. Our comments regarding Section 29 are largely covered by paragraphs 7(3)(a) to (g) on pages 7 to 10 of the April Memorandum and paragraph 17(5) on pages 15 - 17 of this document, with reference to the definition of "trade union". We wish here to repeat, however, that Section 35 contains sufficient protection against a multiplicity of ineffective trade unions coming into existence. The registrar is allowed sufficient discretion in the registration of unions to ensure that there will be no unnecessary overlapping in the representation by trade unions of any particular interests.
72. If Section 29 is intended to apply the principle of one industry, one union, or vertical unions - and in view of the changed definition of "trade union" read with the provisions of Section 35, that is the only interpretation we can place upon it - then we must request its deletion.

SECTION 41. MATTERS RELATING TO THE CONSTITUTION OF TRADE UNIONS  
AND EMPLOYERS' ORGANISATIONS.

73. Sub-section (1).

We suggest the deletion from paragraph (g) of the words "if any". Paragraph (a) contains the stipulation that the constitution must provide for the circumstances in which a member may be exempt from payment of membership fees. Therefore, the register of members will reflect cases in which members are for one reason or another so exempted.

74. The words "if any" in paragraph (g) are therefore of no significance in relation to those exempted from payment of subscriptions. They may, however, be used as an encouragement for the recruitment of members of a union on the basis that they need not pay membership fees until such union is sufficiently representative of the particular group concerned to enable it to get registration for the interests represented by such group - in short, to obtain membership by "poaching". This has been an unfortunate development in one important instance in South Africa.
75. Paragraph (k) could, in our view, lead to serious litigation on grounds of libel in some instances if a union is forced to put in writing the reasons for refusal of membership or expulsion. If workers are to be free to join or not to join a union, the union should likewise be free to accept or not to accept a member.
76. We suggest that paragraph (l) be deleted from this Sub-section and retained, as in the present Act, in Sub-section (2).
77. Paragraph (m). It is possible that we are ill-informed on the subject, but we do not know of any method of holding a secret ballot other than by ballot papers. If that is the only method by which a secret ballot can be held, we suggest the deletion of the words "by ballot papers".
78. We also suggest that the wording of the last part of paragraph (m) be changed to the effect that a constitution shall state any other matters in regard to which voting shall be by ballot and the manner in which ballots shall be conducted and controlled.
79. Paragraph (n). We suggest that the word "adequate" in this paragraph is unnecessary. One union may consider adequate representation to mean one representative for each branch regardless of the size of the branch; another may consider it to mean three and another five representatives per hundred members and so on.
80. Since a constitution must have the approval of the members of the union, we suggest it be left to them to decide the details.



81. We also suggest a re-arrangement of the wording of this paragraph so that it will read as follows :-
- The representation in the administration of the affairs of the trade union of members representing the sections or categories of employees in respect of whose interests the union is registered.
82. We suggest that any similar provision in respect of employers' organisations be contained in a separate paragraph.
83. Sub-section (3).
- We suggest that the provision in the present Act regarding the use of funds for political purposes, i.e., Section 8(1)(c), be retained in place of Sub-sections (3) and (4).
84. The new provisions go very much further, we believe unnecessarily so, than the original provision.
85. Paragraphs (a), (c) and (d) are restrictions on trade union rights for which we can see no justification whatever.
86. With reference to paragraph (a), suppose the majority of the members of a trade union desire to support a political party because its economic policy will result in the improvement of the workers' conditions, why should they be prevented from establishing a special fund into which those who so desire will pay special contributions for the purpose?
87. Paragraph (c) will prevent any of the unions being affiliated, for example, to the international departments of the International Confederation of Free Trade Unions and will likewise prevent any federation in the Colony from affiliating to the I.C.F.T.U. itself, even if the federation in the Colony does not have in its constitution a provision which permits it to use its funds for political purposes.
88. Paragraph (d) will prevent any trade union in the Colony from accepting financial assistance from the Trades Union Congress of Britain, even in the case, let us say, of large-scale unemployment

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caused by some disaster, economic or otherwise.

89. There is, of course, the further factor of what interpretation can be placed on the term "political purposes". Assuming that a registered trade union has a provision in its constitution as required by Sub-section (3) and supposing such a trade union undertakes a campaign for the nationalisation of mining in the Colony. Would that be a "political purpose"?

90. We submit that on the basis alone of the interpretation of the term "political purposes" it would be wiser to retain the provision as it is in the existing Act.

91. It would most certainly be wise to delete any provision which restricts the right of trade unions or federations of unions in their dealings with other national trade union federations and with international trade union federations.

92. Sub-section (5).

We suggest the deletion of this Sub-section mainly for the reason that it is equally unwise, in all the circumstances, to force members of different races together as it is to force them to separate, as has been done in the new Industrial Conciliation Act in South Africa.

93. There are many practical difficulties, in addition to the lack of trade union experience among African workers, such as the question of language, which point to the necessity for each trade union to be left to decide for itself, on the basis of the wishes of all sections of its membership, the form which its organisation shall take.

94. Paragraph (n) of Sub-section (1) will provide for the representation of all sections in the administration of the affairs of a union.

We suggest that a further provision be inserted in place of Sub-section (5) to the effect that, where there are separate racial branches in a union, provision must be made in the union's constitution for the representation of such branches on the

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governing body of the union and also for regular meetings between the members of the different branches in the same area or of their representatives.

SECTION 44. REGISTERED TRADE UNIONS AND EMPLOYERS' ORGANISATIONS  
TO FURNISH INFORMATION TO REGISTRAR.

95. In this Section provision is made for various things to be done "within thirty days". In Section 38(2), and in Section 47(1) and (2), however, a similar provision gives only fourteen days as the stipulated period. There may be other sections in which the stipulated period varies. We suggest that in all cases, for convenience of administration and consistency, the period should be thirty days.

96. Sub-Section (5).

This is an entirely new provision, which seems to us to be of a rather drastic nature. The failure of a secretary or a trade union to comply with the provisions of the Section are in any case, in terms of Section 50, an offence the penalty for which, in terms of Section 124(c), is a fine not exceeding one hundred pounds or imprisonment for one year, or both.

97. If, in spite of the dire penalty for failing to comply with the provisions of the Section, it is considered necessary to retain a further provision of the nature of Sub-section (5), we suggest that, before the registrar notifies the union that it will be deregistered within a stated period, he should be required to ask for compliance with the particular provision or an explanation as to why it has not within the stated period been complied with. If he is then not satisfied, the provisions of the Sub-section would only then apply.

98. We would still feel that such a provision is rather harsh, especially if the fault lay with the official of the union. Why should the union be deregistered because of any failure or inefficiency on the part of an official?

99. There is no such provision in relation to industrial councils - see Sections 64 and 67.

SECTION 45. APPEAL AGAINST REFUSAL OR EXPULSION FROM MEMBERSHIP  
OF TRADE UNION OR EMPLOYERS' ORGANISATION.

100. Although the provisions of this section are contained in the present Act in Section 59, we take the opportunity now of expressing our opposition thereto.
101. We must again point to the provisions of Section 106 and state that a trade union is entitled to decide who shall and who shall not be accepted as members.
102. Trade unions are normally anxious to obtain the greatest possible number of members and do not lightly exercise their power of refusal of or expulsion from membership.
103. Furthermore, the constitutions of most trade unions provide for an appeal within the union itself on such matters.
104. Having exhausted such channels, if an aspirant or expelled member still feels aggrieved or prejudiced, he has the right of appeal to the courts.
105. We urge the deletion of the whole of this Section.
106. Should the Select Committee conclude that this Section must remain, we would then ask that any appeal in terms thereof be directed to the Minister and not to the registrar.
107. After all, the authority to whom the appeal can be made replaces the individual's right of appeal to the courts.
108. So far as a union's right of appeal to the Minister from the decisions of the registrar is concerned, we must point out that Sub-section (3) of Section 45 of the Bill no longer refers to the same matters as Sub-section (3) of Section 59 of the Act. This may be an oversight which requires adjustment.
109. If it is an oversight, and the provisions of Section 118 of the Bill are intended to apply to Section 45, Sub-sections (4) or (5) (or both), then our proposal that the individual should have the

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right of appeal to the Minister instead of to the registrar would be merely giving the individual equal rights with the trade union in this matter.

110. On the other hand, if Section 118 is intended to apply to Sub-section (3) of Section 45, it confines the right of appeal on the union's side to the secretary of the union and will take away from the union a right of appeal to the Minister which it previously had.

111. It need hardly be said that we are opposed to any such retraction on the rights of a trade union.

SECTION 46. COMPULSORY CONTRIBUTIONS TO FUNDS OF TRADE UNION  
IN SPECIAL CIRCUMSTANCES.

112. We are entirely opposed to the provisions of this Section, which introduce a new and strange principle.

113. It may be possible, of course, to surmise the reasons which prompt the introduction of such provisions, but our discussion of the principle cannot be based on surmise.

114. It is entirely wrong, in our view, to force persons to contribute to a union without their having the right to participate in the affairs of that union, and again we emphasise that the less restrictions and compulsions are applied to trade unions and their members the better.

115. It is for the trade unions, having obtained a properly representative number of members, to decide whether or not they wish to approach the employers in order to ensure that the other employees become members of the union through the provisions, let us say, of a closed-shop agreement.

116. The principle introduced by this Section is, in effect the application by the government of a sort of closed shop to a limited group without giving the individuals comprising that group any of the membership rights to which the payment of union subscriptions

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would normally entitle them.

117. It is a violation of the principle. "no taxation without representation".

118. We cannot too strongly urge that this Section be dropped from the Bill.

SECTION 47. CANCELLATION OF REGISTRATION OF TRADE UNION  
OR EMPLOYERS' ORGANISATION IN CERTAIN CIRCUMSTANCES.

119. We have already referred to Sub-section (1)(e) of this Section in connection with our comments in regard to Section 34. We draw attention to the final paragraph of Sub-section (1) dealing with the action which the registrar "shall" take and the different wording of the similar provision at the end of Sub-section (1) of Section 70, dealing with the cancellation of the registration of an industrial council, and which refers to the action which the registrar "may" take.
120. With regard to a union a time limit of fourteen days is stipulated, whereas in the case of an industrial council there is no fixed period.
121. There is no provision in Section 70 similar to that in Sub-section (2) of this Section.
122. In terms of Sub-section (3) the registrar has the final responsibility in regard to the cancellation of a trade union, whereas that responsibility rests upon the Minister in terms of Sub-section (2) of Section 70.
123. We cannot understand why industrial councils, employers' organisations and trade unions should be differently treated in this respect.
124. We suggest, further, that Sub-section (1) of Section 47 should end after the words "as to the facts" in the last paragraph.
125. We have already intimated that we consider fourteen days inadequate as a period of notice and inconsistent with other similar stipulated periods.

126. We also suggest that the cancellation of the registration of a trade union is of such importance that the final decision and action in regard thereto should rest with the Minister as it does in the case of an industrial council and not with the registrar as provided in Sub-section (3).
127. Having come to the end of our remarks regarding Part III of the Bill, we would draw attention to the fact that there is no provision for the registrar to furnish to a trade union or employers' organisation a certificate of registration in the first instance. There is such provision in Section 53 (7) in respect of industrial councils. There is provision regarding the issue of a new certificate if a union constitution is altered.
128. We suggest that the necessary provision be included in Section 35.

SECTION 48. PUBLICATION AND EFFECT OF CANCELLATION OF  
REGISTRATION.

129. With further reference to our remarks about Section 44 (5) it must be clear that the effects of de-registration can be very severe on a trade union. An unregistered trade union would not have any of the protection afforded by the proposed Bill and would be at the mercy of the employers.

P A R T     I V.

INDUSTRIAL COUNCILS, CONCILIATION BOARDS, MEDIATION AND  
ARBITRATION.

SECTION 52. CLASSIFICATION OF UNDERTAKINGS, ETC.

130. We are unable to understand the purpose of this section (see Section 53 (2)(c) and (4)(b)). If publication in the Gazette is to mean anything at all, it will confine industrial councils to such classifications in advance.
131. If it is merely for guidance and assistance, that can be done

/by

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