

# LABOUR LEGISLATION

1975 - 1977

# New labour laws proposed

DD  
6/9/76

**JOHANNESBURG** — Sweeping changes in South Africa's labour laws, including a legal charter for domestic servants, a minimum wage for all major urban areas, and wages and work protection for farm labourers, have been recommended by the Trade Union Council of South Africa.

for commerce and industry in all major urban areas; Bringing 1.5 million black farm workers under the scope of the Wage Act so their wages and other conditions of work can be regulated.

A memorandum of these and other changes has been sent to the Minister of Labour, Mr S. P. Botha, by a specialist committee set up by Tucsa.

The appointment of trade unionists to the Wage Board; A proposed definition of the term "civilised standards" in the Wage Act, so that employers can recognise their responsibilities formally.

The memorandum frames proposed legislation for wages, hours and conditions of work for South Africa's tens of thousands of domestic workers, using Austrian legislation as a model.

The memorandum will be tabled at this month's Tucsa conference in East London.

It also urges: As a first step, a national minimum wage

Of major importance is Tucsa's proposal for a uniform national minimum wage for commerce and industry which it says "is the next logical step for worker protection in the evolution of South Africa's industrial legislation."

Tucsa has proposed that "civilised standards" as being the measure for pay standards and conditions of employment under the Wage Act be defined precisely.

It proposes the following definition: "Civilised standards shall mean a level of income which will enable an employee and his dependents to secure food, shelter, wearing apparel, transportation, medical services, and medicines, education, reading, and writing matter, savings for old age, insurance on life and property, entertainment and holidays." — DDC.

① 163  
② 132  
③ 134

# Criticism of labour legislation

*Nov 29/10/75*

## Pretoria Bureau

Much of the labour legislation applicable to Black workers was enacted, not with a view to labour relations as such, but to further the policy of separate development or the safety of the State

This was stated by Professor G C Kachelhoffer, of the department of mercantile law at the University of South Africa, in his inaugural lecture in Pretoria last night

The measures concerned had a marked influence on our labour relations and contained principles which in many instances ran counter to the basic principles of labour law adhered to in Western countries

Professor Kachelhoffer said the importance of labour law lay in its function as a technique for the regulation of social power

South Africa's industrial legislation contained many principles of labour law, and our workers shared the basic rights enjoyed by workers in the Western world, though Black workers shared them to a limited extent only

New developments in the field of labour relations placed a strain on the basic concepts of our labour law, concerning the employer-employee relationship which to date had been seen as based upon managerial authority and the subordination of the employee

Standard 7 @ cols 584-585 8/3/77

**Working conditions of newspaper vendors**

(166)

\*9 Dr A L BORAINE asked the Minister of Labour

Whether his Department has investigated or intends to investigate the working conditions of newspaper vendors, if not, why not

†The MINISTER OF LABOUR

It is not the intention to have the working conditions of newspaper vendors investigated, firstly, because newspapers

are mostly sold from shops and thus subject to Wage Determinations for the Commercial Distributive Trade and secondly, because newspapers are to a great extent sold by persons to whom the Determinations cannot be applied by virtue of the fact that they are not employees but individual contractors. The two wage determinations which were applicable years ago had, *inter alia*, been cancelled for the above reasons

Dr A L BORAINE Mr Speaker, arising out of the hon the Minister's reply, I want to ask him whether the fact that the newspaper vendors have no protection under law, does not influence him to another decision

The MINISTER No I do not think so

## LEGAL LIMITATIONS

First presented in conjunction with IPM - April 1976

Re-presented by NEA - October 1976

Now offered by NEA in response to popular demand

This event is designed to demonstrate in a practical and easy to understand manner, the main contents of and how to use the South African labour legislation to the best advantage

It is not intended as an academic study of what the law says, but as a managerial exercise for profit and the profit is the maximum utilization of PEOPLE to obtain that return. The law is but the framework within which we must operate although many of us today in South Africa believe that we are hedged around with fences, "no entry" signs and stop streets, in fact the scope is considerably wider than we believe possible

It may seem a dusty, dry subject, but when you get into it, it's full of PEOPLE - it's very alive and the deeper you dig, the more it rewards you.

### LEGAL LIMITATIONS WILL BE OF BENEFIT TO ALL INVOLVED IN MAN-MANAGEMENT - IN FACT EVERY LEVEL WHOSE ACTIONS AFFECT THE PEACE AND PRODUCTIVITY OF THE UNIT.

#### OBJECTIVE:

- to outline the importance of understanding the limitations of, yet the vast scope permitted within, the Industrial Legislation of South Africa
- to ease the path of daily duty by demonstrating where to find it, and how to use it
- to open a way to further peace on the labour front while generating the optimum productivity

#### METHOD:

Time being very limited to cover such a field, each session will be led in with a brief resume of the law with illustrative case studies. Every effort will be made to discuss and solve YOUR problems as the day proceeds

#### FEES:

NEA members - R40,00  
 Non-members - R60,00  
 (includes reference material, luncheon and refreshments)

## PROGRAMME

08h30 Registration and Coffee

08h55 Welcome - Mr B W Heilbron,  
 President, Natal Employers' Association

09h00 Aperitif - The value of a practical understanding of the Industrial Legislation OR What's in it for me?

Session 1 - The Basic or Protective Legislation  
 Hours of work - shifts - overtime - leave and sick leave - special provisions

The Factories, Machinery & Building Work Act (No 22 of 1941)

The Shops & Offices Act (No 75 of 1964)

10h30 Coffee

10h45 Session 2 - The Wage Regulating Legislation

Negotiation and determination of Wages & Conditions of employment

Communication, Conciliation and arbitration - The Right to Strike

The Industrial Conciliation Act (No 28 of 1956)

The Wage Act (No 5 of 1957) - The Bantu Labour Relations Regulation Act (No 48 of 1953)

12h30 Lunch

13h45 Session 3 - Snares and Pitfalls

Snippet discussions in the more popular problem areas including Hiring and Firing - The Contract of Service  
 The Professional Malingeringer - The Right of Search  
 The Temporary Employee - Perks and Perquisites  
 Any problems raised from the floor

15h00 Tea

15h15 Session 4 - The Industrial Welfare and Training Legislation

Benefits and Obligations for the employer and employee - Who may profit?

The Unemployment Insurance Act (No 30 of 1966)  
 The Workmen's Compensation Act (No 30 of 1941)

The Apprenticeship Act (No 37 of 1934)

The Training of Artisan's Act (No 38 of 1951)

16h30 Closure

Course Leader L D THORNE, M A (Cantab), Barrister at Law (UK), Director, NEA

Len Thorne was called to the English Bar in 1938. After the war he served for five years in Shell's Head Office Legal Department before emigrating to Nyasaland (now Malawi) where he ran his own legal practice for nigh 14 years - moving to Durban, he joined NEA in 1964 and has specialised in the Industrial Legislation of South Africa and the Natal employment scene up to date

## LEGAL LIMITATIONS

Registration to THE DIRECTOR, NEA, P O BOX 2080, DURBAN 4000

Please enrol

NAME

DESIGNATION

MEMBER OF

1)

2)

3)

We enclose our cheque for R

R40 - NEA members

R60 - Non-members

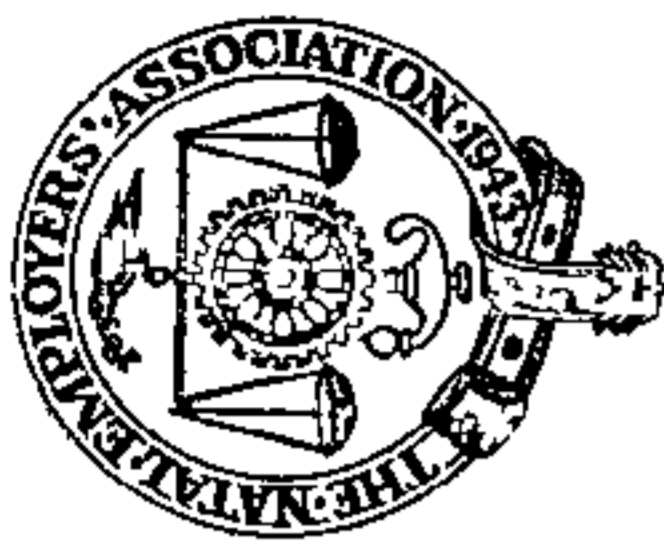
Company

Tel No

Cancellations cannot be accepted after Monday, 7th March, 1977

Address

*Wilson Zogoblo*



166

REGISTRATION  
FORM

# LEGAL LIMITATIONS

A PRACTICAL GUIDE  
TO THE EFFECTIVE USE  
OF THE  
LABOUR LEGISLATION

Tuesday  
15 March 1977  
08h30 — 16h30

Great Ilanga  
Elangeni Hotel  
Durban

Coltwell & Co D2434

Wider  
ARGUS 29/3/77  
powers  
to curb  
strikes  
planned

(1) 152  
(2) 166

The Argus Political Staff

NEW powers to the Minister of Labour to prevent strikes when he deems it in the national interest are proposed in legislation to be introduced during the present parliamentary session.

Contained in the Industrial Conciliation Amendment Bill published earlier this month for general information and comment, the proposed extension of the Minister's powers is believed to have already been rejected by the powerful Trade Union Council of South Africa (TUCSA).

Comments on the Bill will be received by the Secretary of Labour till the middle of next month, whereafter the Bill is expected to be introduced in Parliament.

The crucial amendment to the existing industrial conciliation legislation is a new clause which would empower the Minister to refer disputes to compulsory arbitration, and thereby to prevent strikes, in cases where he regards it to be in the national interest.

#### FUEL SUPPLY

The measure does not specify the kind of industrial areas or services that might be had in mind.

Another important amendment is with regard to the prohibition of strikes in fuel supply services.

While at present only affecting fuel distribution services, the measure is to be extended to include the mining and processing of fuels.

Strikes are already prohibited in terms of present legislation in work areas relating to service industries like water, electricity and sanitary supply.

The Minister is also empowered to have disputes

(Continued on Page 3, col 5)

MRG 43 29/3/77  
**POWERS**

(Continued from Page 1)  
referred to compulsory arbitration in other fields of industrial activity, as had been done in the case of the food canning industry.

Another new Bill, the Bantu Labour Relations Regulation Amendment Bill, was to be tabled in Parliament today by the Minister of Labour, Mr S. I. Botha.

The Bill is described as providing for the establishment and functions of coordinating liaison committees and expanding the powers of certain committees.

It will 'further prohibit' strikes and lock-outs involving Black workers and 'further regulate the settlement of disputes' as well as regulate the making of certain orders.

It will also extend the provisions relating to the observance of secrecy and victimisation and will set out to ensure the freedom of association of employees.

(1) 152  
(2) 166



# How to claim unemployment benefits

by  
**Dick Whitworth**



Dick Whitworth, Tucsas Director of Education and Training

With the present sharp increase in the numbers of unemployed it is perhaps appropriate that TUCSA should outline the procedures which are available to those workers who contribute to the Unemployment Insurance Fund, for them to obtain some form of relief, however small it may be, through the fund.

The fund, like any other organisation of its type, has rules which must be observed before benefits can be paid out

The first requirement is that the unemployed worker must be a contributor and must register as an unemployed person. Registration is done at the nearest office of the Unemployment Insurance Fund. In the larger cities this will be found in the Department of Labour offices and in the smaller towns this service is performed by the office of the local magistrate or the office of the Bantu Affairs Commissioner for Black workers

## HOW DO I REGISTER?

AS SOON AS POSSIBLE after leaving your former employment you must report to the nearest office of the fund with or without your unemployment contributor's card (UF74), and the claims officer there will register you as unemployed, if you do not have your blue UF 74 card at the time you will be required to produce it later. If there is any delay in registering (e.g. if you spend a day or two looking for work on your own) you may not be recorded as unemployed from the date on your contributor's card, but only from the date on which you registered.

This arose because some persons made a practice of taking a few days rest before registering as

indicate that you had resigned voluntarily. This would almost certainly cause you to be penalised, by depriving you of benefits, for a period of up to six weeks, it being the view of the Department that no one should voluntarily leave one job without having another to go to.

If however the figure '3' appears in this column on your card there are many implications to be read into the reason for your leaving the employ of the firm ranging from anti-social behaviour to ill health. The employer will be contacted to clarify writing, exactly what left. If the reason given reflects discredit on you then a penalty could be imposed before you would be considered for benefits.

After registering you the claims officer will probably

office to get your contributor's card and the claims officer will record that you are again employed.

## HOW MUCH?

How much you receive in benefits depends on how much you contribute each week and the amount you earn determines how much you pay.

There are at present fourteen groups of contributors ranging, on the graded earnings scale, from Group 1 (earnings up to R234 per year, payment 1c per week) to Group 14 (earnings up to R6 760 per year, payment 14c per week). Employer pay from 1c per week per week for each employee depending on the employees' earnings. The benefits range from 3,50 (Group 1) per day

still has a credit balance in the fund

## CREDIT BALANCE

Under present conditions for each six weeks that a worker contributes to the fund he or she is credited with one week's benefit in the group in which they contribute.

There is however a condition laid down that the worker seeking unemployment benefit must have been in employment as a contributor to the fund or otherwise for at least 13 weeks during the 52 weeks immediately preceding the claim for such benefit. This allows workers who have built up credits with the fund in the past to claim benefits even if they are, for any reason, not current contributors.

## WHO CONTRIBUTES?

All workers in commerce and industry and those employed in a local authority (municipality or divisional council) who have not been specifically exempted and whose earnings are R6 760 per year (R563,33 per month or R130 per week) or less must contribute. For Black workers to qualify earnings must be more than R546 per year (R45 50 per month or R10 50 per week) and below the ceiling limit of R6 760 mentioned above.

Domestic workers employed in private households, farm workers, other than those engaged in Forestry, foreign workers on contract, some Government and Provincial employees and most mine workers do not contribute to the fund and are therefore not covered for benefits.

## CAN I APPEAL?

Yes! provision is made in the Act for an appeal to be lodged by an aggrieved contributor to an Unemployment Insurance Fund Committee against the decision of a claims officer who has either

employment you must report to the nearest office of the fund with, or without, your unemployment contributor's card (UF 74) and the claims officer there will register you as unemployed, if you do not have your blue UF 74 card at the time you will be required to produce it later. If there is any delay in registering (e.g. if you spend a day or two looking for work on your own) you may not be recorded as unemployed from the date on your contributor's card, but only from the date on which you registered.

This arose because some persons made a practice of taking a few days rest before registering as unemployed (It would be virtually impossible to prove for instance, that you were actively seeking work as per the example quoted above, as it is unlikely that any firm would take the trouble to give you a note stating that you had applied unsuccessfully for work on a given day).

The Act requires that the contributor must prove to the satisfaction of the claims officer that he or she has been actively seeking work and also that they are capable of, and available for work.

It is as well to take your identity card with you when registering, if you have one.

## WHAT HAPPENS NEXT?

The claims officer will examine your contributor's card and if in the column headed "reason for leaving employment" the employer has placed the figure "2" you are in the clear, because "2" indicates that the reason you are leaving your employment is due to "reduction of staff" - that is, that you did not leave of your own accord or voluntarily.

Should your employer, perhaps in trying to help you put the figure "1" in this column it would

benefit for a period of up to six weeks, it being the view of the Department that no one should voluntarily leave one job without having another to go to.

If however the figure "3" appears in this column on your card there are many implications to be read into the reason for your leaving the employ of the firm ranging from anti-social behaviour to ill health and the employer will be contacted to clarify, in writing, exactly why you left. If the reason given reflects discredit on you then a penalty could be imposed before you would be considered for benefits.

After registering you the claims officer will probably keep your contributor's card and give you a contributor's check card as a receipt for it.

Should he know of suitable work available in your particular field he will give you another card with the name and address of the firm offering this work and you will have to present yourself to the firm and apply for the job.

If successful, you report back to the claims officer, who then records you as employed and records the period of your unemployment.

If, however, you do not get the job you will report back to the claims officer with the card which he gave you on which an endorsement from the firm appears, showing that you did make application for the job as instructed.

In the event that there are no suitable jobs on offer the claims officer will instruct you to report back to that office in so many days time. (The period varies from office to office, some require you to report once a week, others will require you to report at least twice a week on a certain day or days) as proof that you are still unemployed.

Should you manage to get work through your own efforts during this period you will still have to return to the unemployment

## HOW MUCH?

How much you receive in benefits depends on how much you contribute each week and the amount you earn determines how much you pay.

There are at present fourteen groups of contributors ranging, on the graded earnings scale, from Group 1 (earnings up to R234 per year, payment 1c per week) to Group 14 (earnings up to R6 760 per year, payment 14c per week). Employers pay from 1c per week to 8c per week for each employee depending on the employees' earnings. The benefits range from R3.50 (Group 1) per calendar week to R20.30 (Group 14) per calendar week.

Amendments to the Act will shortly be introduced to alter this group payment and benefit system as follows: each contributor will pay 0.5% of his weekly earnings and the employer will contribute 0.3% of each employee's weekly wage to the fund and the benefits paid will be 45% of the worker's weekly wage per calendar week when unemployed.

For the first seven days no benefit will be paid unless employment continues into the second week e.g. if you are out of work for 10 days you will only receive six days benefit (three days after the first week and three days of the first week), but if you are out of work for 14 days or more you will receive benefit for the full time you are unemployed. The seven days waiting period will not apply to any period of unemployment which occurs within nine weeks of a previous period of unemployment.

Benefits are paid for a maximum period of 26 weeks in any period of 52 consecutive weeks.

If special conditions of hardship exist it is possible to apply to your local Unemployment Insurance Committee for an extension of benefits provided that the worker

above

Domestic workers, employed in private households, farm workers, other than those engaged in Forestry, foreign workers on contract, some Government and Provincial employees and most mine workers do not contribute to the fund and are therefore not covered for Benefits.

## CAN I APPEAL?

Yes! provision is made in the Act for an appeal to be lodged by an aggrieved contributor to an Unemployment Insurance Fund Committee against the decision of a claims officer who has either refused benefit or has penalised a contributor.

In each major area there is established an Unemployment Insurance Fund Committee to consider such appeals, the Committee consists of representatives of both the workers' and the employers' interests and they meet regularly to consider any appeals made by contributors.

There is provision in the Act for a further appeal to be made if either the contributor or the claims officer is dissatisfied with the decision of the local committee.

This appeal is made to the Unemployment Insurance Board which is the senior authority of the fund, and consists of representatives of the Department of Labour who administer the fund together with representatives of the employers' and the workers' interests.

## SUMMARISING:

● If a contributor becomes unemployed he or she must register as soon as possible at the nearest unemployment insurance office.

● You may register whether you have your unemployment insurance contributor's card with you. (Continued on Page 6)

**DEPARTMENT OF BANTU ADMINISTRATION AND DEVELOPMENT**

No. R. 963

G 007  
3 June 1977

**BANTU LABOUR REGULATIONS, 1965**

**AMENDMENT OF GOVERNMENT NOTICE R 1892, DATED 3 DECEMBER 1965**

I, Willem Adriaan Cruywagen, Deputy Minister of Bantu Affairs, do hereby, on behalf of the Minister of Bantu Administration and Development, by virtue of the powers vested in him by section 28 (1) of the Bantu Labour Act, 1964 (Act 67 of 1964), amend Government Notice R. 1892, dated 3 December 1965, in accordance with the accompanying Schedule

**W. A. CRUYWAGEN**, Deputy Minister of Bantu Affairs  
(File A4/4/4)

**SCHEDULE**

Chapter III is amended by the substitution for regulation 8 (2) of the following

"8. (2) The minutes of the proceedings of a meeting of the board shall be kept by the chairman of that board or any officer as described, or any officer of a Bantu Affairs Administration Board deputed by him to do so."

No. R. 964

3 June 1977

**BANTU LABOUR REGULATIONS, 1965**

**AMENDMENT OF GOVERNMENT NOTICE R 1892, DATED 3 DECEMBER 1965**

I, Willem Adriaan Cruywagen, Deputy Minister of Bantu Affairs, do hereby, on behalf of the Minister of Bantu Administration and Development by virtue of the powers vested in him by section 28 (1) of the Bantu Labour Act, 1964 (Act 67 of 1964), amend Government Notice R. 1892 dated 3 December 1965, in accordance with the accompanying Schedule

**W. A. CRUYWAGEN**, Deputy Minister of Bantu Affairs  
(File A12/2/3/2)

**SCHEDULE**

Amend Schedule 44, as published by Government Notice R. 2265, dated 28 November 1975, by amending item 7 as follows:

"Substitute '10 g' under the heading Mass for '15 g'".

**DEPARTEMENT VAN BANTOE-ADMINISTRASIE EN -ONTWIKKELING**

No R 963

3 June 1977

**BANTOE-ARBEIDREGULASIES, 1965**

**WYSIGING VAN GOEWERMENISKENNISGEWING R 1892 VAN 3 DESEMBER 1965**

Ek, Willem Adriaan Cruywagen, Adjunk-minister van Bantoesake, wysig hierby, namens die Minister van Bantoe-administrasie en -ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 28 (1) van die Wet op Bantoe-arbeid, 1964 (Wet 67 van 1964), Goewermenskennisgewing R 1892 van 3 Desember 1965 ooreenkomstig bygaande Bylae

**W. A. CRUYWAGEN**, Adjunk-minister van Bantoesake.  
(Lêer A4/4/4)

**BYLAE**

Hoofstuk III word gewysig deur regulasie 8 (2) deur die volgende te vervang

"8 (2) Notule van die vergadering van 'n vergadering van die raad word gehou deur die voorsitter van daardie raad of deur enige beampte soos omskryf, of 'n beampte van 'n Bantoesake-administrasieraad wat deur hom gemagtig is om dit te doen"

No R 964

3 June 1977

**BANTOE-ARBEIDSREGULASIES, 1965**

**WYSIGING VAN GOEWERMENISKENNISGEWING R 1892 VAN 3 DESEMBER 1965**

Ek, Willem Adriaan Cruywagen, Adjunk-minister van Bantoesake, wysig hierby, namens die Minister van Bantoe-administrasie en -ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 28 (1) van die Wet op Bantoe-arbeid, 1964 (Wet 67 van 1964), Goewermenskennisgewing R 1892 van 3 Desember 1965 ooreenkomstig bygaande Bylae

**W. A. CRUYWAGEN**, Adjunk-minister van Bantoesake  
(Lêer A12/2/3/2)

**BYLAE**

Wysig Bylae 44, soos afgekondig by Goewermenskennisgewing R 2265 van 28 November 1975, deur item 7 as volg te wysig

"Vervang '15 g' onder die opskrif Massa deur '10 g'".

<u>Less</u>	:	Sale of A	R52,400
			500
			<u>R51,900</u>
		<u>REVENUE</u>	40,000
		LOSS	<u>R11,900</u>

Therefore more profitable to take Parow job.

Third Reading

The MINISTER OF MINES Mr President I move subject to Standing Order No 56—

That the Bill be now read a Third Time

Senator J H D E DL TOLL Mr President we on this side of the House have intimated that we support this legislation and with implementation we hope that it will be to the benefit of the mining industry and the country as a whole In my view clauses 1 and 2 are very sensible, and I hope that the miners will be satisfied because I belong to the school of thought which thinks the miner should get all he asks for in view of the work he has to do

As far as clause 2 is concerned I think this is possibly something which has become a necessity

Perhaps I overlooked mentioning one small matter in regard to clause 3, and this refers to the restoration of land I am thinking here specifically of the Transvaal Agricultural Union which is most concerned about the mining of coal in the Eastern Transvaal I understand that some of the topsoil is being removed by means of 'strip mining', after which the coal is dug out and the processed soil restored I hope that the department will ensure that in cases where topsoil is removed, the same type of soil as the topsoil will be replaced As the hon the Minister has said, nature is a wonderful element and can take care of itself, but a long time passes before nature restores this topsoil to good, fertile agricultural land, especially in those districts, because it is not sandy soil I am given to understand that it is quite practical to replace the topsoil because the coal is mined in ridges The topsoil can then be piled to one side and after the coal has been mined and the holes filled in, the topsoil can be replaced, and in this way nature can immediately take its course This is the small matter I wanted to bring to the notice of the hon the Minister, although his department has apparently already given it attention

\*The MINISTER OF MINES Mr President, as I explained previously, there is now a voluntary committee on which everybody co-operates, closely to make use of the services

and advice of all those bodies which are interested This is done to ensure that restoration is effected as well and as effectively as possible I also spoke of the cost which had been framed and in regard to which everybody co-operated as well After all it is no good trying to do restoration work if there are technical faults So I want to go the outright assurance that what has already been done, has been done on this principle In other words, the topsoil is piled on one side so that restoration takes place in such a way that the fertile soil remains on top What the hon Senator has suggested therefore, is in fact being done, and I was also the intention that it should be done

Question agreed to

Bill read a Third Time

BAVTL LABOUR RELATIONS REGULATORY AMENDMENT BILL

(Second Reading)

\*The MINISTER OF LABOUR Mr President, I move—

That the Bill be now read a Second Time

At the outset I should like to point out that the principal Act was placed on the Statute Book as early as 1953 Minor changes were introduced in 1955 and 1956, but during 1973 comprehensive amendments were introduced, amendments calculated to establish a more efficient channel of communications between employers and their Black workers by way of works committees and liaison committees. During 1975 consideration was given to a further extension of the Act in relation to negotiations concerning wages and other conditions of employment. The chief characteristics of the draft Bill, which was submitted to interested parties for comment, was to make provision for the establishment of industrial committees which could enter into agreements, on an industrial basis, in the absence of industrial councils

The comments received, however, principally indicated that the idea of 'industrial committees' was unacceptable to organized industry and the trade unions, and the measure was therefore not taken any further

Further attention was subsequently given to the development of the committee system and the Bill now before the hon House is chiefly aimed at that

I have tabled an explanatory memorandum, but I should now like to explain the proposed amendments further

The amendments are divided up under five headings, i.e.—

- (1) amendments in terms of which the co-ordinate system is developed
- (2) amendments in terms of which Blacks are also to be appointed in certain spheres

(3) amendments which will grant protection to workers participating in the activities of certain committees.

(4) amendments that will facilitate the administration of the Act, and

(5) consequential amendments

For the sake of clarity I shall deal with the five groups of amendments separately I shall begin with the first group that I mentioned, on which clauses 5, 6, 7 and 11 have a bearing

Clause 5

In terms of this clause the existing section 7 of the Act is replaced by a new section to extend the establishment and functions of liaison committees. In terms of this it will be possible to establish a liaison committee in respect of a single establishment, in respect of some or other section of an establishment or, where an employer has more than one establishment in the same trade, also in respect of such establishment.

Liaison committees will now be able to negotiate and enter into agreements in relation to wages or other conditions of employment where no co-ordinating liaison committee exists. However, where such a committee exists, a liaison committee will only be able to make recommendations in regard to wages or other conditions of employment to the co-ordinating liaison committee. Furthermore, a liaison committee will be able to consider matters which are of mutual interest to the employer and his employees. Agreements entered into shall have to be reduced to writing

and shall be binding on the employer and employees concerned. A copy of the agreement will have to be retained in safe custody by the employer and another copy will have to be affixed and kept affixed in some conspicuous place upon his premises. Failure of which will constitute an offence

Clause 6

Section 7A of the Act provides for the establishment and functions of works committees. In terms of the proposed new subsection (10) works committees can also negotiate and enter into agreements in relation to wages or other conditions of employment where no liaison committee exists. Where both committees exist, however, the works committee will only be able to make recommendations in regard to wages and other conditions of employment to the liaison committee. Similar provisions apply in respect of agreements entered into in terms of this clause as in the case of liaison committees

Clause 7

Section 7B of the Act provides for the establishment and functions of co-ordinating works committees. In terms of the proposed new subsection (4), co-ordinating works committees can also negotiate and enter into agreements in relation to wages or other conditions of employment where no co-ordinating liaison committee exists. However, where such a committee exists, the co-ordinating works committee will only be able to make recommendations in regard to wages or other conditions of employment to the co-ordinating liaison committee. Similar provisions apply in respect of agreements entered into in terms of this clause as in the case of liaison committees.

Clause 11

This clause envisages the introduction of a new section in the Act which provides for the establishment and functions of co-ordinating liaison committees. Such committees can negotiate and enter into agreements in relation to wages or other conditions of employment. In addition they can also consider other matters affecting the interests of employees. With respect to agreements that are entered

Sen Hansard 13

166

years. One could almost call them a guild, a group of people who for many years and many generations were builders, and, for example, made these beautiful gables that we see here. Many of them no longer exist because I do not think that craft exists today. When people like that, who have done work for 100 or 200 years, are worried about the next day, should you and I blame them?

I said yesterday that I had been greatly impressed by how deep-seated this thing is. Mention was made of the old concept in Europe of the so-called "closed shop", where many trades were simply closed so that nobody could get in to become workers in that particular industry. That is quite correct. Perhaps they were people of the same population group and the deep emotion prevailing in South Africa would not apply to them. However, it is equally strong as far as sentiment is concerned. So it is not a phenomenon peculiar to South Africa. It is a world-wide phenomenon. I can readily understand therefore when people say to me "I have done this work for years and I want to be protected". That is why I said to you yesterday that at the time there was a reason for that sort of protection. I also concede—and I regard it as important—that on the road ahead—and here I am referring to the hon. Senator Swanepoel—millions of people will be drawn into the South African labour machine who are not working today.

That is quite true. I agree with the sentiment expressed here that when the revival starts we can expect that there will again be shortages. If the forecasts are correct, by the end of the century the gross national product will amount to something like R60 milliard, as against today's R27 milliard. The forecasts of what lies ahead are made scientifically.

All that we can say to one another today is that millions of people still have to work and they are not White people because we do not have them. Provision must therefore be made that all groups should be drawn into the labour machine. It is also necessary for a second reason, because in a boom period one cannot allow the position where these people are available in the country who will not work in times of depression, as at present, one can tolerate it for a certain time. One can have it for six months or a year or two. But, in a boom period one is looking for trouble if the large majority of the people want work and there are

WEDNESDAY, 8 JUNE 1977

Prayers—14h30

FIRST REPORT OF SELECT COMMITTEE ON PENSIONS, GRATUITIES AND GRANTS OF LAND

Senator D G J van Rensburg, as Chairman, presented the First Report of the Select Committee on Pensions, Gratuities and Grants of Land, as follows:

Your Committee, having considered the Assembly Resolutions referred to it, as specified in the First and Third Reports of the Select Committee on Pensions of that House [S C 6—'77 and Assembly Minutes, p. 360] and received for concurrence from the Honourable the House of Assembly by Message dated 2 June 1977, begs to recommend that the said Resolutions be concurred in.

D G J VAN RENSBURG,  
Chairman

Committee Rooms  
The Senate  
8 June 1977

Report to be considered

QUESTIONS (see 'QUESTIONS AND REPLIES')

ESTIMATES OF EXPENDITURE

(Committee resumed)

Vote No 6 and S W A Vote No 1—Bantu Administration and Development

\*Senator J L HORAK Mr President, I welcome the hon. the Minister of Bantu Administration and Development here this afternoon especially because it gives us the opportunity to discuss his Vote. As he himself will admit this is a contentious Vote. We often hear rumours that the hon. the Minister is going to retire and lay down his high post.

\*The MINISTER OF ECONOMIC AFFAIRS We hear the same of Graaff.

\*Senator J L HORAK Yes, we hear the same stories. However, I will believe it when I

see it, because in my opinion the hon. the Minister is like Tennyson's brook "Men may come and men may go but I go on for ever". I do not know whether it is a good thing, but the debate this afternoon and perhaps this evening will determine whether it is in fact a good thing or not for the hon. the Minister to go on indefinitely.

Mr Chauhan, if ever there was a policy which has not succeeded in attaining its original aims, it is the policy of the Government and more specifically the policy of this hon. Minister in regard to the Black man in South Africa, and this stretches over a period of almost 30 years. Indeed, the policy in the earlier years was more of a slogan than a policy, the slogan was apartheid. Over the years that slogan has cost us dearly, as the hon. the Minister of Economic Affairs is perhaps experiencing today. The word "apartheid" has hung about our necks like a millstone.

I must admit, however, that the slogan took on the form of a policy with the appointment of the late Dr Verwoerd as Minister of Native Affairs and the appointment by him of the Tomlinson Commission. Previously it had been a slogan, but after that it began to take on the form of a policy. Since then there have been developments and an adjustment process that has led to the policy position advocated by the hon. the Minister today.

There are however material differences between the present policy position and that which applied when Dr Verwoerd filled the post not to mention the late Adv. Strydom Dr Verwoerd, for instance, consistently held the view, with all its implications, that the Black man was only temporarily in the so-called White area. He alleged that in the so-called White areas. He alleged that the Black stream to the so-called White areas would begin to flow back to the homelands and that under no circumstances should rights therefore be granted to the urban Bantu. That was the standpoint which was recognized at that time.

Today however—and I do not want to anticipate it—there is a Bill before Parliament to provide for the establishment of Black elected local authorities in the urban areas such as Soweto. Of course, I endorse that. Political groups must define for themselves the right to decide on their own affairs, but it was not part of the NP view of the fifties, and even of the early sixties that Black people in the

no job opportunities for them. In the interests of labour peace they must be able to work. But who is going to decide where they work? This is a point on which we differ with one another. While we know that the people have to work, will they work in South Africa, will they work in the Republic, Transkei, Bophuthatswana or other places? In the process of providing work for all, we shall encounter a lot of unrest if we are not careful in deciding who is going to work where. When I discussed this matter with the trade unions, I told them that we could not have large-scale disturbances or labour unrest in the process. If our doors are open to one another, and we establish the machinery to make it possible, the trade unions must be consulted in future to decide how the development will take place. They must have a feeling of security as far as the Minister is concerned. They must know that the Minister will not just open doors and allow them to be overrun. That is why I said that the golden rule should be that who works where should not be the sole responsibility of the Minister but also of the people engaged in providing that service. I think that is fair. I have given that assurance. I intend to have an intimate relationship in future with the workers' leaders as to what should happen in South Africa. I am not of a mind to have them feel that I am giving instructions from above or that I shall bring in an Act to compel them. If there is to be industrial peace in the future it will be brought about by all concerned. In other words, it will be a voluntary industrial peace. I hope that we shall have a situation of industrial peace in South Africa in future because we will have the necessary consultation with everyone. In this case I am referring to the labour leaders of today as well. On this basis I believe that we shall not have the explosion in future which people prophesies. I believe, Mr Chairman, that we can help one another to determine the path and I hope that I when it becomes necessary, will have the co-operation of both sides of the House.

Business interrupted in accordance with Standing Order No 22

House Resumed

Progress reported and leave granted to sit again

The House adjourned at 18h00

# ACT

To amend the Bantu Labour Relations Regulation Act, 1953, so as to define or further define certain expressions; to alter the constitution of the Central Bantu Labour Board and certain committees; to provide for the establishment and functions of co-ordinating liaison committees, to extend the powers of certain committees, to further regulate the settlement of disputes; to further regulate the making of certain orders and the prohibition of strikes and lock-outs; to extend the provisions relating to the observance of secrecy and victimization; to ensure freedom of association of employees; and to provide for matters connected therewith

*(Mkhaans text signed by the State President )  
(Assented to 17 June 1977 )*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows --

Amendment of section 1 of Act 48 of 1953 as amended by section 1 of Act 70 of 1973

**1** Section 1 of the Bantu Labour Relations Regulation Act 1953 (hereinafter referred to as the principal Act) is hereby amended--

- (a) by the substitution for the definition of "Bantu labour officer" of the following definition  
Bantu labour officer means a Bantu labour officer appointed in terms of section 8 and includes an assistant Bantu labour officer appointed thereunder
- (b) by the insertion after the definition of "board" of the following definition  
'co-ordinating liaison committee' means a co-ordinating liaison committee established under section 71
- (c) by the deletion of the definition of "European", and
- (d) by the insertion after the definition of "this Act" of the following definition  
'trade' includes any undertaking, industry or occupation, and any section or any portion of any such trade

Amendment of section 3 of Act 48 of 1953

**2.** Section 3 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs

- "(a) one shall be appointed by the Minister to be chairman of the board and
- (b) the remaining members shall be appointed by the Minister after consultation with the regional committees and shall be persons who, in the opinion of the Minister are competent to represent the interests of employees "

Act No. 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

Amendment of section 4 of Act 48 of 1953 as amended by section 7 of Act 70 of 1973

3 Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (2A) of the following subsection

(2A) Members appointed in terms of subsection (2) after the commencement of the Bantu Labour Relations Regulation Amendment Act, 1977, shall, in so far as the Minister deems it expedient, be selected from among the members of such co-ordinating liaison committees, liaison committees, co-ordinating works committees or works committees as may exist in the area in respect of which the regional committee concerned has been established, and

(b) by the substitution for subsection (4) of the following subsection

“(4) (a) A regional committee—

(i) shall for the purpose of dealing with any labour dispute, in any trade co-opt as members of such committee one or more elected members of any co-ordinating liaison committee or liaison committee, or one or more members of any co-ordinating works committee or works committee existing in the trade and area in question,

(ii) may for the purpose of dealing with any other matter affecting employees in any trade co-opt as members of such committee one or more elected members of any co-ordinating liaison committee or liaison committee or one or more members of any co-ordinating works committee or works committee existing in the trade and area concerned

(b) Any member co-opted under paragraph (a) (i) or (ii) shall, for the purposes of dealing with the dispute or matter concerned, be deemed to be a member of the regional committee

Amendment of section 6 of Act 48 of 1953

4. Section 6 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph

(a) maintain contact with employees with a view to keeping itself informed as to the wages or other conditions of employment of employees in its area generally and in particular trades,” and

(b) by the substitution for paragraph (c) of the said subsection (1) of the following paragraph

“(c) assist in the settlement of labour disputes, and”

Substitution of section 7 of Act 48 of 1953 as substituted by section 5 of Act 70 of 1973

5. The following section is hereby substituted for section 7 of the principal Act

Establishment and functions of liaison committees

7. (1) An employer and his employees concerned may establish—

(a) in respect of the establishment in which they are employed by him,

(b) in respect of any section of such establishment or

(c) where the employer has more than one establishment in the same trade, with the approval of the Secretary for Labour or any officer designated by him for that purpose, in respect of those establishments,

a liaison committee—

(i) consisting of such number of members as may be determined by the employer and the said employees,

(ii) of which not less than one-half of the members shall be elected by the said employees from among their number at such intervals as may be so determined, and the other members shall be persons designated by the employer to represent him on such committee,

Act No. 84, 1977

BANU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

- (iii) of which the chairman shall be a person (who need not be a member of such committee) designated either by the employer or in a manner determined by the members of such committee, and
- (iv) of whose members, in the case contemplated in paragraph (c), at least one shall be elected in respect of each establishment referred to in the said paragraph (c), and from among the employees therein
- (2) The functions of a liaison committee shall be—
- (a) where no co-ordinating liaison committee exists in respect of the establishment or establishments concerned, to negotiate and enter into agreements with the employer in relation to the wages or other conditions of employment of the employees concerned and, where any such co-ordinating liaison committee exists, to make recommendations regarding such wages or other conditions of employment to such co-ordinating liaison committee and
- (b) to consider other matters which are of mutual interest to the employer and such employees, in accordance with rules adopted by it
- (3) Any agreement entered into under subsection (2) (a), shall be not less favourable to the employees concerned than any relevant provision of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), the Shops and Offices Act, 1964 (Act No. 75 of 1964), or any wage regulating measure or any order shall be reduced to writing and shall be binding on the employer concerned and the employees concerned
- (4) Any employer on whom any agreement is binding in terms of subsection (3) shall retain a copy thereof in safe custody and shall affix and keep affixed another copy thereof in some conspicuous place upon his premises
- (5) An employer shall, within thirty days after the establishment of a liaison committee by him and his employees, notify the inspector defined by regulation of the establishment of such committee
- (6) An employer who fails to comply with the provisions of subsection (4) or (5) shall be guilty of an offence

Amendment of section 7A of Act 48 of 1953, as inserted by section 4 of Act 70 of 1973

## 6. Section 7A of the principal Act is hereby amended—

- (a) by the substitution for subsection (9) of the following subsection
- “(9) A works committee may adopt rules with reference to—
- (i) the calling and conduct of meetings of the committee and the quorum for such meetings,
- (ii) the admittance to meetings of the committee of employees of the employer concerned who are not members of the committee, or of the said employer or his authorized representative,
- (iii) the procedure which is necessary or expedient for the proper functioning of the committee”.
- (b) by the substitution for subsection (10) of the following subsection
- “(10) (a) The functions of a works committee shall be to communicate the wishes, aspirations and requirements of the employees in the establishment or section of an establishment in respect of which it has been elected, to their employer and, where no liaison committee exists in respect of such establishment or section, to negotiate and enter into agreements with their employer in relation to their



Act No 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT, 1977

wages or other conditions of employment, and, where any such liaison committee exists, to make recommendations regarding such wages or other conditions of employment to such liaison committee

- (b) Any agreement entered into under paragraph (a) shall be not less favourable to the employees concerned than any relevant provision of the Factories, Machinery and Building Work Act, 1941 (Act No 22 of 1941), the Shops and Offices Act, 1964 (Act No 75 of 1964), or any wage regulating measure or any order, shall be reduced to writing and shall be binding on the employer concerned and the employees concerned
- (c) Any employer on whom any agreement is binding in terms of paragraph (b) shall retain a copy thereof in safe custody and shall affix and keep affixed another copy thereof in some conspicuous place upon his premises", and
- (c) by the substitution for subsection (13) of the following subsection
- "(13) An employer who fails to comply with the provisions of subsections (2), (3) (b), (4), (10) (c) or (12) shall be guilty of an offence"

Amendment of section 7B of Act 48 of 1953 is inserted by section 1 of Act 70 of 1973

## 7. Section 7B of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection
- "(4) (a) The functions of a co-ordinating works committee shall be to co-ordinate the activities of the works committees of the various sections of the establishment in question and, where no co-ordinating liaison committee exists in respect of such establishment, to negotiate and enter into agreements with the employer in relation to their wages or other conditions of employment and, where any such co-ordinating liaison committee exists, to make recommendations regarding such wages or other conditions of employment to such co-ordinating liaison committee
- (b) Any agreement entered into under paragraph (a) shall be not less favourable to the employees concerned than any relevant provision of the Factories, Machinery and Building Work Act, 1941 (Act No 22 of 1941), the Shops and Offices Act, 1964 (Act No 75 of 1964), or any wage regulating measure or any order, shall be reduced to writing and shall be binding on the employer concerned and the employees concerned
- (c) Any employer on whom any agreement is binding in terms of paragraph (b) shall retain a copy thereof in safe custody and shall affix and keep affixed another copy thereof in some conspicuous place upon his premises", and
- (b) by the substitution for subsection (7) of the following subsection
- "(7) An employer who fails to comply with the provisions of subsection (4) (c) or (6) shall be guilty of an offence"

Amendment of section 7C of Act 48 of 1953 is inserted by section 1 of Act 70 of 1973

## 8. Section 7C of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection

"(1) Any committee existing at the commencement of the Bantu Labour Relations Regulation Amendment Act, 1977, and which consists of employees in the establishment of an employer or a section thereof and representatives of that employer or of such employees and which performs substantially the same functions as those of a co-ordinating liaison committee or a liaison committee or a co-ordinating works committee or works committee, shall for the purposes

Act No 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

of this Act be deemed to be a co-ordinating liaison committee or a liaison committee or a co-ordinating works committee or a works committee, as the case may be, established in terms of the relevant provisions of this Act "

Amendment of section 7D of Act 48 of 1953 is inserted by section 4 of Act 70 of 1973

**9** Section 7D of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection

(1) Whenever an employer has reason to believe that a co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee established in respect of his establishment or a section thereof, has ceased to function, he shall as soon as practicable notify the inspector defined by regulation accordingly and shall indicate in the notice such facts or circumstances as he may consider to be the reasons why the committee in question has ceased to function "

Substitution of section 7E of Act 48 of 1953 is inserted by section 4 of Act 70 of 1973

**10** The following section is hereby substituted for section 7E of the principal Act

\*Consultation with co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee in connection with labour dispute

**7E.** A regional committee, an inspector defined by regulation or a Bantu labour officer acting in terms of the provisions of this Act in connection with any labour dispute in an establishment or section of an establishment in respect of which a co-ordinating liaison committee or liaison committee or a co-ordinating works committee or a works committee exists, shall consult with the co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee concerned in regard to the dispute and the settlement thereof "

Insertion of section 7F in Act 48 of 1953

**11.** The following section is hereby inserted in the principal Act after section 7E

Establishment and functions of co-ordinating liaison committees

**7F.** (1) If liaison committees have been established in respect of two or more sections of an establishment, such liaison committees may, after consultation with the employer, establish a co-ordinating liaison committee consisting of a number of members determined by such liaison committees and one half of which shall be nominated by the employer and the other half of which shall be elected by the employees concerned from among the elected members of such committees

(2) The members of a co-ordinating liaison committee shall elect from among their number a chairman and a secretary of that committee

(3) (a) The functions of a co-ordinating liaison committee shall be to co-ordinate the activities of the liaison committees in question and to negotiate and enter into agreements with the employer in relation to the wages or other conditions of employment of the employees concerned and to consider any other matter affecting their interests

(b) Agreements entered into in terms of paragraph (a) shall be not less favourable to the employees concerned than any relevant provision of the Factories, Machinery and Building Work Act, 1941 (Act No 22 of 1941), the Shops and Offices Act, 1964 (Act No 75, of 1964), or any wage regulating measure or any order, shall be reduced to writing and shall be binding on the employer concerned and the employees concerned

(c) An employer upon whom any agreement is binding in terms of paragraph (b) shall keep a copy thereof in safe custody and shall affix and keep affixed another copy thereof in some conspicuous place upon his premises

Act No 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

(4) An employer who fails to comply with the provisions of subsection (3) (c) shall be guilty of an offence

(5) The provisions of sections 7 (5) and (6) and 7A (9) and (11) shall apply *mutatis mutandis* with reference to a co-ordinating liaison committee "

Amendment of  
section 8 of  
Act 48 of 1953

**12.** Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection

(1) The Minister may in respect of any area appoint a Bantu labour officer and so many assistant Bantu labour officers as he may deem fit "

Amendment of  
section 9 of  
Act 48 of 1953  
is amended by  
section 5 of  
Act 70 of 1973

**13** Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection.

"(1) Whenever any industrial council proposes to determine wages or other conditions of employment to be incorporated in any agreement under the Industrial Conciliation Act in respect of any trade in which Bantu are employed in the area in which such agreement is intended to apply, the secretary of that council shall send to the board and any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, a notice in the prescribed form of every meeting of the industrial council at which the matter is to be considered, and not less than fourteen days before the date of the meeting in question "

Substitution of  
section 10 of  
Act 48 of 1953

**14.** The following section is hereby substituted for section 10 of the principal Act

Settlement  
of disputes

**10.** (1) Whenever a labour dispute exists in an establishment or a section of an establishment, the employer concerned shall forthwith notify the inspector defined by regulation thereof

(2) Whenever a Bantu labour officer has reason to believe that in the area in respect of which he has been appointed or any portion of that area a labour dispute exists or may arise in any trade, he shall forthwith report thereon to the regional committee concerned to the inspector defined by regulation and, where an industrial council has been registered under the Industrial Conciliation Act in respect of that trade and that area or any portion of that area, also to such industrial council

(3) The Bantu labour officer shall, with the assistance of the regional committee and in collaboration with the inspector referred to in subsection (2), endeavour to effect a settlement of the matters which form or might form the subject of any such labour dispute, and shall, failing such a settlement, refer the matter to the board which shall thereupon endeavour in collaboration with such officer and such inspector to effect a settlement

(4) Whenever a settlement cannot be effected under subsection (3), the board shall report accordingly to the Minister and indicate whether in its opinion the matter should be referred to the Wage Board for a recommendation as to the conditions in accordance with which a settlement should be effected. Provided that if the employees who are affected by the labour dispute or expected labour dispute are employed by an employer as defined in section 18 (1A) and such dispute concerns wages or other conditions of employment the Minister shall refer the matter to the Wage Board for a recommendation as to the condi-

Act No 84, 1977

BANJULABOUR RELATIONS REGULATION  
AMENDMENT ACT, 1977

tions in accordance with which a settlement should be effected

(5) An employer who fails to comply with the provisions of subsection (1) shall be guilty of an offence

Amendment of  
section 11 of  
Act 18 of 1953

## 15. Section 11 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection

“(1) Upon the receipt of a report from the board in terms of section 9 (4) or section 10 (4) the Minister shall, if the board so recommends or the circumstances referred to in the proviso to the said section 10 (4) are present, request the Wage Board to submit to him a recommendation, in the case of a report under section 9 (4), on such matters as in the opinion of the board should be determined, and, in the case of a report under section 10 (4), on all matters which form or might form the subject matter of the labour dispute referred to in that report. Provided that any request made to the Wage Board in pursuance of a report under section 9 (4) may be withdrawn by the Minister if before the Wage Board has submitted to him a recommendation in connection with any matter forming the subject of that request, he is advised in writing by the chairman of the board that it agrees with any revised decision arrived at by the industrial council concerned in regard to that matter after the date of the decision to which the report relates”

(b) by the substitution for subsection (6) of the following subsection

“(6) After making an order under subsection (4) or (5), the Minister shall cause to be published in the *Gazette* a notice setting forth the provisions of that order and specifying the date from which, the area in which and the persons to whom it shall apply, as determined by the Minister, and the said provisions shall thereupon, subject to the provisions of subsection (7), be binding upon those persons within that area from the date referred to”, and

(c) by the addition of the following subsection

“(7) The provisions of section 11A (4) shall apply *mutatis mutandis* with reference to an order made in terms of this section”

Amendment of  
section 11A of  
Act 18 of 1953  
as inserted by  
section 6 of  
Act 70 of 1973

## 16. Section 11A of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph

(a) The Minister may, from time to time, if he deems it expedient to do so, and after consultation with the Wage Board and the board, by notice in the *Gazette*—

- (i) as from a date or for a period and in respect of an area specified in that notice, cancel or suspend or
- (ii) as from a date specified in that notice, amend, as he may deem fit,

any one or more of or all the provisions of an order which has been declared to be binding in terms of subsection (3)

Amendment of  
section 13 of  
Act 18 of 1953

## 17. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph

(b) provide for the administration of any order made in pursuance of the recommendation by a body constituted in such manner as may be specified in the recommendation,

Act No 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT, 1977Amendment of  
section 14 of  
Act 18 of 1953**18. Section 14 of the principal Act is hereby amended—**

(a) by the substitution for subsection (1) of the following subsection

“(1) If, in the opinion of the Minister, any object of an order is likely to be defeated by the employment in occupations in which Bantu are employed in the track to which the order relates at other wages or on other conditions of employment than those specified in the order, of persons not included in the definition of ‘employee’ contained in section 1, he may in any notice published by him under section 11 (6) or by a further notice in the *Gazette*, declare that as from a date specified in the notice, all the provisions of the order or such provisions thereof as he may specify, shall *mutatis mutandis* apply in respect of persons who are employees as defined in the Industrial Conciliation Act, and thereupon the provisions of the order or the provisions thereof so specified shall be binding on every employer (as so defined) of any such person and on all such persons, and

(b) by the deletion of subsection (3)

Amendment of  
section 15 of  
Act 48 of 1953  
as amended by  
section 8 of  
Act 70 of 1973**19. Section 15 of the principal Act is hereby amended by the addition of the following subsection**

“(7) (a) If any employer is notified in writing by an inspector defined by regulation or a body such as is referred to in section 13 (1) (b) that any moneys, as determined by such inspector or body, are payable by him to any person or to such body in terms of any licence of exemption or order or determination which is or was binding in terms of this Act and admits that the moneys so determined are so payable, he may pay such moneys to the said inspector or body, as the case may be, for payment to such person or, where necessary, to the body entitled thereto

(b) If any moneys so paid to an inspector or a body have at the expiry of a period of six months after payment thereof not yet been paid to the person entitled thereto, the inspector or body concerned shall forthwith transmit such moneys to the Secretary for Labour for payment into the State Revenue Fund

(c) On the application by the Secretary for Labour made at any time within a period of three years after the date of any payment of moneys into the State Revenue Fund under paragraph (b), such moneys shall be refunded to the said Secretary for payment to the person entitled thereto

Amendment of  
section 18 of  
Act 48 of 1953  
as substituted by  
section 1 of  
Act 59 of 1955  
and amended by  
section 9 of  
Act 70 of 1973**20. Section 18 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph**

“(d) when neither paragraph (a) nor paragraph (b) nor paragraph (c) applies unless the matter giving occasion for the strike or lock-out has been referred to a co-ordinating liaison committee or co-ordinating works committee which exists in the establishments or establishment concerned and, where no such committee exists, to a liaison committee or works committee which exists in the establishments or establishment concerned and, if any such committee has been unable to effect a settlement or where no such committee is in existence then, in either event until a report on the said matter has been submitted by or on behalf of the employees or employers who are or would be concerned in the strike or lock-out to the Bantu labour officer for the area concerned and a period of thirty days reckoned from the date of such report has expired”

## Act No 84 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

Substitution of  
section 21 of  
Act 48 of 1953

**21** The following section is hereby substituted for section 21 of the principal Act

Secrecy to  
be observed

**21.** Any member of a regional committee, the board the Wage Board, a co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee or a body such as is referred to in section 13 (1) (b), or any officer who discloses, except to the Minister or to an officer or a regional committee or to the board or the Wage Board or a co-ordinating liaison committee or a liaison committee or a co-ordinating works committee or a works committee or such body, any information in relation to any person, firm or business acquired in the exercise of his powers or in the performance of his duties under this Act, shall be guilty of an offence

Amendment of  
section 24 of  
Act 48 of 1953  
as amended by  
section 10 of  
Act 70 of 1973

**22.** Section 24 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph

(c) such employee has participated in the establishment or election or the activities, or functioned as chairman, secretary or member, of a co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee, or has participated in the activities, or functioned as a member, of a regional committee,

Insertion of  
section 24A in  
Act 48 of 1953

**23.** The following section is hereby inserted in the principal Act after section 24

Freedom of  
association  
of employees

**24A.** (1) (a) No employer shall require of any employee, whether by a term or condition of employment or otherwise, that that employee shall not be or become a member of a regional committee, co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee, or that that employee shall not participate in the establishment or election or activities of any such committee

(b) Any such term or condition in any contract of employment entered into before or after the commencement of this Act shall be void

(2) An employer shall give to any employee who is a member of a regional committee, co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee or who holds any office in any such committee, every reasonable facility to perform his duties in connection with any such committee

(3) An employer who contravenes any provision of this section shall be guilty of an offence

Amendment of  
section 30 of  
Act 48 of 1953

**24** Section 30 of the principal Act is hereby amended by the substitution for subsection (8) of the following subsection

(8) Whenever any person is charged under subsection (1) of section 24 with having dismissed any person employed by him or reduced the rate of his remuneration or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, by reason of his suspicion or belief in the existence of any fact referred to in paragraph (a), (b) or (c) of that subsection and stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration or altered the conditions of his employment to conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the suspicion or belief stated in the charge

Act No 84, 1977

BANTU LABOUR RELATIONS REGULATION  
AMENDMENT ACT 1977

Short title  
and date of  
commencement

25. This Act shall be called the Bantu Labour Relations Regulation Amendment Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*

# New unemployment fund given qualified welcome

*CAPE TIMES 20/6/77*

166

~~328~~

Industrial Reporter

ORGANIZED commerce, industry and labour have given a qualified welcome to new Unemployment Insurance Fund regulations which become effective from the beginning of next month.

The new regulations provide for more than doubled benefits from proportionately increased contributions by workers and their employers. Previous pay categories on which calculations were based have been replaced by percentages based on pay.

The president of the Cape Chamber of Industries, Mr S R Back described the change as "some sort of help, but it's still inadequate because of the rising cost of living."

The unemployment fund which now stood at more than R200 million should have allowed the Government to be

more generous, particularly with the lower income groups. Consideration should be given to extending unemployment insurance cover for more than the current 26 weeks, he said.

The head of the commercial and allied trades and distributive workers unions in the Cape, Mr Ray Altman, complained that higher paid workers would benefit more than lower paid workers. Under the previous system the situation had been the reverse.

The introduction of a flat percentage rate of benefits was good, but the figure — 45 percent — was inadequate for lower paid groups.

"The trade union movement feels the principle of extended benefits should be made much more easily available to workers," said Mr Altman, referring to stringent means tests attached to

benefits extending over six months.

"We can't kid ourselves, this is a depression and it would not break the fund to make extended benefits more easily available."

The director of the Cape Town Chamber of Commerce, Mr Brian MacLeod, said the regulations would simplify calculations.

The increased contributions affected employers more than workers because workers' payments were spread over a far greater number of contributors.

Large employers would be faced with substantially increased contributions, but most firms accepted this as a social responsibility. The move was, however, another drain on company resources which were currently under severe strain.

~~Insurance~~

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other;

efly.

( 5%)

or 30 bushels

Also assume	Rent	R100
	Wheat price	R 20 per bushel
	Corn price	R 50 per bushel

What choices are open to the farmer in the short and long term? What is his best course of action? Explain your assumptions.

(15%)

3.

	Output (No. of units)	Labour (No. of men)
	0	0
	1	6
	2	11
	3	15
	4	21
	5	31
	6	45
	7	63
	8	85
	9	111
	10	141

Assuming wages of R5 per man, fixed cost of R100, calculate Total cost, Total Variable Cost, Average ~~Fixed~~ <sup>Variable</sup> Cost, Marginal Cost.

Draw graphs to show the relationship between these curves.

(30%)

p.t.o.

2/...



# Watershed

TUCSA LABOUR - MIRROR

## labour inquiry

MAY/JUNE-  
1977

166

"The most significant move in industrial relations in 30 years," was how Tucsas general secretary, Arthur Grobbelaar, hailed the announcement of a commission of inquiry to investigate all aspects of labour legislation

The appointment of a commission, which will be empowered to recommend new legislation, was announced in Parliament by the Minister of Labour, Mr Fanie Botha

Professor Nic Wiehahn, a former engine cleaner on the Railways who will chair the commission, described it as a "watershed in the history of labour relations in South Africa"

The last commission of inquiry into labour laws was almost 30 years ago and its recommendations were ignored by the Government of the time.

Professor Wiehahn said "If we don't succeed it will be too late to do anything in this field"

He said the commission would not be working towards any predetermined goals but he hoped it would lay the foundations for a system of harmonious labour relations for the future of South Africa

"Without predicting the course of action of the commission we shall be setting out from the premise that the present labour laws need updating and that a new labour relationship has to be evolved"

He added that "problem areas" such as job reservation would "come under the microscope"

Professor Wiehahn, who was appointed adviser to the Minister of Labour earlier this year, is on a fact-finding tour of Europe and North America where he is holding talks with all representatives of all sections of industry, business and labour in the major industrial countries

One important aspect of the commission of inquiry into the labour laws is that it will be composed of people who have first-hand knowledge of labour matters

Both Tucsas and the S A Confederation of Labour will be represented, Tucsas by Arthur Grobbelaar and the Confederation by its president, Mr Att Nieuwoudt, while employer group expected to have representatives on the commission include Seifsa, the FCI and the Afrikaanse Handelsinstituut

The commission will also be multiracial, with one or more Africans as well as Coloureds and Indians expected to be appointed

166

Act No 83, 1977

MINES AND WORKS AMENDMENT ACT 1977

# ACT

To amend the Mines and Works Act, 1956, so as to bring the constitution of the mine safety committee in relation to certain members into accordance with changed circumstances; to empower the Minister to allow the performance of certain work at mines or works on Sundays and certain public holidays; to extend the power of the State President to make regulations; and to provide for incidental matters

(English text signed by the State President)  
(Assented to 17 June 1977)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows —

Amendment of section 2bis of Act 27 of 1956 as inserted by section 3 of Act 46 of 1964

1. Section 2bis of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (e) of subsection (3) of the following paragraph

“(e) three persons nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of employees employed at mines and who are not officials referred to in paragraph (f), and”

Amendment of section 9 of Act 27 of 1956, as amended by section 2 of Act 51 of 1959, section 2 of Act 91 of 1965 and section 18 of Act 80 of 1971

2. Section 9 of the principal Act is hereby amended—

(a) by the deletion of the word “or” at the end of paragraph (d) of subsection (1), and

(b) by the addition to the said subsection (1) of the following paragraph

“(f) work in respect of which the Minister, in any particular case, on application in writing or, in general, by notice in the *Gazette*, declared that in his opinion the performance thereof is necessary in the national interest”

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964, section 3 of Act 91 of 1965, section 6 of Act 42 of 1968, section 5 of Act 40 of 1971 and section 12 of Act 62 of 1973

3. Section 12 of the principal Act is hereby amended—

(a) by the substitution for paragraph (h) of subsection (1) of the following paragraph

“(h) the performance, cessation or abandonment of activities in or at mines or works, and matters incidental thereto, including the removal from the land on which such activities are to be performed, are performed or have been performed, of buildings, walls, installations, foundations, litter, garbage, or rubble resulting from the demolition of buildings, installations or other structures on such land,” and

(b) by the insertion in the said subsection (1) after paragraph (h) of the following paragraph

“(hA) the conservation of the environment at or near any mine or works, including the restoration of land on which activities in connection with mines or works are performed or have been performed.”

Short title

4. This Act shall be called the Mines and Works Amendment Act, 1977

(1) 136  
(2) 166

WALTON, M.: The Emplacement of "Granite" from, Amer. Jour. Science, V.253, 1955

WA Common Stock Prices. Journal of Finance,

# Multiracial probe into labour laws

ARGUS 4/1/77

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The Argus Correspondent

PRETORIA — The members and terms of reference of a multiracial commission to investigate existing labour legislation were announced by the Minister of Labour, Mr S. P. Botha, here today.

Mr Botha told Parliament on May 12 that the commission would examine the legislation, particularly in the light of changing times.

The commission's chairman would be Professor N. E. Wiehahn, his labour adviser, Mr Botha said in a statement.

The terms of reference would be to inquire into 12 Acts passed since 1939 with specific reference to

● The adjustment of the existing system for the regulation of labour relations in South Africa with the object of making it provide more effectively for the needs of our changing times;

● The adjustments, if necessary, of the existing machinery for the prevention and settlement of disputes which changing needs may require;

● The elimination of bottlenecks and other problems which are at present experienced within the entire sphere of labour,

● The methods and means by which a foundation for the creation and expansion of sound labour relations may be laid for the future of South Africa.

### OTHER MEMBERS

In addition to Professor Wiehahn, the members would be

Professor P. J. van der Merwe, labour economist at the University of Pretoria, Dr E. P. Drummond of the Steel and Engineering Industries Federation of South Africa, Mr C. W. H. du Toit of the Feder-

ated Chamber of Industries, Mr T. I. Steenkamp of the General Mining and Finance Corporation Ltd;

Mr R. V. Sutton of SA Breweries, Mr A. I. Nieuwoudt, president of the SA Confederation of Labour, Mr J. A. Grobelaar, general secretary of the Trade Union Council of South Africa, Mr C. P. Grobler of the Railways Artisans' Staff Association, Mr T. S. Neethling of the Confederation of Metal and Building Unions,

Mr N. J. Hechter of the Department of Labour, Mr G. Munsook, an executive committee member of the South African Indian Council, Mr C. A. Botes of the National Union of Furniture and Allied Workers and Mr B. N. Mokoatle, a lecturer at the Unisa School of Business Leadership.

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# Fourteen named to probe labour laws

RDM 4/1/77

(166)

THE 14 members and terms of reference of a multiracial commission to investigate existing labour legislation have been announced by the Minister of Labour, Mr Fanie Botha, in Pretoria.

Mr Botha told Parliament on May 12 that the commission would examine legislation particularly in the light of changing times.

The commission's chairman will be Professor N E Wiehahn, Mr Botha's labour adviser.

Mr Botha also announced in a statement issued today that the terms of reference of the commission would be to inquire into 12 Acts passed since 1939 with specific reference to.

● The adjustment of the existing system for the regulation of labour relations in South Africa with

the object of making it provide more effectively for the needs of our changing times.

● The adjustments, if necessary, of the existing machinery for the prevention and settlement of disputes which changing needs may require,

● The elimination of bottlenecks and other problems which are at present experienced within the entire sphere of labour, and

● The methods and means by which a foundation for the creation and expansion of sound labour relations may be laid for the future of South Africa.

Besides Prof Wiehahn other members of the commission will be:

Prof P J van der Merwe, labour economist at the University of Pretoria, Dr

Errol Drummond of the Steel and Engineering Industries Federation of South Africa; Mr C W H du Toit of the Federated Chamber of Industries; Mr T I Steenkamp of the General Mining and Finance Corporation.

Mr R V Sutton of SA Breweries; Mr A I Nieuwoudt, president of the SA Confederation of Labour; Mr J A Grobbelaar, general secretary of the Trade Union Council of South Africa, Tucsa, Mr C P Grobler of the Railways Artisans' Staff Association; Mr T S Neethling of the Confederation of Metal and Building Unions.

Mr N J Hechter of the Department of Labour, Mr G Munsook, an executive committee member of the South African Indian Council; Mr C A Botes of the National Union of Furniture and Allied Workers and Mr B N Mokoatle, a lecturer at the Unisa School of Business Leadership.

"I wish to emphasise that the members of the commission have not been appointed by virtue of their association with any specific body or organisation but to cover the entire spectrum of our labour field," Mr Botha said.

The legislation which the commission will examine is the 1956 Industrial Conciliation Act; the 1953 Bantu Labour Relations Regulation Act; the 1957 Wage Act; the 1941 Factories, Machinery and Building Work Act, and the 1964 Shops and Offices Act.

The 1944 Apprenticeship Act; the 1951 Training of Artisans Act, the 1951 Bantu Building Workers' Act; the 1939 Electrical Wiremen and Contractors' Act, the 1941 Workmen's Compensation Act; the 1966 Unemployment Insurance Act, and the 1945 Registration for Employment Act — Sapa

# Botha tells of labour probe

(166)

D.D

4-7-77

PRETORIA — The members and terms of reference of a multi-racial commission to investigate existing labour legislation were announced by the Minister of Labour, Mr S. P. Botha, here

Mr Botha told Parliament on May 12 that the commission would examine the legislation particularly in the light of changing times.

The 14-man commission's chairman would be Prof N E Wiehahn — his labour adviser — Mr Botha said in a statement

The terms of reference would be to inquire into 12 Acts passed since 1939

with specific reference to

The adjustment of the existing system for the regulation of labour relations in South Africa.

The adjustments of the existing machinery for the prevention and settlement of disputes which changing needs may require,

The elimination of bottlenecks and other problems which are at present experienced within the entire sphere of labour; and

Methods by which a foundation for the expansion of sound labour relations may be laid for the future of South Africa

— SAPA

# No black labour voice on panel

STAR 4/7/77

## Labour Reporter

Thirteen men — representing a cross section of all population groups, organised labour, employer organisations and academics — have been appointed to the Commission of Inquiry into labour legislation under Professor Nic Wiehahn

The only obvious omission is that of any direct representative of the black labour movement

The members and terms of reference of the commission, widely welcomed on its original announcement in May, were named today by the Minister of Labour, Mr S P Botha

The only black man on the commission is Mr B Mokoatle, lecturer at the UNISA School of Business Leadership

The president of the Garment Workers' Union of SA, Senator Anna Scheepers, said. "It's disappointing there is no representative of black labour which accounts for most of the working population and is most in need of a new dispensation."

Other "reservations and misgivings" were expressed recently by Mr Ray Altman, general secretary of South Africa's leading shopworker unions.

He referred to statements by Government spokesmen which indicated the possibility of works and liaison committees being extended to white and coloured workers who, unlike

blacks, have full trade union rights.

The commission's terms of reference allow for a possible review of job reservation. They are to inquire into 12 Acts passed since 1939, with specific reference to

● Adjusting the existing system for regulating labour relations in South Africa with the object of making it more effective,

● Adjusting, if necessary, existing machinery for preventing and settling disputes.

● Eliminating bottlenecks and other problems experienced within the entire sphere of labour.

● Establishing a foundation for creating and expanding sound labour relations.

The official approach to the analysis of causes of changes in the money supply.

The official approach does not have regard to the money base

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NATAL MERCURY 5/7/77  
(166) **New labour laws**

THE announcement by the Minister of Labour, Mr. S P. Botha, that a multi-racial committee of inquiry has been appointed to reassess labour legislation is particularly welcome because it offers promise that the Government is serious about its stated intentions, among other things, to move away from racial discrimination.

Professor Nic Wiehahn, the new adviser to the Department of Labour, and chairman of the commission, is an outspoken critic of existing laws. Recently he said that democratic rights should be introduced for workers of all races.

The terms of reference are far-reaching, and without anticipating the commission's findings it is our hope that they will lead to a new era in industrial relations. A little scepticism is understandable in the light of previous experience, for too often in the past the Government has launched investigations but then failed to

implement the sound recommendations which have come forward.

Recent experience includes the findings of the Theron Commission on the future of the Coloured people, the Viljoen Commission into penal reform and the Grobler report into drug abuse.

At times one gains the impression that the Government appoints commissions of experts more to give the impression that something is being done rather than to remedy serious problems.

There has been enough of delay and inaction in introducing sensible reforms. In these fast moving times there is need to move away from labour legislation which is so riddled with discriminatory practices.

The appointment of the Wiehahn Commission should see an end to those industrial cobwebs, but they will also require prompt action when its findings are known.

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A formal model of the money supply process.

The discussion will now be summarized by a model of the supply of and demand for high powered money (MB), money (M) and bank credit (BC). The model indicates the accommodation of MB to changes in the demand for (BC<sub>d</sub>), Net domestic assets (NDA) are shown to depend simply on the BC - . Foreign assets (R)

of the reserve bank ratio (BC/R). The level of gold and foreign assets is taken to be exogenous for this purpose. Arnon Hurwitz in his accompanying paper shows how the level of foreign exchange reserves may be endogenised (22) If the banks are short of cash, given the demand for and supply of BC, they will acquire cash via NDA. The private sectors demand for bank credit (P<sub>BC</sub>) is assumed to depend upon a number of interest rates, the overdraft rate (i), the corporate debenture

Wiehahn's thoughts

FIN MAIL 8/7/77

Whether the commission into labour laws - formally constituted this week - will come up with wide ranging changes remains to be seen. But it's certainly likely to report soon.

During a recent visit to London, commission chairman Professor Nic Wiehahn apparently told UK businessmen that the commission should report before Parliament reconvenes in January, and that its recommendations could form the basis of legislation during the next session.

Financial Mail July 8 1977

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permanent 12 Whites, 830 Coloureds, 180 in the valley of the Olifants the valley is Vredendal. The bounded by the Olifants River berge and Cedarberg on the east. valley is stopped by the Clanwilliam ure of the two mountain ranges. area containing about 60 farms, that and on one farm on the way east- a plateau out of the valley, west- the area, as it name implies, is are increasingly cultivated, as ttle, chickens, pigs. Farming is o make comparisons between ry long established farming area, types of farms - there are the rger farms which are farmed l farms; farms smaller than 50 an 500 hectares.

\* 13 farmers and 50 workers were interviewed in separate questionnaires. The conditions on 16 farms in Citrusdal are set out in the tables attached.

cing conditions of farm workers 1 part is an exposé of factual aire interviews with farmers and rmers, workers, teachers, health nal encounter. Some references in Vredendal, based on a visit arious aspects of the farm elf-regulating structure. How ransformed is related chiefly f the struggle, the farmer and history than mythology.

They rely exclusively on the labour arm workers working and living on se workers are Coloureds, whose or surrounding districts. Quite lived their entire lives in the e a small percentage of Africans, lape and quite frequently with tracts from the homelands. The the citrus and vine picking season children living on the farms, who he wives and children of employ less than 5 permanent workers, others more than 50. Yet the living and working conditions of the farm worker, while they vary significantly, are the outcome of the same development and the same farm structure - everywhere there are the symptoms of poverty and deprivation - illiteracy, high infant mortality, inadequate clothing, poor nutrition, endemic alcoholism.

permanently 12 Whites, 830 Coloureds, 180 in the valley of the Olifants the valley is Vredendal. The bounded by the Olifants River berge and Cedarberg on the east. valley is stopped by the Clanwilliam ure of the two mountain ranges. area containing about 60 farms, that and on one farm on the way east- a plateau out of the valley, west- the area, as it name implies, is are increasingly cultivated, as ttle, chickens, pigs. Farming is o make comparisons between ry long established farming area, types of farms - there are the rger farms which are farmed l farms; farms smaller than 50 an 500 hectares.



KENNISGEWING 445 VAN 1977 8/7/77  
DEPARTMENT VAN ARBEID

NOTICE 445 OF 1977  
DEPARTMENT OF LABOUR

AANSTELLING VAN KOMMISSIE VAN ONDRSOEK NA ARBEIDSWETGEWING

APPOINTMENT OF COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

Hierby word vir algemene inligting bekendgemaak dat die die Staatspresident behaag het om prof Nicholas Everhardus Wiehahn, as lid en as Voorzitter, en die volgende persone as lede, van 'n Kommissie van ondersoek na arbeidswetgewing aan te stel

It is hereby notified for general information that the State President has been pleased to appoint Professor Nicholas Everhardus Wiehahn, as a member and as chairman and the following persons as members of a Commission of inquiry into labour legislation:

- Prof Petrus Jacobus van der Merwe;
- di Errol Prinn Drummond;
- Mr Christiaan Willem Hendrik du Toit;
- Mr Theodorus Johannes Steenkamp;
- Mr Pieter Vincent Sutton;
- Mr Ethel Eric Nieuwoudt;
- Mr James Arthur Grobbelaar;
- Mr Christoffel Paul Grobler;
- Mr Townsend Stafford Neethling;
- Mr Johannes Johannes Hechter;
- Mr Gopie Mjsood;
- Mr Christiaan Alforda Botes; and
- Mr George Nicolaas Pridmore.

- Prof Petrus Jacobus van der Merwe;
- Dr Errol Prinn Drummond;
- Mr Christiaan Willem Hendrik du Toit;
- Mr Theodorus Johannes Steenkamp;
- Mr Richard Vincent Sutton;
- Mr Arthur Izak Nieuwoudt;
- Mr James Arthur Grobbelaar;
- Mr Christoffel Paul Grobler;
- Mr Townsend Stafford Neethling;
- Mr Johannes Johannes Hechter;
- Mr Gopie Mjsood;
- Mr Christiaan Alforda Botes; and
- Mr George Nicolaas Pridmore.

Die Kommissie sal verslag doen oor die werking van die Wet van 1956 (No. 28 van 1956) en die Wet van 1953 (No. 48 van 1953).

The Commission will report upon and make recommendations on the operation of the Labour Legislation Act, 1956 (No. 28 of 1956) and the Labour Relations Regulation Act, 1953 (No. 48 of 1953).

- (c) Loonwet, 1957 (Wet 5 van 1957),
- (d) Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941);
- (e) Wet op Winkels en Kantore, 1964 (Wet 75 van 1964);
- (f) Wet op Vakleerlinge, 1944 (Wet 37 van 1944),
- (g) Wet op Opleiding van Ambagsmanne, 1951 (Wet 38 van 1951);
- (h) Wet op Bantoubouwerkers, 1951 (Wet 27 van 1951);
- (i) Wet op Elektrotegniese Draadwerkers en Aannemers, 1939 (Wet 20 van 1939),
- (j) Ongevalwet, 1941 (Wet 30 van 1941);
- (k) Werkloosheidversekeringswet, 1966 (Wet 30 van 1966);
- (l) Wet op Registrasie vir Werk, 1945 (Wet 34 van 1945).

met spesiale verwysing na —

(i) die aanpassing van die bestaande stelsel van reëling van arbeidsverhoudinge in Suid-Afrika met die doel om dit meer effektief voorsienend te maak vir die behoeftes van ons veranderde tye.

(ii) die aanpassings, indien nodig, in die bestaande geskildverklarings- en beslegingsmasjinerie wat die veranderde behoeftes mag verg;

(iii) die uitskakeling van knelpunte en ander probleme wat tans binne die hele arbeidsgebied ondervind word, en

(iv) metodes en wyses waardeur 'n grondslag vir die skepping en uitbouing van gesonde arbeidsverhoudinge vir die toekoms van Suid-Afrika gelê kan word.

Alle navrae kan gerig word aan die Sekretaris van die Kommissie van Onderzoek na Arbeidswetgewing, Privaatsak X117, Pretoria.

(8 Julie 1977)

- (c) Wage Act, 1957 (Act 5 of 1957),
- (d) Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941),
- (e) Shops and Offices Act, 1964 (Act 75 of 1964),
- (f) Apprenticeship Act, 1941 (Act 37 of 1941),
- (g) Training of Artisans Act, 1951 (Act 38 of 1951),
- (h) Bantu Building Workers Act, 1951 (Act 27 of 1951),
- (i) Electrical Wiremen and Contractors' Act, 1939 (Act 20 of 1939),
- (j) Workmen's Compensation Act, 1941 (Act 30 of 1941),
- (k) Unemployment Insurance Act, 1966 (Act 30 of 1966),
- (l) Registration for Employment Act, 1945 (Act 34 of 1945).

with specific reference to —

(i) the adjustment of the existing system for the regulation of labour relations in South Africa with the object of making it provide more effectively for the needs of our changing tye,

(ii) the adjustments, if necessary, of the existing machinery for the prevention and settlement of disputes which changing needs may require,

(iii) the elimination of bottlenecks and other problems which are at present being experienced within the entire sphere of labour, and

(iv) the methods and means by which a foundation for the creation and expansion of sound labour relations may be laid for the future of South Africa.

All inquiries may be directed to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X117, Pretoria.

(8 July 1977)

166

Law: pass laws. The In-depth case settlement out of urban

A history of African literature Community movement

Health and particular are the causes and remedies?

Interdisciplinary of institutions The Centre and, in future

Regional development

'Peaceful societies'

'Third World'

Future trends

No 141, 1977 GOV. GAZ. 5651 8/7/77 COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

Under the powers vested in me by section 1 of the Commission of Enquiry Act, 1947 (Act 3 of 1947) I hereby declare that the provisions of the Act shall apply to the Commission of Inquiry into Labour Legislation which I have this day appointed

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of June, One thousand Nine hundred and Seventy-seven

N DIEDERICKS, State President  
by Order of the State President  
S P BOGITA

No 141, 1977 KOMMISSIE VAN ONDERSOEK NA ARBEIDS- WETGEWING

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet 1947 (Wet 8 van 1947), verklaar ek hierby dat die bepalinge van daardie Wet van toepassing is op die Kommissie van Ondersoek na Arbeidswetgewing wat ek vandag benoem het.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op heile die Een-en-twintigste dag van Junie Een thousand Negenhonderd Sewentien

N DIEDERICKS, Staatpresident  
Op bevel van die Staatpresident  
S P BOGITA

area, labour and anti-squatter movement of detainees in particular. migrant workers, people in re-squatters and persons endorsed in Western Province. (Howard Phillips)

Africa after Soweto.

of 'causal relations'; in South Africa, ii) what influences and iv) what are the

for African Studies umbrella expected institutional change. typing and duplicating services (Sean Archer)

(Paul Andrew)

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cial and medical. (Chris Brock)

A wide ranging history of Cape Town - social, political and economic. (Elizabeth van Heyningen)

'How to develop mental attitudes to enable the better use of physical resources'. (Chris Danziger)

Research should combine immediate and long-term problems. Living strategies in a global and long-term sense. (Strategies are already being worked out outside South Africa which could handle many of South Africa's needs.) (Andrew Smith)

# Wiehahn favours trade unions for all

Own Correspondent

JOHANNESBURG. — The man who will chair the Government's Labour Commission of Inquiry, Professor Nic Wiehahn, has given his unreserved support for trade unions for all workers.

In his inaugural address at the University of South Africa, as a professor, attached to the Institute for Labour Relations, he emphasized that he was speaking in a personal capacity. He listed South Africa's labour priorities as:

- One labour system without discrimination or paternalism;
- Recognition by the State and employers of trade unions for all workers and a national programme to provide training in trade unionism;
- Research in labour relations which should be expanded and co-ordinated;
- The development of a system in which conflicts could be handled, with emphasis on preventive measures such as bargaining, consultation and dialogue.

Professor Wiehahn also discussed what he termed six basic rights for all workers, "which have the same character as internationally recognized human rights." These were "the right to work, to associate, to bargain collectively with the employer, to withhold labour, to training and to protection."

He said the appointment of the commission into labour legislation "bugled, an appropriate Last Post" to the first 100 years of labour relations in South Africa.

Professor Wiehahn said one of the burning issues which confronted South Africa in the international labour front at present was that South African labour legislation prevented workers from being free to associate with whom they wished.

## LABOUR COMMISSION

### The new era?

Professor Nic Wiehahn, chairman of the Commission of Enquiry into Industrial Legislation is causing a stir these days. His inaugural lecture as Unisa "Professor Extraordinarius" last week was a case in point

Wiehahn criticised "discrimination and elements of paternalism" in SA's "dualistic" labour relations system — where Africans can only bargain at factory level, whereas non-Africans have the use of industrial councils and trade unions. He also obliquely attacked job reservation, describing it as an area in which workers were perhaps too protected.

He stressed that he would not commit the commission to specific objectives but that its appointment "bugled the last post of the first 100 years of our labour relations system," which, he implied was obsolete. But Wiehahn also warned that "moves by some employers to recognise black trade unions could subject our system to strains it cannot bear."

SA's priorities were to eliminate "dualism and discrimination", stimulate vocational and trade union training, encourage labour research and find a way of handling conflicts between worker and worker (presumably caused by the jobs colour bar).

SA would also have to move from conciliating industrial conflict to preventing it, Wiehahn added. An impartial labour court was needed, and on the bargaining issue SA faced four alternatives: to allow blacks into registered unions (and allow the works and liaison committees to die), allow non-Africans on to committees (and allow the industrial councils to die), a mixture of the two; or a scrapping of the present system altogether and the building of a totally new one.

All pretty heady stuff. But two questions beg to be answered: how will ideas

like these go down if they are raised in the commission? How far reaching are they anyway?

A key point on the first issue is that the commission will not look at the public sector (including the railways) or the mines. So statutes like the Mines and Works Act which entrenches job reservation on the mines, are outside the commission's brief, which is evidently limited to devising a system for commerce and secondary industry only.

As a result, much of the constituency of the SA Confederation of Labour seems outside the province of the commission. Whatever changes the commission may propose will therefore affect their member unions much less than they affect non Confederation workers.

The second is more ticklish. Wiehahn seems committed to doing something about what he sees as blatant race discrimination. He is also committed to the "six rights of democratic labour" to work, to associate, to bargain, to strike, and the rights to protection and training.

This need not necessarily imply recognising African trade unions or allowing Africans to join existing registered unions. The right to bargain, for instance, could be interpreted to mean only committees or plant level "enterprise unions" (*IM* last week).

Even the scrapping of certain aspects of statutory job reservation (which seems on the cards) doesn't mean scrapping the rights of non-Africans to negotiate racially exclusive "closed shop agreements".

The committee system provides rather limited scope for change, of course. The view has also been expressed by people in influential quarters that multi-racial worker organisations should have "checks and balances" built into them to stop non-Africans being swamped by Africans.

FM 22/7/77 (166) 313

## LABOUR COMMISSION

### The new era?

FIN. MAIL  
22/7/77

166

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166 ROM  
23/1/77

# Coloured appointed to board

THE Minister of Labour, Mr Fanie Botha, yesterday announced the appointment of a well-known member of the coloured community, Mr W J Swartz, as an additional member of the Wage Board with effect from September 1.

The appointment, the Minister said in a statement, follows the Government's decision to give the coloured and Indian communities a greater say in various spheres that would be of the greatest value to them.

Mr Swartz has for many years been actively engaged in trade union affairs and has served as a member of the Coloured Representative Council for the past few years.—Sapa.

166

# ACT

To repeal the Liquor Licences Ordinance, 1922, and the Liquor Licences Amendment Ordinance, 1928, of the province of the Cape of Good Hope; to amend the provisions of the Bantu Trust and Land Act, 1936, relating to the moneys to be paid into the South African Bantu Trust Fund; to amend the provisions of the Bantu (Urban Areas) Consolidation Act, 1945, in order to increase the penalties for certain offences; and to further regulate the appropriation of moneys in the Bantu beer account; to amend the provisions of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, in order to provide for the issue of identity documents to foreign Bantu; and to enable the Minister of Bantu Administration and Development to make regulations; to amend the provisions of the Bantu Labour Act, 1964, in order to provide for the making of regulations relating to the compulsory provision of goods and services by employers to their Bantu employees; to amend the provisions of the Bantu Authorities' Service Pension Act, 1971, relating to the interest to be added to certain amounts; and to provide for the transfer of certain assets and liabilities of the Authorities' Service Pension Fund and the Authorities' Service Superannuation Fund to certain other provident funds; and to amend the provisions of the Bantu Affairs Administration Act, 1971, relating to pension matters of employees of Bantu Affairs Administration Boards; and to apply the Limitation of Legal Proceedings (Provincial and Local Authorities) Act, 1970, to all Bantu Affairs Administration Boards.

*(Afrikaans text signed by the State President )  
(Assented to 11 July 1977 )*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows --

Repeal of Ordinances 7 of 1922 and 3 of 1928 of the province of the Cape of Good Hope  
Amendment of section 8 of Act 18 of 1936 as amended by section 29 of Act 56 of 1949 section 49 of Act 92 of 1969 and section 27 of Act 20 of 1972

**1.** The Liquor Licences Ordinance, 1922 (Ordinance No. 7 of 1922), and the Liquor Licences Amendment Ordinance, 1928 (Ordinance No. 3 of 1928), of the province of the Cape of Good Hope, are hereby repealed

**2.** Section 8 of the Bantu Trust and Land Act, 1936, is hereby amended by the insertion after paragraph (f) of the following paragraph

“(fA) the amount of the value or the amount of the proceeds of the sale by the State—

(1) of land of which the Trust was the registered owner or which vested in the Trust and which became State-owned land in terms of section 2 or 3;



## Act No. 119, 1977

## BANTU LAWS AMENDMENT ACT, 1977

- (ii) of land which was or could have been expropriated in terms of section 13 (2) unless the Minister of Finance after consultation with the Minister of Agriculture and the Minister determines otherwise.

Amendment of section 10 of Act 25 of 1945 as substituted by section 27 of Act 54 of 1952 and amended by section 5 of Act 16 of 1955 section 30 of Act 36 of 1957 and section 47 of Act 42 of 1964

3. Section 10 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for subsection (4) of the following subsection

“(4) Any person who contravenes any provision of this section, or who remains in any area for a purpose other than that for which permission so to remain has been granted to him, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine”.

Amendment of section 10bis of Act 25 of 1945 as substituted by section 48 of Act 42 of 1964

4. Section 10bis of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for subsection (2) of the following subsection

“(2) Any person who contravenes any provision of subsection (1), shall be guilty of an offence and liable on first conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence in the same prescribed area within a period of two years, to a fine of not less than one hundred rand or in default of payment to imprisonment for a period of not less than three months or to both such fine and such imprisonment or to such imprisonment without the option of a fine”.

Amendment of section 19 of Act 25 of 1945 as amended by section 1 of Act 43 of 1945, section 34 of Act 54 of 1952, section 10 of Act 64 of 1952 section 8 of Act 16 of 1955 section 35 of Act 36 of 1957, section 11 of Act 53 of 1957, section 11 of Act 79 of 1961, section 20 of Act 63 of 1962, section 55 of Act 42 of 1964, section 8 of Act 19 of 1970 and section 9 of Act 29 of 1972

5. Section 19 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the deletion of paragraph (c) of subsection (3)

Amendment of section 43sept of Act 25 of 1945 as inserted by section 73 of Act 42 of 1964

6. Section 43sept of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph

“(a) Any person who contravenes any provision of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months, and in addition a sum of money equal to the sum of money proved to have been paid to such person in contravention of the said subsection shall be declared by the court convicting such person to be forfeited to the State”.

## Act No 119, 1977

## BANTU LAWS AMENDMENT ACT, 1977

Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957, section 15 of Act 76 of 1963 and section 84 of Act 42 of 1964

7. Section 3 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the deletion of paragraph (c) of subsection (1)*bis*

Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957, section 22 of Act 76 of 1963 and section 86 of Act 42 of 1964

8. (1) Section 12 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words

“(1) The Minister may make regulations as to—”

(2) Any regulation made before the commencement of this Act under the provisions of section 12 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, shall be deemed to have been made under the provisions of the said section 12 as amended by subsection (1)

Amendment of section 28 of Act 67 of 1964, as amended by section 15 of Act 19 of 1970 and section 15 of Act 70 of 1974

9. Section 28 of the Bantu Labour Act, 1964, is hereby amended by the insertion after paragraph (h) of subsection (1) of the following paragraph

“(hA) the compulsory provision of any goods or service by employers to their Bantu employees, and the recovery of the cost of such goods or service by way of deduction from the wages of such employees ”

Amendment of section 3 of Act 6 of 1971 as amended by section 23 of Act 4 of 1976

10. Section 3 of the Bantu Authorities' Service Pension Act, 1971, is hereby amended by the substitution for paragraph (c) of subsection (7) of the following paragraph

“(c) interest at the rate of five and one-half per cent per annum, compounded annually on the thirty-first day of March and calculated from the date on which such person becomes liable to contribute to the pension fund or the superannuation fund, as the case may be, up to the date of payment of such amount, shall be added to an amount payable in terms of paragraph (b) ”

Insertion of section 4A in Act 6 of 1971

11. The following section is hereby inserted in the Bantu Authorities' Service Pension Act, 1971, after section 4

“Transfer of assets and liabilities of pension fund or superannuation fund to certain other pension funds, superannuation funds or provident funds—

4A. Notwithstanding anything to the contrary contained in any law the Minister may, in consultation with the Minister of Finance, direct that such portion as he may determine of the assets and liabilities of the pension fund and the superannuation fund be transferred, as from a date fixed by him, to any pension, superannuation or other provident fund—

(a) established in respect of persons in the employ of any authority, and

(b) of which members of the pension fund or superannuation fund are to become members as from a fixed date ”

Amendment of section 10 of Act 45 of 1971, as amended by section 42 of Act 62 of 1973

12. (1) Section 10 of the Bantu Affairs Administration Act, 1971, is hereby amended—

(a) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words

“Notwithstanding anything to the contrary contained in any law or in the rules governing any municipal pension fund, but subject to the provisions of subsection (18)—”

(b) by the substitution for paragraphs (c), (cA) and (d) of subsection (4) of the following paragraphs

“(c) there shall, in respect of any person so deemed so to have elected, be paid to the pension fund so established, out of the said municipal pension fund,

Act No 119, 1977

BANTU LAWS AMENDMENT ACT 1977

an amount equal to the interest of the person concerned in the assets of the said municipal pension fund as calculated by the actuary of the said municipal pension fund in consultation with any other actuary designated for the purposes of this paragraph by the Minister of Social Welfare and Pensions or by any officer in the Department of Social Welfare and Pensions designated by the said Minister.

- (cA) if the amount of the interest calculated in terms of paragraph (c) is less than the amount which, in terms of the regulations in force under the said Act, is payable to the pension fund so established in respect of the pensionable service of such person referred to in paragraph (b), the deficit shall be paid to that pension fund out of the State Revenue Fund,
- (cB) there shall be added to any amount payable in terms of paragraph (c) or (cA) interest at the rate of five per cent per annum, compounded annually on 31 March and calculated from the date on which, in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, the person concerned becomes a member of and contributes to the pension fund so established, up to the date on which the said amount is paid to such fund in terms of paragraph (c) or (cA) Provided that if the total amount payable in terms of paragraph (c) is not paid in one sum, the rate at which interest is payable on such portion of the said total amount as may be determined by the Minister of Social Welfare and Pensions or by an officer in the Department of Social Welfare and Pensions designated by the said Minister for such purpose, shall be six per cent per annum.
- (d) there shall, in the case of any person to whom paragraph (b) applies and who is subsequently directly appointed in the service of any local authority, be added to the aggregate of the amounts which may in terms of the regulations under the said Act be paid in respect of such appointment—
- (i) an amount equal to the interest calculated in terms of paragraph (c); and
  - (ii) interest at the rate of five per cent per annum, compounded annually on 31 March, on the amount referred to in subparagraph (i), and calculated in respect of the period from the date on which such person, in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, became a member of and contributed to the pension fund so established, up to the date on which the said amount is paid to the municipal pension fund in question

Provided that such aggregate shall be calculated in respect of the period from the date on which such person so became a member of and contributed to the pension fund so established, up to the date of such direct appointment,"

- (c) by the addition of the following subsection:
- "(18) The provisions of subsection (4) (b), (c), (cA), (cB), (d) and (e) shall not apply in respect of any person appointed under subsection (1) as from any date after 31 December 1977 "

(2) Subsection (1) shall be deemed to have come into operation on 27 June 1973

Act No 119, 1977

BANTU LAWS AMENDMENT ACT, 1977

Insertion of  
section 24A in  
Act 45 of 1971

**13.** The following section is hereby inserted in the Bantu Affairs Administration Act, 1971, after section 24.

'Application  
of Act 94 of  
1970 to  
boards

**24A.** For the purposes of the Limitation of Legal Proceedings (Provincial and Local Authorities) Act 1970 (Act No 94 of 1970), a board shall be deemed to be a 'local authority' as defined in section 1 of the said Act "

Short title

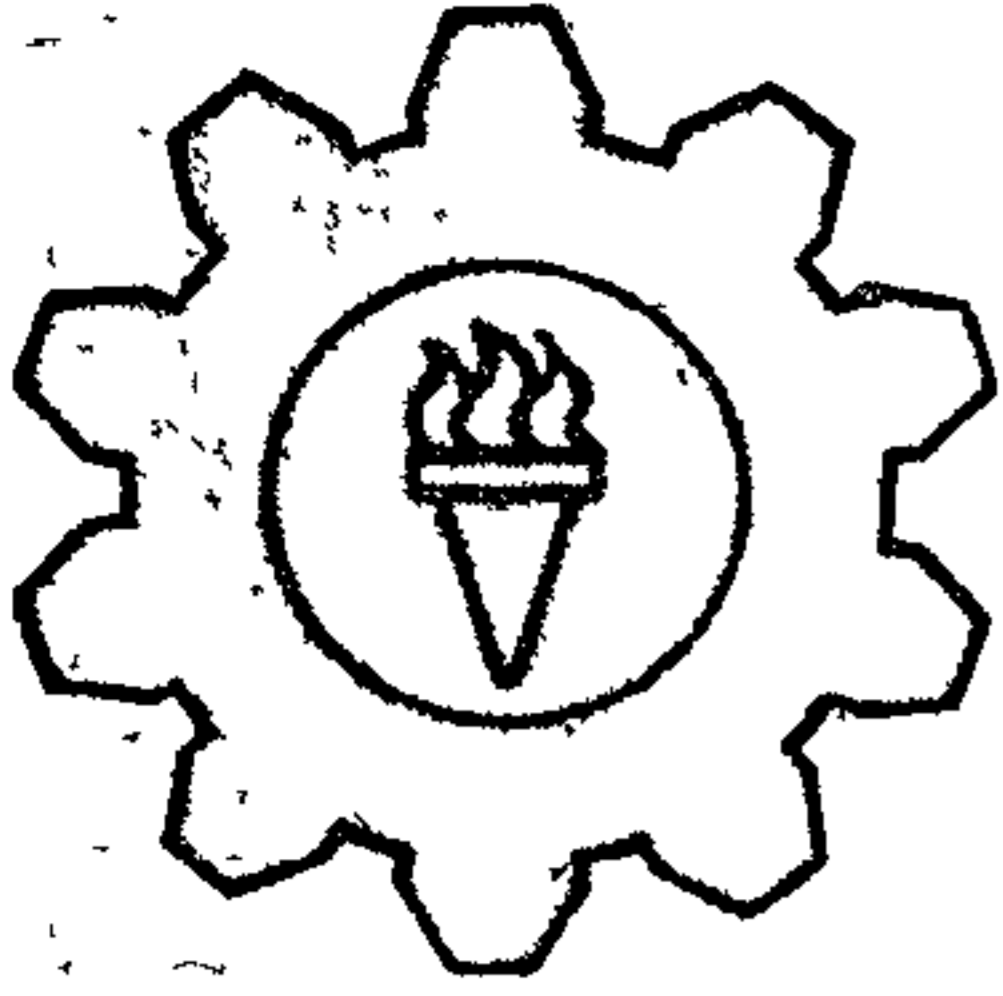
**14.** This Act shall be called the Bantu Laws Amendment Act, 1977

STATEMENT RELEASED BY THE HONOURABLE THE PRIME MINISTER, ADV. B.J. VORSTER, ON THE APPOINTMENT OF A COMMISSION OF INQUIRY INTO LEGISLATION AFFECTING THE UTILISATION OF MANPOWER (EXCLUDING THE LEGISLATION ADMINISTERED BY THE DEPARTMENTS OF LABOUR AND MINES)

The Commission of Inquiry into Labour Legislation, which was recently appointed by the State President under the chairmanship of Professor N.E. Wiehahn, will hold its initial meeting on 11th August, 1977. As set out in Government Notice no. 445 of 1977, the terms of reference of this Commission cover only the legislation mentioned therein, viz legislation administered by the Minister of Labour and Mines.

For a number of years already, my Economic Advisory Council has concerned itself on an ongoing basis with research and discussion on the better utilisation of manpower in South Africa. In fact, at its next meeting a comprehensive document in this connection, prepared by the Council's Committee on the Better Utilisation of Manpower, is to be discussed.

From this document, as from previous investigations and discussions by the Economic Advisory Council, it is apparent that the terms of reference of the Wiehahn Commission as such entail a considerable task, which will place a heavy burden on members of the Commission. For this reason the Government has thought it well not to burden the Wiehahn Commission also with legislation, regulations, and administrative practices which, while indeed affecting the utilisation of manpower, are administered by other ministries. Although these remaining aspects, which fall under other departments, make out part of the same broad subject, they can readily be handled in a separate investigation. The Government intends, therefore, to appoint a second commission in the near future with the task of inquiring into the remaining area of labour and related matters.



TUCSA-VAKSA

166

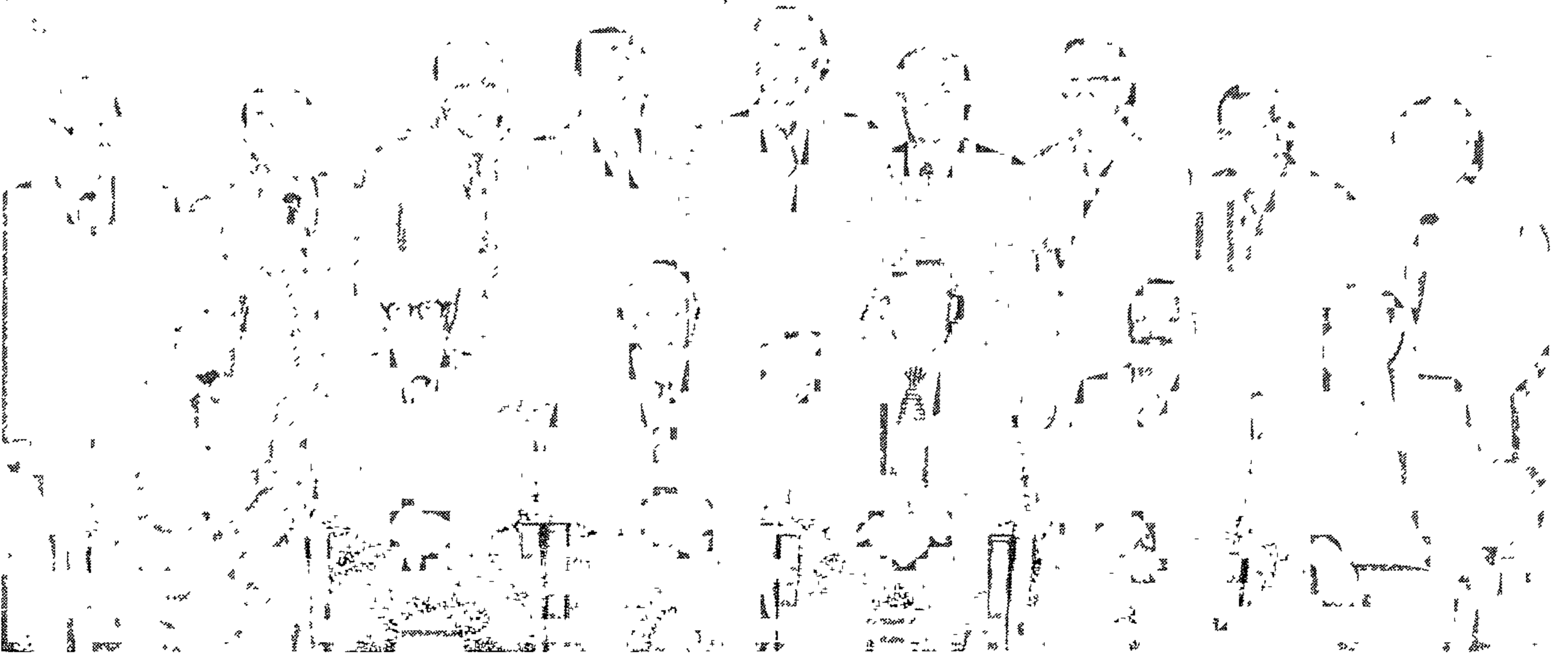
# labour mirror

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## HISTORIC COMMISSION



### ONE-MAN PROBE

Backing up the Wiehahn Commission (above) is a one-man commission (below) to investigate all other laws which affect the employment of Black workers.

The commissioner is Mr. Piet Riekert, Economic Adviser to the Prime Minister, who has been charged with reviewing a whole range of laws "in so far as they relate directly or indirectly to any economic aspect of manpower utilisation, with a view to eliminating bottlenecks experienced by both employer and employee."

The Group Areas Act, the Environmental Planning Act and a host of other Parliamentary Statutes, Provincial and local authority laws which affect the training, mobility and employment of Black workers will come under Mr. Riekert's scrutiny.



This second commission is clearly necessary since recommendations arrived at by the Wiehahn Commission to unlock some of the impasses in the labour area might prove to be unworkable without corresponding changes in some other laws.

Professor Wiehahn has indicated that the two commissions will work closely together.

Historic, yes — in that the 15 men pictured above may change the face of labour in South Africa. Because of their specialised knowledge they have been given the task, under the chairmanship of Professor Nic Wiehahn, of examining South Africa's entire body of labour legislation and framing new laws for consideration by Parliament if necessary.

The commission is historic, too, in that Africans, Coloureds and Indians have been included in a body appointed to recommend legislation to the Government. "Professor Nic's team" or the "Wiehahn XV", as some have dubbed them, comprises, front row, left to right.

Mr Christiaan Aledore ("Chris") Botes, former general secretary of the National Union of Furniture and Allied Workers', Dr Errol Prain Drummond, director of the Steel and Engineering Industries Federation of SA, Mr. Arthur Izak Nieuwoudt, president of the SA Confederation of Labour; Professor Nicholas Everhardus Wiehahn, chairman of the commission and advisor to the Minister of Labour, Mr. Benny Ntseare Mokoatle, lecturer at the Business Management School of UNISA, Mr Christiaan Willem Hendrik du Toit, Federated Chamber of Industries

Top row, left to right Mr Richard Vincent Sutton, Association of Chambers of Commerce of SA, Mr Gopie Munsook, general secretary, Hotel, Bar and Catering Trades Union, Professor Petrus Jacobus van der Merwe, University of Pretoria, Mr James Arthur Grobbelaar, general secretary, TUCSA, Mr D van der Walt, secretary of the commission, Mr Christoffel Paul ("Wally") Grobler, secretary, (Railways) Artisan Staff Association, Mr Townsend Stafford Neethling, general secretary, Amalgamated Engineering Union, Mr Nicolaas Johannes Hechter, Department of Labour, and Mr Thomas Ignatius Steenkamp, the Afrikaanse Handelsinstituut



# Trade union training vital

## for S.A.

TUCSA (Labour Mirror)

July/Aug

— Wiehahn

166



Trade union training is Priority No. 2 for South Africa if stable and healthy industrial relations are to be secured, in the opinion of Professor Nic Wiehahn, who is heading the commission of inquiry into the country's labour relations system.

Priority No. 1, in Professor Wiehahn's view, is the elimination of discrimination — getting away from a dual system of labour relations in South Africa.

In an inaugural address to the University of South Africa's Institute of Labour Relations on July 14, he said:

"The following priorities, which I think face South Africa, are given from a theoretical point of view and they are my personal views

"Firstly, the characteristic of discrimination with its two outfalls, namely of dualism and paternalism, requires an in-depth investigation with a view to their elimination. I can quote no better authority than our Prime Minister who, on two occasions, has said that we must move towards the elimination of discrimination — and I took him to mean that this should also apply to the field of labour relations

"This also entails an end to the dualistic and paternalistic character in our system. One system for the regulation of labour relations side by side with another of completely different character in our unitary economic system must lead to irreconcilable incompatibilities in the near future

Present developments in South Africa such as the declaration of intention of multinational companies and the increasing recognition of the unregistered black trade unions by these and other companies will subject our present system to stresses and strains which it will not be able to withstand.

"There are a number of alternative systems which can be considered: the present industrial council system can be opened up to workers of all races and the committee system be ignored and left to die, or, alternatively the committee system could be extended to include workers of all race groups and the industrial council system be left to die, or alternatively, both these systems could be scrapped and a completely new system be started, or finally, the two existing systems could be integrated into one system which will be open to workers of all race groups — the industrial council serving as a superstructure to the infrastructure committee system.

"The second priority, which might sound extraordinary, but which I firmly believe South Africa can no longer avoid, is a change of heart and the adoption of a new philosophy towards

organised labour. This implies not only an encouragement of workers to organise themselves but particularly with regard to trade union training.

"A formula must be found in which the State, employers and trade unions will be more actively involved, materially and otherwise, in the training of members of workers organisations in South Africa so as to bring the weakest partner in the tripartite (Government/ employer/ worker) relationship to a higher level of efficiency and operation

"It does not mean the copying or transplanting of systems in other countries but rather the development of the partnership philosophy which is also inherent in our system

"The training in trade unionism is most important because a considerable degree of problems and difficulties which South Africa is experiencing, both locally and overseas, is caused by the lack of a co-ordinated effort to materialise this component of the worker's right to training

"Trade union training is not only no longer unavoidable but it has indeed become essential and if we fail to take the initiative now to embark as soon as possible on a dynamic and co-ordinated programme of such training, other countries will do it for us. In fact this is already taking place from California in the far West to Moscow in the East bloc

"The attempts of our universities, technical colleges, private institutions and other organisations in this direction must be co-ordinated by a national council or board on which South African workers' organisations will have a major role to play. The principle of a central fund for the purpose of subsidising trade union training should also be seriously considered"

Professor Wiehahn went on to list the other priorities as the need for research into labour relations, the need to find a formula for handling conflict in the labour system ("I have particularly in mind the handling of conflict between worker and worker because of the race factor") and the

establishment and maintenance of "the broadest possible contact with the international labour world"

Earlier in his address Professor Wiehahn said investigation and analysis had convinced him there were six rights of the worker which formed the cornerstone on which any system of labour relations could be founded and developed

"The first right is the right to work, which, although not as yet recognised in the socialistic and purely capitalistic world, from a scientific point of view, forms part of the pattern of rights

"Once a person is in employment and the labour relationship established, the second right, namely the right to associate

materialises

"From this follows the third right, namely the right to bargain collectively with the employer which bargaining should culminate in a legally enforceable agreement

"This right leads to the fourth right — namely the right to withhold labour — also known as the strike right of the worker should a dispute arise if, for example, no agreement could be reached

"The fifth right is the right to protection and it is based upon the worker's exposure to possible abuse, exploitation, risks of injuries and diseases and the cares of employment and wants

"The sixth and final right is the right to training. This right is of more recent origin and is divided into two components, that of craft or job training and that of trade union training"

After dealing at some length with each of these rights, Professor Wiehahn went on to say that trade union training did not necessarily mean craft union training but included training in the philosophy, history, organisation, administration and bargaining techniques of all kinds of workers' organisations, as well as basic economics, sociology, psychology, ergonomics and labour law to give the worker a better perspective of his position not only in the undertaking but also in the society

"The philosophy at present is that trade union training is an important means to develop a properly organised, responsible and well-disciplined work force in a country

"Basically the success, stability and growth of the West German and Japanese economic systems are largely attributable to the responsibility which organised labour has developed through proper trade union training

"The notion of a successful 'social partnership' between the State, the employers and the employees — the tripartite structure — is founded on the truism that a 'partnership is as strong as its weakest partner' If the labour force is poorly organised, proliferated and untrained it can certainly make no contribution to the success of the partnership. In fact, the partnership become conflict-prone

"Trade union training has received tremendous impetus in most of the major industrial countries during the past few years. State subsidies to trade union federations for the purpose of trade union training are on the substantial side. The governments of Canada — which incidentally has just voted 10 million dollars over the next five years — the United Kingdom and many other European countries have subsidised state schemes of diverse sorts aimed at the training of workers in the organisational structures and mechanics of trade unionism

"Impressive and well-equipped training centres run by trade unions exist in all these countries and state subsidies are channelled through the trade union federations after approval of the contents and standards of the courses by the relevant State departments

"Trade union training on a co-ordinated and national scale is lacking in South Africa. It is known that some trade unions and federations do run courses for functionaries of trade unions but my submission is that this is completely insufficient, and too fragmented"

CATTLE TRAILS

166

DEPARTMENT OF LABOUR

STATEMENT BY PROF. N.E. WIEHAHN CHAIRMAN OF THE COMMISSION  
OF INQUIRY INTO LABOUR LEGISLATION

For immediate release

The Chairman of the Commission announces that the first meeting of the Commission was held in Pretoria on 11 August 1977 and that a number of subcommittees were formed to gather information on specific subjects falling within the framework of the terms of reference of the Commission.

Those interested will be invited shortly in the Government Gazette and through the press to submit representations to the Commission before a given date on the labour measures administered by the Departments of Labour and Mines.

In the light of the urgency of the Inquiry, an appeal is made to those interested to respond as soon as possible to this matter, full particulars of which will be made known as soon as possible in the Government Gazette and in the press.

ISSUED BY THE DEPARTMENT OF INFORMATION  
AT THE REQUEST OF  
THE COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

PRETORIA

11 August 1977



Manpower  
inquiry  
welcomed

166

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Labour Reporter

Leaders of commerce and industry today welcomed the wide scope of the new Commission of Inquiry into the utilisation of manpower, announced by the Prime Minister

The commission which will liaise closely with the Wiehahn Commission on labour matters related to the Departments of Labour and Mines — is a one-man commission headed by the Prime Minister's economic adviser, Dr P J Riekert. It is to look into any laws, provincial ordinances and regulations of local authorities related directly or indirectly to any economic aspects of the utilisation of manpower not covered by the Wiehahn Commission.

It is designed to eliminate bottlenecks and other problems of workers and employers in the utilisation of labour

Laws specifically named in the announcement of the new commission include the Environment Planning Act, the Group Areas Act and even the Community Councils Act.

The appointment of a one-man commission indicated a desire for quick action on the policy issues involved, commented Mr Jack Holloway, president of the Transvaal Chamber of Industries.

'Have you been parasol to the far-

'Yes, formerly, have seen it?'

'No; we haven't mean to go there, I

'It's a very p You can drive, you

'You can go in

'Yes; you can

'Our courier s continued. 'We wer fully from dyspepsi

says he doesn't thi can get Randolph.'

'Your brother smiling.

'He says he do stay at the hotel. with him; so we haven't been to many places. But it will be too bad if we don't go up there.'

GIRL

asked the young girl, pointing with her Château de Chillon.

id Winterbourne. 'You too, I suppose,

to go there dreadfully. Of course I m here without having seen that old castle.'

i Winterbourne, 'and very easy to make. y the little steamer.'

Miller.

erbourne assented.

ht up to the castle,' the young girl

t my mother gave out. She suffers dread- dn't go. Randolph wouldn't go either; he

s. But I guess we'll go this week, if we

ancient monuments?' Winterbourne inquired,

old castles. He's only nine. He wants to

leave him alone, and the courier won't stay

No R 176, 1977

166

DATUM VAN INWERKINGTREDING VAN DIE WYSIGINGSWET OP DIE REELING VAN BANTOE-ARBEIDSVFRHOUDINGE, 1977 (WET 84 VAN 1977)

Kragtens die bevoegdheid my verleen by artikel 25 van die Wysigingswet op die Reeling van Bantoe-arbeidsverhoudinge 1977 (Wet 84 van 1977) verklaar ek hierby dat genoemde Wet op die eerste dag van September 1977 in werking tree

No R 176, 1977

DATE OF COMING INTO OPERATION OF THE BANTU LABOUR RELATIONS REGULATION AMENDMENT ACT, 1977 (ACT 84 OF 1977)

Under the powers vested in me by section 25 of the Bantu Labour Relations Regulation Amendment Act, 1977 (Act 84 of 1977), I hereby declare that the said Act shall come into operation on the first day of September 1977

GOVERNMENT GAZETTE, 19 AUGUST 1977

No 5716 11

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Tiende dag van Augustus Eenduisend Negenhonderd Sewe-en-sewentig

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade  
S P. BOTHA.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Tenth day of August, One thousand Nine hundred and Seventy-seven

N DIEDERICHS, State President

By Order of the State President-in-Council

S P BOTHA

# Another labour commission

The whole gamut of legislation affecting African workers is now under government scrutiny

Not only has the Wiehahn Commission's brief been widened --- a second labour commission, of which the Prime Minister's Economic Adviser Piet Riekert, will be chairman and sole member, will look at a wide range of laws affecting the position of urban Africans in the labour market, including influx control

Called the "Commission of Enquiry into Legislation affecting the Utilisation of Manpower (excluding Acts falling under the Departments of Labour and Mines)", the Riekert Commission will look at the following Acts Bantu Trust and Land; Bantu (Urban Areas) Consolidation, Abolition of Passes and Co-ordination of Documents, Bantu Labour (1964), Group Areas, Environment Planning, Bantu Employees In-service Training, and Community Councils

It will also examine other statutes and regulations outside the spheres of the Departments of Labour and Mines as well as provincial ordinances, and local authorities' by laws affecting Africans

The laws will be reviewed "insofar as they relate directly or indirectly to any economic aspect of manpower utilisation with a view to eliminating bottlenecks experienced by both employer and employee", says a statement issued by Prime Minister Vorster this week

The commission stems firstly from work which the EAC has been doing on SA's skilled and semi skilled labour needs for the rest of the decade, and secondly from a feeling that the Wiehahn Commission's brief was too narrow

"Our job wouldn't have been done properly without this other commission. We will be working very closely with it," Wiehahn tells the FM

Riekert's work will obviously touch, not only on the issues of African labour mobility, but on unemployment as well

### Cornerstones of policy

Many of the laws he will be looking at affect African job opportunities in the urban areas. Some contribute to unemployment by encouraging employers to opt for capital intensive production methods

Many, like the 1968 Bantu Labour Regulations under the Bantu Labour Act (which tightened up the migratory labour system) constitute the cornerstones of government's present urban African policy along with Sections 10 and 29 of the Urban Areas Act, which provide that Africans may be "endorsed out" of the

cities if they are deemed "idle and undesirable".

This is not the first commission to look at these issues (remember Fagan?) though it is the first time that all labour legislation has been subjected to co-ordinated scrutiny

Riekert's recommendations, if accepted, will set the tone of government's urban African policy for years to come. If they tackle the urban African situation at its roots, they could have far-reaching consequences

Thereby lies the rub. Riekert's mandate has as much to do with politics as with labour

contd.....



Piet Riekert . how radical will he be?

Wiehahn's original brief encompassed mainly the commercial and manufacturing sectors. Now, following a request from the Chamber of Mines, his commission will also be looking at the Mines and Works Act, which entrenches job reservation on the mines, and other legislation administered by the Department of Mines

This should make the commission's already difficult task even more difficult. Recommendations of major changes on the mines are likely to meet strong resistance from Arnie Paulus' Mine Workers' Union as well as from the SA Confederation of Labour, to which the MWU is affiliated

Another tough nut which Wiehahn will now have to try to crack arises from the mines' reliance on migrant workers. Devising a bargaining system for them is obviously a thornier problem than devising one for a relatively stable workforce

Announc...

MINUTES OF A WESTRY ME  
ST. FRANCIS OF ASSISI  
AT 7.45 P.M. ON 14TH  
CLOVELLY  
Present: Canon D.C. Rogier  
Churchwardens Mr. Roger

166

No. R. 1635 19 Augustus 1977

**WET OP DIE REELING VAN BANTOE-ARBEIDSVERHOUDINGE, 1953**

**WYSIGING VAN REGULASIES**

Die Staatspresident het, kragtens artikel 34 van die Wet op die Reeling van Bantoe-arbeidsverhoudinge, 1953 (Wet 48 van 1953), met ingang van 1 September 1977 die regulasies gepubliseer by Goewermentskennisgewing R. 476 van 26 Maart 1964, soos gewysig by Goewermentskennisgewings R. 1337 van 21 Augustus 1970 en R. 1801 van 5 Oktober 1973, verder gewysig, soos in die Bylae hiervan aangedui

**BYLAE**

**AANHANGSEL ND6**

Aanhangsel ND6 word deur die volgende Aanhangsel vervang:

**"AANHANGSEL ND6**

[Regulasie 4 (3)]

**WET OP DIE REELING VAN BANTOE-ARBEIDSVERHOUDINGE, 1953**

**KENNISGEWING INGEVOLGE ARTIKEL 27 (1) (a)**

Die aandag word gevestig op onderstaande opsommings van sekere artikels van die Wet op die Reeling van Bantoe-arbeidsverhoudinge, 1953

*Artikels 3 en 4*

In hierdie artikels word voorsiening gemaak vir die instelling van 'n Sentrale Bantoe-arbeidsraad en Streekskomitee vir Bantoe-arbeid om die belange van Bantoes met betrekking tot hul diens te bevorder en om hulp te verleen met die beslegting van geskille in verband met Bantoe-arbeid

*Artikel 7*

Hierdie artikel maak voorsiening vir die instelling van skakelkomitees in inrigtings of afdelings daarvan. Waar werkgewers meer as een inrigting in dieselfde bedryf het, kan een skakelkomitee met die goedkeuring van die Sekretaris van Arbeid ten opsigte van al daardie inrigtings ingestel word. 'n Skakelkomitee bestaan uit die aantal lede wat deur die werkgewer en sy werknemers bepaal word, waarvan minstens die helfte deur die werknemers uit hul midde gekies en die ander deur die werkgewer aangewys moet word om hom in die komitee te verteenwoordig. In gevalle waar een skakelkomitee ten opsigte van meer as een inrigting ingestel is, moet elke inrigting deur minstens een lid in die skakelkomitee verteenwoordig word en daardie lid moet gekies word uit die werknemers wat in daardie inrigting werksaam is.

Die funksies van 'n skakelkomitee is om—

(a) waar daar nie 'n koördinerende skakelkomitee ten opsigte van die betrokke inrigting of inrigtings bestaan nie, te onderhandel en ooreenkomste aan te gaan met die werkgewer met betrekking tot lone of ander diensvoorwaardes van die betrokke werknemers en, waar daar 'n koördinerende skakelkomitee bestaan, aanbevelings aangaande lone of ander diensvoorwaardes by dié koördinerende skakelkomitee te doen, en

(b) ooreenkomstig reëls deur hom aanvaar, ander geleenthede te oorweeg wat van onderlinge belang vir die werkgewer en sy werknemers is.

Die voorsitter van 'n skakelkomitee word deur die werkgewer of die komitee aangewys en hoef nie 'n lid van die komitee te wees nie.

No R 1635 19 August 1977

**BANTU LABOUR RELATIONS REGULATION ACT, 1953**

**AMENDMENT OF REGULATIONS**

The State President has in terms of section 34 of the Bantu Labour Relations Regulation Act, 1953 (Act 48 of 1953), with effect from 1 September 1977 further amended the regulations published under Government Notice R 476 of 26 March 1964, as amended by Government Notices R 1337 of 21 August 1970 and R 1801 of 5 October 1973, as shown in the Schedule hereto

**SCHEDULE**

**ANNEXURE ND6**

The following Annexure is substituted for Annexure ND6

**"ANNEXURE ND6**

[Regulation 4 (3)]

**BANTU LABOUR RELATIONS REGULATION ACT, 1953**

**NOTICE IN TERMS OF SECTION 27 (1) (a)**

Attention is drawn to the following summaries of certain sections of the Bantu Labour Relations Regulation Act, 1953

*Sections 3 and 4*

In these sections provision is made for the establishment of a Central Bantu Labour Board and Regional Bantu Labour Committees to further the interests of Bantu in relation to their employment and to assist in the settlement of Bantu labour disputes

*Section 7*

This section makes provision for the establishment of liaison committees in establishments or sections of establishments. Where employers have more than one establishment in the same trade one liaison committee may, with the approval of the Secretary for Labour, be established in respect of all those establishments. A liaison committee shall consist of such number of members as may be determined by the employer and his employees, of which not less than one half shall be elected by the employees from among their number and the others designated by the employer to represent him on the committee. In cases where one liaison committee has been established in respect of more than one establishment each establishment shall be represented by at least one member on the liaison committee and that member shall be elected from the employees who are employed in that establishment.

The functions of a liaison committee shall be—

(a) where no co-ordinating liaison committee exists in respect of the establishment or establishments concerned to negotiate and enter into agreements with the employer in relation to wages or other conditions of employment of the employees concerned and, where any co-ordinating liaison committee exists, to make recommendations regarding wages or other conditions of employment to such co-ordinating liaison committee, and

(b) to consider other matters which are of mutual interest to the employer and his employees in accordance with rules adopted by it

The chairman of a liaison committee shall be designated by the employer or the committee and need not be a member of the committee

*Artikel 7A*

Voorsiening word gemaak vir die instelling van werkekomitees in inrigtings of afdelings daarvan waarin geen skakelkomitee bestaan nie en waarin daar meer as 20 werknemers in diens is. Sodanige komitees kan op versoek van die werknemers, of die meerderheid van die werknemers, ingestel word en moet bestaan uit minstens drie en hoogstens 20 werknemers van daardie inrigting of afdeling wat deur die werknemers self gekies word. Met dien verstande dat die aantal lede van sodanige komitee hoogstens 'n kwart is van die totale aantal werknemers wat ten tyde van die verkiesing van die komitee in daardie inrigting of afdeling in diens is. Lede van werkekomitees word gekies vir minstens een en hoogstens twee jaar en is herkiesbaar na verstryking van hul amptstermyn. Die lede van 'n werkekomitee kies 'n voorsitter en 'n sekretaris uit hul midde.

Die funksies van 'n werkekomitee is om die wense, strewes en behoeftes van die werknemers in die inrigting of afdeling van 'n inrigting ten opsigte waarvan hy gekies is, aan hul werkgever oor te dra en om, waar daar nie 'n skakelkomitee ten opsigte van die inrigting of afdeling bestaan nie, met hul werkgever te onderhandel en ooreenkomste aan te gaan met betrekking tot hul lone of ander diensvoorwaardes en, waar daar 'n skakelkomitee bestaan om aanbevelings aangaande lone of ander diensvoorwaardes by die skakelkomitee te doen. Die voorsitter van die komitee tree op as skakel tussen die komitee en die betrokke werkgever.

*Artikel 7B*

Hierdie artikel maak voorsiening vir die instelling van koördinerende werkekomitees in gevalle waar werkekomitees ten opsigte van twee of meer afdelings van 'n inrigting gekies is.

Sodanige komitees kan saamgestel word na oorlegpleging tussen die werkekomitees en die betrokke werkgever en bestaan uit die voorsitters en die sekretarisse van die onderskeie werkekomitees.

Die funksies van 'n koördinerende werkekomitee is om die werksaamhede van die werkekomitees van die verskillende afdelings van die betrokke inrigting te koördineer en om, waar daar nie 'n koördinerende skakelkomitee ten opsigte van dié inrigting bestaan nie, met die werkgever te onderhandel en ooreenkomste aan te gaan met betrekking tot lone of ander diensvoorwaardes en om, waar daar 'n koördinerende skakelkomitee bestaan, aanbevelings aangaande lone of ander diensvoorwaardes by dié koördinerende skakelkomitee te doen. Die lede van 'n koördinerende werkekomitee kies 'n voorsitter en 'n sekretaris uit hul midde en die voorsitter tree op as skakel tussen die komitee en die werkgever.

*Artikel 7F*

Hierdie artikel maak voorsiening vir die instelling van koördinerende skakelkomitees indien skakelkomitees ten opsigte van twee of meer afdelings van 'n inrigting ingestel is. Sodanige komitees kan ingestel word na oorlegpleging met die werkgever en bestaan uit 'n aantal lede wat deur die skakelkomitees bepaal word en waarvan die helfte genomineer word deur die werkgever en die ander helfte deur die betrokke werknemers gekies word uit die midde van die verkose lede van sodanige komitees.

Die funksies van 'n koördinerende skakelkomitee is om die werksaamhede van die betrokke skakelkomitees te koördineer en om met die werkgever te onderhandel en ooreenkomste aan te gaan met betrekking tot die lone of ander diensvoorwaardes van die betrokke werknemers en om oorweging te skenk aan enige ander aangeleentheid wat hul belange raak.

*Section 7A*

Provision is made for the establishment of works committees in establishments or sections of establishments in which no liaison committee exists and in which more than 20 employees are employed. Such committees may be established at the request of the employees or a majority of them and shall consist of at least three but not more than 20 employees, who have been elected by the employees of that establishment or section. Provided that the number of members of such committee shall not exceed a quarter of the total number of employees employed in that establishment or section thereof at the time of the election of the committee. Members of a works committee shall be elected for at least one year and not more than two years and shall be eligible for re-election on the expiry of their term of office. The members of a works committee shall elect a chairman and a secretary from among themselves.

The functions of a works committee shall be to communicate to their employer the wishes, aspirations and requirements of the employees in the establishment or section of an establishment in respect of which it has been elected, and, where no liaison committee exists in respect of such establishment or section, to negotiate and enter into agreements with their employer regarding their wages or other conditions of employment, and, where a liaison committee exists, to make recommendations regarding wages or other conditions of employment to such liaison committee. The chairman of the committee shall act as an intermediary between the committee and the employer concerned.

*Section 7B*

This section makes provision for the establishment of co-ordinating works committees in cases where works committees have been elected in respect of two or more sections of an establishment.

Such committees may be established after consultation between the works committees and the employer concerned and shall consist of the chairmen and the secretaries of the respective works committees.

The functions of a co-ordinating works committee shall be to co-ordinate the activities of the works committees of the various sections of the establishment in question and, where no co-ordinating liaison committee exists in respect of such establishment, to negotiate and enter into agreements with the employer in relation to wages or other conditions of employment and, where any co-ordinating liaison committee exists, to make recommendations regarding such wages or other conditions of employment to such co-ordinating liaison committee. The members of a co-ordinating works committee shall elect a chairman and a secretary from among themselves and the chairman shall act as intermediary between the committee and the employer.

*Section 7F*

This section makes provision for the establishment of co-ordinating liaison committees if liaison committees have been established in respect of two or more sections of an establishment. Such committees may be established after consultation with the employer and shall consist of a number of members determined by the liaison committees, one half of which shall be nominated by the employer and the other half of which shall be elected by the employees concerned from among the elected members of such committees.

The functions of a co-ordinating liaison committee shall be to co-ordinate the activities of the liaison committees in question and to negotiate and enter into agreements with the employer in relation to the wages or other conditions of employment of the employees concerned and to consider any other matter affecting their interests.

Die lede van 'n koördinerende skakelkomitee kies 'n voorsitter en 'n sekretaris uit hul midde en die voorsitter tree op as skakel tussen die komitee en die werkgewer. 'n Werkgewer moet, binne 30 dae na die instelling van 'n skakelkomitee, koördinerende skakelkomitee, werkekomitee of koördinerende werkekomitee en so gou doenlik nadat so 'n komitee opgehou het om te funksioneer, die betrokke Afdelingsinspekteur van Arbeid daarvan in kennis stel.

#### Ooreenkomste

Ooreenkomste wat deur komitees met werkgewers aangegaan is, moet op skrif gestel word en is vir die betrokke werkgewer en werknemers bindend. Sulke ooreenkomste mag vir die betrokke werknemers nie minder gunstig wees as die ooreenstemmende bepalings van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, die Wet op Winkels en Kantore, 1964, of 'n loontreelende maatregel of 'n order nie.

'n Werkgewer vir wie 'n ooreenkoms bindend is, moet 'n kopie daarvan in veilige bewaring hou en 'n ander kopie daarvan op 'n opvallende plek op sy perseel opplak en opgeplak hou. 'n Werkgewer wat versuim om hierdie bepaling na te kom is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide so 'n boete en so 'n gevangenisstraf.

#### Artikel 8

Bantoe-arbeidsamptenare kan deur die Minister aangestel word om hulself op hoogte van sake te hou met betrekking tot die wense, strewes en behoeftes van werknemers, om in voeling met Afdelingsinspekteurs van Arbeid en Bantoesakekommissarisse te bly om as voorsitters van die Streekskomitees vir Bantoe-arbeid te dien, om te poog om geskille in samewerking met skakelkomitees, koördinerende skakelkomitees, werkekomitees, koördinerende werkekomitees, streekskomitees vir Bantoe-arbeid en die Sentrale Bantoe-arbeidsraad te voorkom of te besleg.

#### Artikel 9

Die Sentrale Bantoe-arbeidsraad kan lede of gekoopte lede van streekskomitees aanwys om nywerheidsraadvergaderings by te woon wanneer daar oor diensvoorwaardes rakende Bantoes onderhandel word. Dit stel Bantoes in staat om aan onderhandelings op die hoogste vlak deel te neem. (Dieselfde prosedure word gevolg ten opsigte van sittings van die Loonraad.)

#### Artikel 11

Indien 'n geskil nie bygelê word nie, en die Sentrale Bantoe-arbeidsraad aldus aanbeveel, word die geskil na die Loonraad verwys vir 'n aanbeveling in verband met die saak. In gevalle waar werknemers in verband met noodsaaklike dienste in diens is, dit wil sê in verband met die verskaffing van lig, krag, water, sanitasie, passasiersvervoer of 'n brandweerdienst of as hulle in diens is in die vrugte- en groente- inmaaknywerheid, en die geskil handel oor lone of ander diensvoorwaardes, is die Sentrale Bantoe-arbeidsraad verplig om aan te beveel dat die saak na die Loonraad verwys word.

Die Minister kan 'n order ooreenkomstig die Loonraad se aanbeveling maak.

#### Artikel 11A

Kragtens hierdie artikel kan 'n groep of vereniging van werkgewers in 'n bedryf en 'n gebied ten opsigte waarvan geen nywerheidsraad geregistreer is nie voorstelle aangaande lone of ander diensvoorwaardes aan die Minister voorlê en versoek dat sodanige voorstelle bindend verklaar word vir alle werkgewers en werknemers in die

The members of a co-ordinating liaison committee shall elect a chairman and secretary from among themselves and the chairman shall act as intermediary between the committee and the employer.

An employer shall, within 30 days after the establishment of a liaison committee, co-ordinating liaison committee, works committee or co-ordinating works committee, and as soon as practicable after such committee has ceased to function, notify the Divisional Inspector of Labour concerned thereof.

#### Agreements

Agreements which have been entered into between committees and employers shall be reduced to writing and shall be binding on the employer and the employees concerned. Such agreements shall not be less favourable to the employees concerned than the corresponding provisions of the Factories, Machinery and Building Work Act, 1941, the Shops and Offices Act, 1964, or a wage regulating measure or an order.

An employer upon whom any agreement is binding shall keep a copy thereof in safe custody and shall affix and keep affixed another copy thereof in some conspicuous place upon his premises. An employer who fails to comply with this provision is guilty of an offence and liable on conviction to a fine not exceeding R100 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

#### Section 8

Bantu Labour Officers may be appointed by the Minister to acquaint themselves with the wishes, aspirations and requirements of employees, to maintain contact with Divisional Inspectors of Labour and Bantu Affairs Commissioners, to be chairmen of the Regional Bantu Labour Committees, to endeavour to prevent or settle any disputes in collaboration with liaison committees, co-ordinating liaison committees, works committees, co-ordinating works committees and Regional Bantu Labour Committees and the Central Bantu Labour Board.

#### Section 9

The Central Bantu Labour Board may designate members or co-opted members of regional committees to attend industrial council meetings when conditions of employment concerning Bantu are negotiated. This enables Bantu to negotiate at the highest level.

(The same procedure is followed in respect of sittings of the Wage Board.)

#### Section 11

Where a settlement of a dispute is not effected and the Central Bantu Labour Board so recommends, the dispute shall be referred to the Wage Board for a recommendation on the matter. In cases where employees are employed in connection with essential services, i.e. in connection with the provision of light, power, water, sanitation, passenger transportation or a fire extinguishing service or if they are engaged in the Fruit and Vegetable Canning Industry, and the dispute concerns wages or other conditions of employment, the Central Bantu Labour Board shall be compelled to recommend that the matter be referred to the Wage Board.

The Minister may make an order in accordance with the recommendation of the Wage Board.

#### Section 11A

In terms of this section, any group or association of employers in a trade in an area in respect of which no industrial council is registered may submit proposals concerning wages or other conditions of employment to the Minister and request that such proposals be declared binding on all employers and employees in the trade and

betrokke bedryf en gebied Die Minister kan na oorlegpleging met die Loonraad en die Sentrale Bantoe-arbeidsraad 'n order ooreenkomstig sodanige voorstelle maak en hy moet 'n kennisgewing wat die bepalinge van die order uiteensit in die *Staatskoerant* laat publiseer 'n Order kan nie gemaak word nie tensy die Minister die betrokke groep werkgewers of vereniging van werkgewers as voldoende verteenwoordigend van werkgewers in die betrokke bedryf en gebied beskou

#### Artikels 15, 16 en 17

Dit is 'n misdryf as enige persoon, hetsy werkgewer of werknemer, 'n order of vrystelling oortree of versuim om uitvoering daaraan te gee Die maksimum straf is 'n boete van R200 of een jaar gevangenisstraf, of albei, behalwe in gevalle van onderbetaling van lone, in welke gevalle die boete verhoog kan word tot die bedrag van die onderbetaling

Indien 'n werknemer minder betaal word as die bedrag waarop hy ingevolge 'n vrystellingsertifikaat of order geregtig is kan 'n eis teen sy werkgewer ingestel word om die onderbetaalde bedrag oor te betaal aan die Afdelingsinspekteur van Arbeid of ander liggaam wat vir die toepassing van die betrokke maatregel verantwoordelik is Indien die werkgewer erken dat die besondere bedrag verskuldig is, kan hy die bedrag aan die betrokke Afdelingsinspekteur of ander liggaam betaal wat dit dan weer aan die werknemer moet oorbetal In gevalle waar die werkgewer egter weier om skuld te erken, kan hy vervolgd word Indien hy deur die hof skuldig bevind word, kan die hof na goeë dunde 'n bevel uitreik dat die onderbetaalde bedrag aan die werknemer betaal of in die Gekonsolideerde Inkomstefonds gestort moet word Die werknemer is slegs geregtig op die hele onderbetaalde bedrag indien hy nie toegestem het om laer lone as die voorgeskrewe lone te aanvaar nie of indien hy aldus toegestem het, as hy onbekend was met sy regte kragtens die betrokke order of vrystelling Onder ander omstandighede kan die hof 'n geringer bedrag toeken

#### Artikel 18

(1) Hierdie artikel plaas 'n algehele verbod op stakings en uitsluitings ten opsigte van—

- (a) werknemers van 'n plaaslike owerheid,
- (b) werknemers van werkgewers wat binne die gebied van 'n plaaslike owerheid noodsaaklike dienste lewer, dit wil sê die verskaffing van lig, krag, water, sanitasie, passasiersvervoer of 'n brandweerdienst, en
- (c) werknemers van werkgewers wat betrokke is by die Vrugte- en Groente-inmaaknywerheid

(2) In die geval van nie-noodsaaklike dienste mag 'n staking of uitsluiting nie plaasvind nie—

(a) gedurende die geldigheidsduur van 'n ooreenkoms, toekenning of vasstelling wat vir die betrokke werkgewer en werknemers ingevolge die Wet op Nywerheidsversoening bindend is,

(b) indien 'n order of loonreelende maatregel wat vir die betrokke werkgewer en werknemers bindend is [behalwe 'n ooreenkoms, toekenning of vasstelling in (a) bedoel] minder as een jaar van krag is,

(c) indien die aangeleentheid wat tot die staking of uitsluiting aanleiding gee, na die Loonraad vir 'n aanbeveling verwys is,

(d) tensy die geskil in alle ander gevalle verwys is na die koördinerende skakelkomitee of koördinerende werkekomitee wat in die betrokke inrigting of inrigtings bestaan en, waar geen sodanige komitee bestaan nie, na die skakelkomitee of werkekomitee wat in die betrokke inrigting of inrigtings bestaan, en die komitee nie daarin geslaag het om die geskil te besleg nie, of

area concerned. The Minister may, after consultation with the Wage Board and the Central Bantu Labour Board, make an order in accordance with such proposals and he shall cause a notice, setting out the provisions for such order, to be published in the *Government Gazette* An order may not be made unless the group or association of employers in question is regarded by the Minister as sufficiently representative of employers engaged in the trade and area concerned.

#### Sections 15, 16 and 17

It shall be an offence for any person, whether employer or employee, to contravene or fail to comply with an order or exemption The maximum penalty shall be a fine of R200 or one year's imprisonment, or both, except in the case of an underpayment of wages, in which event the fine may be increased to the amount of the underpayment

Should an employee be paid less than the amount to which he is entitled in terms of an exemption certificate or order a claim may be made against the employer to pay the amount underpaid to the Divisional Inspector of Labour or other body which is responsible for the administration of the measure concerned Should the employer admit that the particular amount is due, he may pay the amount to the Divisional Inspector concerned or other body which shall then pay the amount over to the employee In cases where the employer refuses, however, to admit liability he may be prosecuted Should he be found guilty by the Court, the Court has a discretion whether to make an order directing that the amount underpaid be paid to the employee or into the Consolidated Revenue Fund The employee shall only be entitled to the whole of the amount underpaid if he had not agreed to accept lower wages than those prescribed or, if he had so agreed, he had been ignorant of his rights under the relative order of exemption In other circumstances the Court may award a lesser amount

#### Section 18

(1) This section places a total prohibition on strikes and lock-outs in respect of—

- (a) employees of a local authority;
- (b) employees of employers who render essential services, i.e. the provision of light, power, water, sanitation, passenger transportation or a fire extinguishing service, within the area of a local authority, and
- (c) employees of employers who are engaged in the Fruit and Vegetable Canning Industry

(2) In the case of non-essential services, a strike or a lock-out may not take place—

(a) during the period of operation of any agreement, award or determination which is binding on the employer and employees concerned in terms of the Industrial Conciliation Act,

(b) if an order or wage regulating measure which is binding on the employer and employees concerned [other than an agreement, award or determination referred to in (a)] has been in operation for less than one year,

(c) if the matter giving occasion for the strike or lock-out has been referred to the Wage Board for a recommendation,

(d) in all other cases, unless the dispute has been referred to a co-ordinating liaison committee or co-ordinating works committee which exists in the establishment or establishments concerned and, where no such committee exists, to a liaison or works committee which exists in the establishment or establishments concerned and the committee has been unable to settle

waar so 'n komitee nie bestaan nie, dan, in albei gevalle, totdat verslag aan die betrokke Bantoc-arbeidsamptenaar gedoen is en 30 dae vanaf die datum van die verslag verstryk het

Iemand wat hierdie artikel oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of daardie gevangenisstraf sonder die keuse van 'n boete of beide daardie boete en daardie gevangenisstraf

#### Artikel 19

'n Inspekteur kan, sonder om vooraf kennis te gee, enige perseel binnegaan, enigiemand ondervra, enige boeke of geskifte opeis en daaruit uittreksels haal of afskrifte daarvan maak 'n Werkgewer of persoon in sy diens moet geriewe verskaf, soos deur die inspekteur verlang, vir die uitvoering van sy ondersoek. Die inspekteur kan 'n tolk of ander assistent met hom saamneem Enigiemand wat weier om vrae te beantwoord wat die inspekteur aan hom stel, of versuim om uitvoering te gee aan die inspekteur se vereistes of 'n inspekteur dwarsboom in die uitoefening van sy pligte ingevolge die Wet, is skuldig aan 'n misdryf Die maksimum straf is 'n boete van R100 of ses maande gevangenisstraf, of albei

#### Artikel 23

Die bepalinge van 'n order of vrystelling kan nie by wyse van 'n ooreenkoms gewysig of ter syde gestel word nie Geen werkgewer mag van 'n werknemer vereis of hom toelaat om enige besoldiging wat kragtens 'n order, vrystelling of hofbevel betaal is, aan hom terug te betaal nie. In die geval van 'n werkgewer is dit 'n misdryf om van 'n werknemer te vereis of hom toe te laat om 'n bewys daarvoor te gee of andersins voor te gee dat hy meer by wyse van besoldiging ontvang het as wat werklik die geval was Die maksimum straf is 'n boete van R100 of ses maande gevangenisstraf, of albei.

#### Artikel 24

In die geval van 'n werkgewer is dit 'n misdryf om 'n werknemer te ontslaan of die diensvoorwaardes tot nadeel van laasgenoemde te verander omrede die feit dat so 'n werknemer inligting verstrekket wat hy kragtens die Wet verplig is om te verstrek, of wat betrekking het op sy diensvoorwaardes, die vereistes van 'n inspekteur nagekom het, getuie is voor 'n geregshof afgelê het, geweier of versuim het om besoldiging terug te betaal of om 'n valse bewys te verskaf; of deelgeneem het aan die instelling, verkiesing of die werksaamhede, of opgetree het as voorsitter, sekretaris of lid, van 'n koördinerende skakelkomitee, skakelkomitee, koördinerende werkekomitee of werkekomitee, of deelgeneem het aan die werksaamhede, of opgetree het as lid, van 'n streekskomitee Die maksimum straf is 'n boete van R600 of twee jaar gevangenisstraf, of albei, en daarbenewens kan die hof die heraanstelling van die werknemer of betaling van vergoeding ten bedrae van R400, of albei, gelas

#### Artikel 24A

'n Werkgewer mag nie van 'n werknemer, hetsy by wyse van 'n beding of voorwaarde betreffende diens of andersins, vereis om nie lid van 'n streekskomitee, koördinerende skakelkomitee, skakelkomitee, koördinerende werkekomitee of werkekomitee te wees of te word nie, of om nie aan die stigting of verkiesing of werksaamhede van enige sodanige komitee deel te neem nie. Verder moet 'n werkgewer aan 'n werknemer wat lid is van 'n streekskomitee, koördinerende skakelkomitee, skakelkomitee, koördinerende werkekomitee of werkekomitee of wat 'n amp in so 'n komitee beklee, alle redelike geleentheid gee om sy pligte in verband met enige sodanige komitee uit

the dispute, or where no such committee exists, then in either event, until a report has been made to the Bantu Labour Officer concerned and 30 days have elapsed from the date of the report

Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding R1000 or imprisonment for a period not exceeding three years or such imprisonment without the option of a fine or both such fine and such imprisonment

#### Section 19

An inspector may, without having given prior notice, enter any premises, question any person require any books or documents to be produced and take extracts therefrom or make copies thereof Any employer or person employed by him shall furnish facilities, as required by the inspector, for the conducting of his investigation. The inspector may take with him an interpreter or other assistant Any person who refuses to answer questions put to him by the inspector or fails to comply with the inspector's requirements or hinders an inspector in the performance of his functions under the Act shall be guilty of an offence The maximum penalty is a fine of R100 or six months' imprisonment or both

#### Section 23

The provisions of an order or exemption cannot be varied by agreement or waived No employer may require or permit any employee to repay to him any remuneration paid under an order, exemption or order of Court It shall be an offence for an employer to require or permit an employee to give a receipt for or otherwise represent that he has received more by way of remuneration than he actually received The maximum penalty is a fine of R100 or six months' imprisonment or both

#### Section 24

It shall be an offence for an employer to dismiss or alter the conditions of employment of any employee to the disadvantage of the latter, by reason of such employee having given information that he is required to give by the Act or which relates to his conditions of employment, complied with the requirements of an inspector, given evidence before a court of law, refused or omitted to repay remuneration or to give a false receipt, or participated in the establishment or election or the activities, or functioned as chairman, secretary or member, of a co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee or has participated in the activities, or functioned as a member, of a regional committee The maximum penalty shall be a fine of R600 or two years' imprisonment, or both and in addition the Court may order the reinstatement of the employee or the payment of compensation up to R400 or both

#### Section 24A

An employer shall not require any employee whether by a term or condition of employment or otherwise, not to be or not to become a member of a regional committee, co-ordinating liaison committee, liaison committee, co-ordinating works committee or works committee, or not to participate in the establishment or election or activities of any such committee Furthermore an employer shall give to any employee who is a member of a regional committee, co-ordinating liaison committee, liaison committee co-ordinating works committee or works committee or who holds any office in any such committee, every reasonable facility to perform his duties in connection with any such committee



te voer. Indien die werkgever hierdie artikel oortree, is hy skuldig aan 'n misdryf en by skuldigebevinding strafbaar met 'n boete van hoogstens R100 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide so 'n boete en so 'n gevangenisstraf.

*Artikel 26 (4)*

Enigiemand wat 'n valse inskrywing maak in 'n register wat kragtens die Wet gehou moet word, wetende dat dit vals is, is skuldig aan 'n misdryf. Die maksimum straf is 'n boete van R100 of ses maande gevangenisstraf, of albei

Nadere besonderhede aangaande die Wet kan bekom word by enige kantoor van die Departement van Arbeid.

If an employer contravenes this section he shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

*Section 26 (4)*

Any person who makes any false entry in a record required to be kept under the Act, knowing the same to be false, is guilty of an offence. The maximum penalty is a fine of R100 or six months' imprisonment, or both. Further particulars concerning the Act may be obtained at any office of the Department of Labour."

# Wiehahn gets a January deadline

RDM  
29/8/77  
(166)

By CLIVE EMDON  
Labour Correspondent

THE Minister of Labour, Mr Fanie Botha, has asked the Wiehahn Commission on Labour Legislation — which sat for the first time last week — to have new legislation ready for the next Parliamentary session in January.

This was disclosed by Professor Nic Wiehahn at a Press conference attended by commission members in Johannesburg yesterday.

He said the commission would work on an interim report basis, and called on interested people and organisations to submit written representations to the commission by October 15.

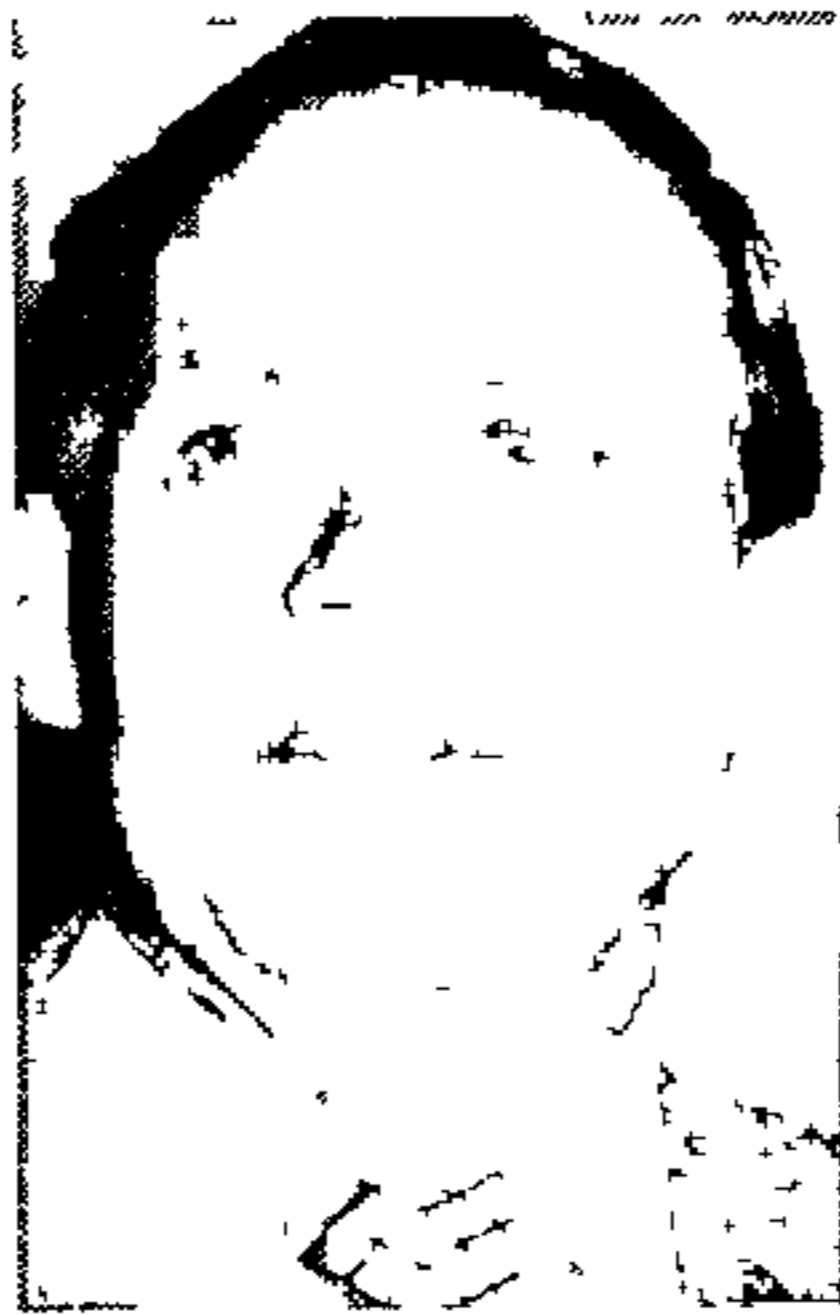
Prof Wiehahn announced that the terms of reference of the commission had been extended to include the Mines and Works Act, which entrenches job reservation on the mines. The Chamber of Mines had asked that this Act be included.

The commission had set four main priorities for its work. They were:

- Dispute handling — this included the possibility of establishing labour courts and extending the work of industrial tribunals;
- Training — for both jobs and trade unions;
- Employment opportunities,
- The mobility of labour — including availability and restrictions on labour and the question of decentralisation.

He said he and three other members of the 14-man commission would sit full time. They were Mr Richard Sutton of Asocom, Mr H J Hechter, from the Department of Labour and Prof P. J van der Merwe, an economist at the University of Pretoria.

The commission would sit in Johannesburg, Pretoria, Durban, Cape Town, Port Elizabeth and Bloem-



**PROF WIEHAHN**  
... call for information

fontein and might also sit in Kimberley, East London and Windhoek if this was justified.

The commission needed information on all types of employer and employee organisations, vocational guidance and employment services, private and other registry offices, conditions of employment, the role of the State in promoting labour relations and on apprenticeship training.

It also needed information on all matters relating to the labour legislation falling within its terms of reference and on labour discrimination, whether historical, traditional, administrative or statutory he said.

# Botha wants report of Wiehahn Commission for next session

Own Correspondent

JOHANNESBURG — The Minister of Labour, Mr S P Botha, has asked the Wiehahn commission on labour legislation — which sat for the first time last week — to have a report ready for the next parliamentary session in January.

This was disclosed by Professor Nic Wiehahn at a press conference attended by commission members here

He said the commission would work on an interim report basis and he called on interested persons and organizations to submit written representations to the commission by October 15

Professor Wiehahn announced that the terms of reference of the commission had been extended to include the Mines and Works Act, which entrenches job reservation on the mines. The Chamber of Mines asked that the act be included

Professor Wiehahn said the commission had four main priorities

- The handling of disputes — this included the possibility of establishing labour courts and extending the work of industrial tribunals,

- Training,

- Employment opportunities,

- The mobility of labour — including the availability of



Mr S P Botha

and restrictions on labour and the question of decentralization

He said four members of the 14-man commission, himself, Mr Richard Sutton (an Assocom representative), Mr H J Hechter (of the Department of Labour) and Professor P J van der Merwe (of the University of Pretoria) would work full-time

Professor Wiehahn said the commission would sit in Johannesburg, Pretoria, Durban, Cape Town, Port Elizabeth and Bloemfontein, but could well sit in Kimberley, East London and Windhoek if there was justification for this

He mentioned 19 areas on which the commission needed

information

These were

- Employer organizations;
- Trade unions and all types of employee unions and organizations;

- Trade union and management training — including training in techniques of collective bargaining,

- Industrial councils,

- Industrial council agreements (published and unpublished) and private and house agreements on conditions of employment;

- Collective bargaining,

- The prevention of disputes and settlement (arbitration, mediation and conciliation boards, etc),

- The industrial tribunal,

- Vocational guidance, employment services and employment bureaus,

- Private and other registry offices

- Works liaison and co-ordination committees and orders,

- General conditions of employment and the protection of employees;

- The role of the state in promoting sound labour relations and regulating labour matters,

- Discriminatory measures and practices (historical, traditional, administrative or statutory);

- Apprenticeship training and job training in general (to include views of employees),

- Structural changes in the economy,

- The changing skill patterns of workers;

- Manpower supply and demand with special reference to availability, allocation, development and to the horizontal and vertical mobility of labour.

- All matters relating to labour regulations in the Industrial Conciliation Act, 1956, the Bantu Labour Relations Regulation Act, 1953, the Wage Act, 1957, the Factories, Machinery and Building Work Act, 1941, the Shops and Offices Act, 1964, the Apprenticeship Act, 1944, the Training of Artisans Act, 1951, the Registration of Employment Act, 1945 and any other legislation falling within the terms of reference of the commission

## KENNISGEWING 594 VAN 1977

## BYKOMENDE OPDRAG AAN DIE KOMMISSIE VAN ONDERSOEK NA ARBEIDSWETGEWING

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om onderstaande by te voeg tot die opdrag van die Kommissie van Onderzoek na Arbeidswetgewing soos uiteengesit in Algemene Kennisgewing 445 van 8 Julie 1977.

(a) Deur na item (l) die volgende item in te voeg.

"(m) Wet op Myne en Bedrywe, 1956 (Wet 27 van 1956), of enige ander Wet wat deur die Departement van Mynwese toegepas word;" en

(b) deur na item (iv) die volgende paragraaf by te voeg

"En, verder, om met die oog op die dringendheid van die saak, tussentydse verslac voor te lê."

(26 Augustus 1977)

## KENNISGEWING 595 VAN 1977

DEPARTEMENT VAN ARBEID  
KOMMISSIE VAN ONDERSOEK NA ARBEIDSWETGEWING

In opdrag van die Kommissie van Onderzoek, aangestel ingevolge Algemene Kennisgewing 445 van 1977 wat in *Staatskoerant* 5651 van 8 Julie 1977 verskyn het, word belanghebbende persone en instansies wat skriftelike vertoe tot die Kommissie wil rig, versoek om memoranda (in sestienvoud) in te dien, waarin sodanige vertoe vervat word oor die arbeidsmaatreels wat geadmistreer word deur en die arbeidsgebruike wat binne die bestek van die Departemente van Arbeid en van Mynwese val

In hierdie verband verlang die Kommissie in hierdie stadium in die besonder inligting oor die volgende

- (i) Werkgewersorganisasies;
- (ii) vak- en ander tipes werknemersverenigings,
- (iii) vakvereniging- en bestuursopleiding (opleiding in die administrasie en bestuur van vakvereniging- en werkgewersorganisasiesake, tegnieke van kollektiewe bedinging, ens.);
- (iv) nywerheidsrade.
- (v) gepubliseerde en ongepubliseerde nywerheidsraad-ooreenkomste en enige ander private of interne ooreenkomste wat in verband staan met die bedinge en voorwaardes van diens van werknemers,
- (vi) kollektiewe bedinging,
- (vii) voorkoming en beslegting van geskille (arbitrasie, bemiddeling, versoeningsrade, ens.);
- (viii) die nywerheidshof,
- (ix) beroepsvoorligting, werkverskaffingsdienste en werkverskaffingsburo's;
- (x) private en ander registrasiekantore,
- (xi) werke-, skakel- en koördinerende komitees en orders;
- (xii) algemene diensvoorwaardes en die beskerming van werknemers;
- (xiii) die rol van die Staat in die bevordering van gesonde arbeidsverhoudinge en in die regulering van arbeidsmangeleenthede;
- (xiv) diskriminerende maatreels en gebruike, hetsy histories, tradisioneel, administratief of statutêr,
- (xv) vakleerlingskap- en werkopleiding in die algemeen,
- (xvi) strukturele veranderinge in die ekonomie vir die jare 1951 tot 2000;
- (xvii) die veranderende skolingspatrone van werknemers,
- (xviii) die vraag na en aanbod van mannekrag met spesifieke verwysing na beskikbaarheid, toewysing, ontwikkeling en die horisontale en vertikale mobiliteit, en
- (xix) enige ander aangeleentheid wat betrekking het op arbeidsverhoudinge wat gereël word ingevolge die Wet op Nywerheidsversoening, 1956, die Wet op die Reeling van

## NOTICE 594 OF 1977

## ADDITION TO THE TERMS OF REFERENCE OF THE COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

It is hereby notified for general information that the State President has been pleased to add the following to the terms of reference of the Commission of Inquiry into Labour Legislation as set out in General Notice 445, dated 8 July 1977

(a) By the insertion after item (l) of the following item

"(m) Mines and Works Act, 1956 (Act 27 of 1956), or any other Act administered by the Department of Mines," and

(b) by the addition after item (iv) of the following paragraph

"And, further, in view of the urgency of the matter, to submit interim reports"

(26 August 1977)

## NOTICE 595 OF 1977

DEPARTMENT OF LABOUR  
COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

By direction of the Commission of Inquiry, appointed in terms of General Notice 445 of 1977, appearing in *Government Gazette* 5651 of 8 July 1977, interested persons and bodies wishing to submit written representations to the Commission are invited to submit memoranda (in sixteenfold) containing such representations on the labour measures administered by and the labour practices falling within the purview of the Departments of Labour and of Mines

In this connection the Commission at this stage, particularly requires information on the following:

- (i) Employers' organisations
- (ii) trade and other types of employee unions,
- (iii) trade union and management training (training in the administration and management of trade union and employers' organisation affairs, techniques of collective bargaining, etc.),
- (iv) industrial councils,
- (v) published and unpublished industrial council agreements and any other private or house agreement relating to the terms and conditions of employment of employees,
- (vi) collective bargaining,
- (vii) dispute prevention and settling (arbitration, mediation, conciliation boards, etc.),
- (viii) the industrial tribunal,
- (ix) vocational guidance, employment services and employment bureaux,
- (x) private and other registry offices,
- (xi) works, liaison and co-ordinating committees and orders,
- (xii) general conditions of employment and the protection of employees,
- (xiii) the role of the State in promoting sound labour relations and in regulating labour matters,
- (xiv) discriminatory measures and practices, whether historical, traditional, administrative or statutory,
- (xv) apprenticeship training and job training in general,
- (xvi) structural changes in the economy for the years 1951 to 2000,
- (xvii) the changing skill patterns of workers,
- (xviii) manpower supply and demand with special reference to availability, allocation, development and the horizontal and vertical mobility, and
- (xix) any other matter pertaining to labour relations regulated in terms of the Industrial Conciliation Act, 1956,

Bantoe-arbeidsverhoudinge, 1953, die Loonwet, 1957, die Wet op Fabriekke, Masjinerie en Bouwerk, 1941, die Wet op Winkels en Kantore, 1964, die Wet op Vakleerlinge, 1944, die Wet op Opleiding van Ambagsmanne, 1951, en die Wet op Registrasie vir Werk, 1945, of enige ander verwante wetgewing wat binne die opdrag van die Kommissie val

Waar vertoe spesifiek op meer as een Wet betrekking het, moet aparte memoranda verkieslik ten opsigte van elke Wet ingedien word

Memoranda moet so gou doenlik maar nie later nie as 30 Oktober 1977 by die Sekretaris van die Kommissie van Ondersnek na Arbeidswetgewing, Privatsak X316, Pretoria, 0001, ingedien word

Die Kommissie kan vereis dat mondelinge getuenis voor hom afgeleë word, indien hy verdere inligting oor memoranda verlang. Waar mondelinge getuenis ook afgeleë moet word, sal die betrokke persone en instansies in kennis gestel word van die datum, waarop en die plekke waar dit aangehoor sal word

D VAN DER WALT, Sekretaris  
Pretoria, 26 Augustus 1977.

(26 Augustus 1977)

the Bantu Labour Relations Regulation Act, 1953, the Wage Act, 1957, the Factories, Machinery and Building Work Act, 1941, the Shops and Offices Act, 1964, the Apprenticeship Act, 1944, the Training of Artisans Act, 1951, and the Registration for Employment Act, 1945, and any other related legislation falling within the terms of reference of the Commission

Where representations specifically relate to more than one Act, separate memoranda should preferably be submitted in respect of each Act

Memoranda should be submitted as soon as possible, but not later than 30 October 1977, to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria, 0001.

The Commission may require oral evidence to be given before it if it needs further information on memoranda. Where oral evidence also has to be given, the persons and bodies concerned will be notified of the dates on which and the places at which hearings will take place.

D VAN DER WALT, Secretary  
Pretoria, 26 August 1977.

(26 August 1977)

**DEPARTEMENT VAN DIE EERSTE MINISTER**

R. 1673

26 Augustus 1977

**AANSTELLING VAN KOMMISSIE VAN ONDER-  
SOEK NA WETGEWING RAKENDE DIE BENUT-  
TING VAN MANNEKRAG (UITGESONDER DIE  
WETGEWING GEADMINISTREER DEUR DIE  
DEPARTEMENTE VAN ARBEID EN MYNWESE)**

Hierby word vir algemene inligting bekend gemaak dat dit die Staatspresident behaag het om dr Pieter Jacobus Rieker, Ekonomiese Raadgewer van die Eerste Minister en Voorsitter van die Ekonomiese Adviesraad van die Eerste Minister, as die enigste lid en as Voorsitter van 'n Kommissie van Onderzoek na Wetgewing rakende die Benutting van Mannekrag (uitgesonder die wetgewing geadministreer deur die Departemente van Arbeid en Mynwese) aan te stel met onderstaande opdrag:

Om ondersoek in te stel na, verslag te doen oor en aanbevelings te maak in verband met die ondergenoemde wetgewing, asook die verbandhoudende regulasies en administratiewe praktyke:

- (a) Bantoe-trust en -grond Wet, 1936 (Wet 18 van 1936);
- (b) Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);
- (c) Bantoes (Afskaffing van Passe en Koördineringsdokumente) Wet, 1952 (Wet 67 van 1952);
- (d) Wet op Bantoe-arbeid, 1964 (Wet 67 van 1964);
- (e) Wet op Groepsgebiede, 1966 (Wet 36 van 1966);
- (f) Wet op Omgewingsbeplanning, 1967 (Wet 88 van 1967);
- (g) Wet op die Administrasie van Bantoesake, 1971 (Wet 45 van 1971);
- (h) Wet op Indiensopleiding van Bantowerknemers, 1976 (Wet 86 van 1976);
- (i) Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);
- (j) asook enige ander wette buiten die wat deur die Departemente van Arbeid en van Mynwese geadministreer word;
- (k) en ordonnansies van provinsiale administrasies en regulasies van plaaslike besture, vir sover dit regstreeks of onregstreeks verband hou met enige ekonomiese aspekte van die benutting van mannekrag, en met die oog op die uitskakeling van knelpunte en ander probleme wat deur sowel werknemers as werkgewers ondervind word by die benutting van arbeid

10 No 5720

STAATSKOERANT, 26 AUGUSTUS 1977

En ten einde die Kommissie beter in staat te stel om hierdie Opdrag uit te voer, is volle bevoegdheid en gesag aan hom verleen om na goeë dunnke alle persone te ondervra wat volgens sy oordeel inligting kan verstrek oor die onderwerpe wat in sy opdrag genoem word of oor aangeleenthede wat daarmee in verband staan, om alle boeke, dokumente, stukke en registers van die Regering wat volgens sy oordeel inligting kan bevat oor die genoemde onderwerpe te verkry, te ondersoek en uittreksels daaruit te maak, en om op enige ander goeë oordeelde wyse navraag te doen betreffende die onderwerpe van hierdie ondersoek.

Die Kommissie is versoek om so gou moontlik aan die Staatspresident verslag te doen oor sy bevindings en aanbevelings.

Persone of organisasies wat inligting en/of standpunte oor enige ekonomiese aspek wat regstreeks of onregstreeks die benutting van mannekrag raak aan die bogenoemde Kommissie wil verstrek, word versoek om dit nie later nie as 15 Oktober 1977 in die vorm van geskrewe memoranda aan die Sekretaris, Kommissie van Onderzoek na Wetgewing rakende die Benutting van Mannekrag, Private Bag X455, Pretoria, 0001, te besoig. Indien die Kommissie nadere toeligting oor die inhoud van voorgelegde memoranda verlang, sal uitnodigings aan die betrokke persone/organisasies gerig word om mondelinge en/of bykomstige geskrewe getuens voor die Kommissie af te lê.

**DEPARTMENT OF THE PRIME MINISTER**

No 1673

26 August 1977

**APPOINTMENT OF A COMMISSION OF INQUIRY  
INTO LEGISLATION AFFECTING THE UTILISA-  
TION OF MANPOWER (EXCLUDING THE LEGIS-  
LATION ADMINISTERED BY THE DEPART-  
MENTS OF LABOUR AND MINES)**

It is hereby notified for general information that the State President has been pleased to appoint Dr Pieter Jacobus Rieker, Economic Adviser to the Prime Minister and Chairman of the Economic Advisory Council of the Prime Minister, as the only member and as Chairman of a Commission of Inquiry into Legislation affecting the Utilisation of Manpower (excluding the legislation administered by the Departments of Labour and Mines), with the following terms of reference:

To inquire into, report on, and make recommendations in connection with the undermentioned legislation, and the related regulations and administrative practices:

- (a) Bantu Trust and Land Act, 1936 (Act 18 of 1936);
- (b) Bantu (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);
- (c) Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952);
- (d) Bantu Labour Act, 1964 (Act 67 of 1964);
- (e) Group Areas Act, 1966 (Act 36 of 1966);
- (f) Environment Planning Act, 1967 (Act 88 of 1967);
- (g) Bantu Affairs Administration Act, 1971 (Act 45 of 1971);
- (h) Bantu Employees' In-Service Training Act, 1976 (Act 86 of 1976);
- (i) Community Councils Act, 1977 (Act 125 of 1977);
- (j) and also all other acts excluding those administered by the Departments of Labour and Mines;
- (k) as well as ordinances of provincial administrations and bye-laws of local authorities; in so far as it relates directly or indirectly to any economic aspect of the utilisation of manpower, and with a view to the elimination of bottlenecks and other problems experienced by both employees and employers in the utilisation of labour.

And in order that the Commission may be better able to carry out this Commission, it has been granted full power and authority to interrogate at its discretion all persons who in its opinion are able to furnish information on the subjects mentioned in its terms of reference or on matters relating thereto, to obtain, inspect and make extracts from all books, documents, papers and registers of the Government which in its opinion may contain information on the said subjects; and to conduct investigations into the subject matter of this inquiry in any other authorised manner.

The Commission has been requested to report to the State President as soon as possible on its findings and recommendations.

Persone or organisations wishing to submit information and/or standpoints to the Commission on any aspects directly or indirectly affecting the utilisation of manpower, are requested to forward it in the form of written memoranda to the Secretary, Commission of Inquiry into Legislation affecting the Utilisation of Manpower, Private Bag X455, Pretoria, 0001, not later than 15 October 1977. Should the Commission require further elucidation of the contents of submitted memoranda, invitations will be directed to the relevant persons/organisations to give oral and/or submit additional written evidence to the Commission.

11-1-17

166



**STAATSKOERANT**  
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

REGULASIEKOERANT No. 2519

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Vol. 146]

PRETORIA, 26 AUGUSTUS 1977  
26 AUGUST

[No. 572]

**PROKLAMASIES**

*van die Staatspresident van die Republiek van Suid-Afrika*

No R 179, 1977

WYSIGING VAN ARTIKEL 2 (1) (n) VAN DIE WET OP WINKELS EN KANTORE, 1964 (WET 75 VAN 1964), SOOS GEWYSIG DEUR PROKLAMASIES R 92 VAN 1967 EN R 141 VAN 1972

Kragtens die bevoegdheid my verleen by artikel 2 (7) van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), wysig ek hierby artikel 2 (1) (n) van gemelde Wet deur die woorde "drieduisend seshonderd", "drieduisend driehonderd en-sestig" en "drieduisend eenhonderd-en-twintig" onderskeidelik deur die woorde "seweduisend tweehonderd", "sesduisend seshonderd" en "sesduisend" te vervang

Hierdie wysiging tree in werking vanaf die tweede Maandag na die datum van publikasie in die *Staatskoerant*

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Vyftiende dag van Augustus Eenduisend Negehonderd Sewe-en-sewentig

N DIEDERICHS Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

**PROCLAMATIONS**

*by the State President of the Republic of South Africa*

No. R 179, 1977

AMENDMENT OF SECTION 2 (1) (n) OF THE SHOPS AND OFFICES ACT, 1964 (ACT 75 OF 1964), AS AMENDED BY PROCLAMATIONS R 92 OF 1967 AND R 141 OF 1972

By virtue of the powers vested in me by section 2 (7) of the Shops and Offices Act, 1964 (Act 75 of 1964), I hereby amend section 2 (1) (n) of the said Act by the substitution for the words "three thousand six hundred", "three thousand three hundred and sixty" and "three thousand one hundred and twenty" of the words "seven thousand two hundred", "six thousand six hundred" and "six thousand", respectively

This amendment shall take effect from the second Monday after the date of publication in the *Government Gazette*

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifteenth day of August, One thousand Nine hundred and Seventy-seven.

N DIEDERICHS, State President

By Order of the State President-in-Council

S P BOTHA.

## GOEWERMENSKENNISGEWINGS

### DEPARTEMENT VAN ARBEID

No R 1652 26 Augustus 1977

#### WET OP WINKELS EN KANTORE, 1964

#### WYSIGINGS VAN REGULASIES

Die Staatspresident het, kragtens artikel 31, gelees met artikel 2 (6), van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing die regulasies gepubliseer by Goewermentskennisgewing R 1945 van 27 November 1964, soos gewysig by Goewermentskennisgewing R 565 van 28 April 1967 en R 1013 van 16 Junie 1972, verder gewysig, soos in onderstaande Bylae aangedui

#### BYLAE

- 1 Regulasie 2 word deur die volgende regulasie vervang  
"2 *Werknemers wat kragtens artikel 2 (1) (n) van die bepaling van die Wet uitgesluit is*

Die gebiede wat onderskeidelik Gebiede A, B en C uitmaak soos in artikel 2 (1) (n) van die Wet bedoel, is soos volg

#### (a) *Gebied A*

*In die provinsie Transvaal*—Die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria.

*In die Kaapprovinsie*—Die landdrostdistrikte Bellville, Die Kaap, Goodwood, Paarl, Simonstad en Wynberg, en die munisipale gebiede van Kimberley, Kuilsrivier, Oos-Londen, Port Elizabeth en Uitenhage

*In die provinsie Natal*—Die landdrostdistrikte Durban, Inanda, Pinetown en Pietermaritzburg

*In die provinsie die Oranje-Vrystaat*—Die munisipale gebiede van Bloemfontein, Sasolburg en Welkom

#### (b) *Gebied B*

*In die provinsie Transvaal*—Die munisipale gebiede van Middelburg, Nelspruit, Pietersburg en Witbank

*In die Kaapprovinsie*—Die landdrostdistrik George, Knysna, Kuilsrivier (uitgesonderd die munisipale gebied van Kuilsrivier), Mosselbaai, Oudtshoorn, Somerset-Wes, Stellenbosch, Strand, Vredenburg, Wellington en Worcester en die munisipale gebiede van Grahamstad, King William's Town en Queenstown

166

## GOVERNMENT NOTICES

### DEPARTMENT OF LABOUR

No R 1652 26 August 1977

#### SHOPS AND OFFICES ACT, 1964

#### AMENDMENT TO REGULATIONS

The State President has, in terms of section 31, read with section 2 (6), of the Shop and Offices Act, 1964 (Act 75 of 1964), with effect from the second Monday after the date of publication of this notice, further amended the regulations published under Government Notice R 1945 of 27 November 1964, as amended by Government Notices R 565 of 28 April 1967 and R 1013 of 16 June 1972, as shown in the Schedule hereto.

#### SCHEDULE

- 1 The following regulation is substituted for regulation 2  
"2 *Employees excluded from the provisions of the Act in terms of section 2 (1) (n)*

The areas which shall, respectively, constitute the areas A, B and C referred to in section 2 (1) (n) of the Act shall be

#### (a) *Area A*

*In the Province of the Transvaal*—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria

*In the Cape Province*—The Magisterial Districts of Bellville, The Cape, Goodwood, Paarl, Simonstown and Wynberg and the municipal areas of Kimberley, Kuils River, East London, Port Elizabeth and Uitenhage

*In the Province of Natal*—The Magisterial Districts of Durban, Inanda, Pinetown and Pietermaritzburg.

*In the Province of the Orange Free State*—The municipal areas of Bloemfontein, Sasolburg and Welkom.

#### (b) *Area B*

*In the Province of the Transvaal*—The municipal areas of Middelburg, Nelspruit, Pietersburg and Witbank

*In the Cape Province*—The Magisterial Districts of George, Knysna, Kuils River (excluding the municipal area of Kuils River), Mossel Bay, Oudtshoorn, Somerset West, Stellenbosch, Strand, Vredenburg, Wellington and Worcester and the municipal areas of Grahamstown, King William's Town and Queenstown.



*In die provinsie Natal.*—Die landdrostrikte Camperdown, Dannhauser, Dundee, Eshowe, Estcourt, Glencoe, Kliprivier, Lower Tugela, Lower Umfolozi, Lionsrivier, Mtunzini, Newcastle, Port Shepstone en Umzinto

*In die provinsie die Oranje-Vrystaat*—Die munisipale gebiede van Bethlehem, Harrismith, Kroonstad, Odendaalsrus en Virginia

(c) *Gebied C*

Enige gebied wat nie in paragrawe (a) en (b) hiervan ingesluit is nie”.

2. Aanhangsel S5 word gewysig deur die bedrae “R3 600”, “R3 360” en “R3 120” in paragraaf (m) van die opsomming van artikel 2, onder die opskrif “Toepassing van die Wet”, deur onderskeidelike die bedrae “R7 200”, “R6 600” en “R6 000” te vervang

No R 1664 26 Augustus 1977  
WET OP FABRIEKE, MASJINERIE EN BOUWERK,  
1941

**VRYSTELLING — BESTUURDERS, ONDERBESTUURDERS, SENIOR BESTUURS-, PROFESSIONELE, TEGNIESE EN ADMINISTRATIEWE PERSONEEL EN VOORMANNE**

Ek, Stephanus Petrus Botha, Minister van Arbeid, stel hierby kragtens artikel 54 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, en met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing, alle werkgewers wat houters van fabriek in ondergenoemde gebiede is vry van die bepalings van artikel 9, 19 en 20 van genoemde Wet ten opsigte van die volgende klasse werknemers in hul diens nl bestuurders, onderbestuurders, senior bestuurs-, professionele, tegniese en administratiewe personeel en voormanne, indien genoemde werknemers gereeld 'n besoldiging van minstens R7 200 per jaar in Gebied A, R6 600 in Gebied B en R6 000 in Gebied C ontvang. Met dien verstande dat enige onderhouds- en vervoertoelae ontvang nie as besoldiging beskou word nie.

Vir die doel van hierdie kennisgewing beteken—

(a) “Gebied A”

*Transvaal*—Die landdrostrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria;

*Kaapprovinsie*—Die landdrostrikte Bellville, Die Kaap, Goodwood, Paarl, Simonstad en Wynberg en die munisipale gebiede van Kimberley, Kuilsrivier, Oos-Londen, Port Elizabeth en Uitenhage,

*Natal*—Die landdrostrikte Durban, Inanda, Pinetown en Pietermaritzburg en die hele provinsie Natal slegs ten opsigte van die nywerhede vir die vervaardiging en raffineer van suiker, die vervaardiging van hardbord en die vervaardiging van pulp en papier,

*Oranje-Vrystaat*—Die munisipale gebiede van Bloemfontein, Sasolburg en Welkom,

(b) “Gebied B”

*Transvaal*—Die Munisipale gebiede van Middelburg, Nelspruit, Pietersburg en Witbank,

*Kaapprovinsie*—Die landdrostrikte George, Knysna, Kuilsrivier (uitgesonderd die munisipale gebied van Kuilsrivier), Mosselbaai, Oudtshoorn, Somerset-Wes, Stellenbosch, Strand, Vredenburg, Wellington en Worcester en die munisipale gebiede van Grahamstad, King William's Town en Queenstown,

*In the Province of Natal*—The Magisterial Districts of Camperdown, Dannhauser, Dundee, Eshowe, Estcourt, Glencoe, Klip River, Lions River, Lower Tugela, Lower Umfolozi, Mtunzini, Newcastle, Port Shepstone and Umzinto

*In the Province of the Orange Free State*—The municipal areas of Bethlehem, Harrismith, Kroonstad, Odendaalsrus and Virginia

(c) *Area C*

Any area not included in paragraphs (a) and (b) hereof”

2 Annexure S5 is amended by the substitution of the amounts “R7 200”, “R6 600” and “R6 000” for the amounts “R3 600”, “R3 360” and “R3 120”, respectively, in paragraph (m) of the summary of section 2, under the heading “Application of the Act”

No R 1664 26 August 1977  
FACTORIES, MACHINERY AND BUILDING WORK  
ACT, 1941

**EXEMPTION — MANAGERS, SUBMANAGERS, SENIOR MANAGERIAL PROFESSIONAL, TECHNICAL AND ADMINISTRATIVE PERSONNEL AND FOREMEN**

I, Stephanus Petrus Botha, Minister of Labour, hereby, in terms of section 54 (1) of the Factories, Machinery and Building Work Act, 1941, exempt, with effect from the second Monday after the date of publication of this notice, all employers in the undermentioned areas, who are occupiers of factories, from the provisions of sections 9, 19 and 20 of the said Act, in respect of the following classes of their employees viz managers, submanagers, senior managerial, professional, technical and administrative personnel and foremen, if the employees of the said classes are in receipt of regular remuneration of not less than R7 200 in Area A, R6 600 in Area B and R6 000 in Area C per annum. Provided that any subsistence and transport allowances received shall not be regarded as remuneration.

For the purpose of this notice—

(a) “Area A” means

*Transvaal*—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria,

*Cape Province*—The Magisterial Districts of Bellville, The Cape, Goodwood, Paarl, Simonstown and Wynberg and the municipal areas of Kimberley, Kuils River, East London, Port Elizabeth and Uitenhage,

*Natal*—The Magisterial Districts of Durban, Inanda, Pinetown and Pietermaritzburg and the whole of the Province of Natal in respect of the sugar manufacturing and refining, the hardboard manufacturing and the pulp and paper manufacturing industries only,

*Orange Free State*—The municipal areas of Bloemfontein, Sasolburg and Welkom,

(b) “Area B” means

*Transvaal*—The municipal areas of Middelburg, Nelspruit, Pietersburg and Witbank,

*Cape Province*—The Magisterial Districts of George, Knysna, Kuils River (excluding the municipal area of Kuils River), Mossel Bay, Oudtshoorn, Somerset West, Stellenbosch, Strand, Vredenburg, Wellington and Worcester and the municipal areas of Grahamstown, King William's Town and Queenstown,

*Natal*—Die Inddrosdistrikte Camperdown, Dannhau-  
ser Dundee Eshowe, Estcourt, Glencoe, Kliprivier, Lower  
Tugela, Lower Umfolozi, Lionsrivier, Mtunzini New-  
castle, Port Shepstone en Umzinto maar nie ten opsigte  
van die nywerhede vir die vervaardiging en raffineer van  
suiker, die vervaardiging van hardbord en die vervaardig-  
ing van pulp en papier in "Gebied A" vermeld nie.

*Orange-Vrystaat*—Die munisipale gebiede van Bethle-  
hem, Harrismith, Kroonstad, Odendaalsrus en Virginia.

(c) "Gebied C" enige gebied wat nie in paragrawe (a)  
en (b) hiervan ingesluit is nie.

(d) "bestuurder" 'n werknemer wat deur die werkgewer  
belas is met die volle toetsig oor, verantwoordelikheid vir  
en leiding in verband met die werksaamhede op die persele  
van 'n fabriek en die werknemers wat in verband daarmee  
in diens is.

(e) "onderbestuurder" 'n werknemer wat deur die werk-  
gewer belas is met die toetsig oor verantwoordelikheid  
vir en leiding in verband met die werksaamhede in 'n  
departement, afdeling of seksie van die werksaamhede van  
'n fabriek wat in sodanige departement afdeling of seksie  
uitgevoer word en van die werknemers wat in verband  
daarmee in diens is.

(f) "senior bestuurs- en administratiewe personeel" werk-  
nemers wat in opdrag van die werkgewer werk verrig wat  
verantwoordelikheid meebring vir die neem van besluite  
van 'n administratiewe aard by die uitvoering van die werk-  
saamhede van 'n fabriek.

(g) "tegniese en professionele personeel" werknemers wat  
deur die werkgewer belas is met die verrigting van werk  
van 'n tegniese of professionele aard.

(h) "voorman" 'n werknemer wat aan die hoof staan  
van die werknemers in 'n bedryfsrigting of afdeling van  
'n bedryfsrigting, wat beheer oor sodanige werknemers  
uitoefen en wat daarvoor verantwoordelik is dat hulle  
hul pligte doeltreffend verrig.

Goewermentskennisgewing R 1014 wat in die *Staats-  
koerant* van 16 Junie 1972 gepubliseer is, word ingetrek  
met ingang van die tweede Maandag na die datum van  
publikasie van hierdie kennisgewing.

S P BOTHA, Minister van Arbeid

*Natal*—The Magisterial Districts of Camperdown,  
Dannhauser, Dundee, Eshowe, Estcourt, Glencoe, Klip  
River, Lions River, Lower Tugela, Lower Umfolozi,  
Mtunzini, Newcastle, Port Shepstone and Umzinto, but  
not in respect of the sugar manufacturing and refining,  
the hardboard manufacturing and the pulp and paper  
manufacturing industries referred to in "Area A".

*Orange Free State*—The municipal areas of Bethlehem,  
Harrismith, Kroonstad, Odendaalsrus and Virginia;

(c) "Area C" means any area not included in paragraphs  
(a) and (b) hereof.

(d) "manager" means an employee charged by the  
employer with the overall supervision over, responsibility  
for and direction of the activities carried on in the premises  
of a factory and of the employees engaged therein;

(e) "submanager" means an employee charged by the  
employer with the supervision over, responsibility for and  
the direction of the activities of a department, division or  
section of the activities of a factory carried on in such  
department, division or section and of the employees enga-  
ged therein.

(f) "senior managerial and administrative personnel"  
means employees who are charged by the employer with  
the performance of work entailing responsibility for taking  
decisions of an administrative character in the conduct of  
the activities of the factory;

(g) "technical and professional" means employees who  
are charged by the employer with the performance of  
work of a technical or professional character;

(h) "foreman" means an employee who is in charge of  
the employees in an establishment or section of an estab-  
lishment, who exercises control over such employees and  
who is responsible for the efficient performance by them  
of their duties.

Government Notice R 1014 published in the *Govern-  
ment Gazette* of 16 June 1972 is withdrawn with effect  
from the second Monday after the date of publication of  
this notice.

S P BOTHA, Minister of Labour.

No. R. 185, 1977

**REGULASIES KRAGTENS ARTIKEL 1 VAN DIE KOMMISSIEWET 1947 (WET 8 VAN 1947)—KOMMISSIE VAN ONDERSOEK NA ARBEIDSWETGEWING**

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet 8 van 1947), vaardig ek hierby met betrekking tot die Kommissie van Onderzoek na Arbeidswetgewing wat ek op die 21ste dag van Junie 1977, benoem het, die regulasie in die Bylae uit

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Sestiende dag van Augustus Eenduisend Negehoonderd Sewe-en-sewentig

N. DIEDERICHS, Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

**BYLAE**

**REGULASIES**

1 In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” iemand in die voltydse diens van die Staat wat aangestel of aangewys is om die Kommissie by die uitvoering van sy werksaamhede behulpsaam te wees,

“dokument” ook ’n boek, pamflet, stuk, lys, omsendbrieff, plan, plakkaat, aanplakbiljet, publikasie, tekening, portret of prent,

“Kommissie” die Kommissie van Onderzoek na Arbeidswetgewing in hierdie Proklamasie bedoel;

“lid” ’n lid van die Kommissie,

“ondersoek” die ondersoek wat deur die Kommissie ingestel word,

“perseel” ook grond, gebou of bouwerk of enige gedeelte van ’n gebou of bouwerk, ’n voertuig, vervoermiddel, vaartuig of vliegtuig,

“Voorsitter” die Voorsitter van die Kommissie

2 Die verrigtinge van die Kommissie moet genotuleer word op die wyse deur die Voorsitter bepaal

3 (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus opgeneem is te transkribeer, moet vooraf ’n eed of plegtige verklaring in die volgende vorm aflê

“Ek, A B, verklaar onder eed/plegtig—

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na Arbeidswetgewing in snelskrif of op meganiese wyse sal opneem soos deur die Voorsitter van die Kommissie gelas,

(b) dat ek enige snelskrif-aantekeninge/meganiese opname van die verrigtinge van die Kommissie van Onderzoek na Arbeidswetgewing deur my of iemand anders gemaak volledig en na my beste vermoë sal transkribeer.”

No R 185, 1977

**REGULATIONS UNDER SECTION 1 OF THE COMMISSIONS ACT, 1947 (ACT 8 OF 1947)—COMMISSION OF ENQUIRY INTO LABOUR LEGISLATION**

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947) I hereby make, with reference to the Commission of Enquiry into Labour Legislation which I have appointed on the 21st day of June 1977, the regulations contained in the Schedule

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixteenth day of August, One thousand Nine hundred and Seventy-seven

N DIEDERICHS, State President

By Order of the State President-in-Council

S P BOTHA

**SCHEDULE**

**REGULATIONS**

1 In these regulations, unless the context otherwise indicates—

“Chairman” means the Chairman of the Commission, “Commission” means the Commission of Inquiry into Labour Legislation referred to in this Proclamation,

“document” includes any book, pamphlet, record list, circular, plan, placard, poster, publication, drawing, photograph or picture,

“inquiry” means the inquiry being conducted by the Commission,

“member” means a member of the Commission,

“officer” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the performance of its functions,

“premises” includes any land, building or structure or any part of a building or structure, any vehicle, conveyance, vessel or aircraft

2 The proceedings of the Commission shall be recorded in the manner determined by the Chairman

3 (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form

“I, A B, declare under oath/affirm—

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into Labour Legislation in shorthand/by mechanical means as ordered by the Chairman of the Commission,

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the Commission of Inquiry into Labour Legislation made by me or by any other person

(2) Geen snelskrif-aantekeninge of meganiese opname van die verrigtinge van die Kommissie moet getranskribeer word nie behalwe op las van die Voorsitter

4. Enige beampte deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuenis by die ondersoek aanwesig wees en getuenis en argumente wat op die ondersoek betrekking het, aanvoer

5 Geen persoon wie se aanwesigheid by die ondersoek nie na die oordeel van die Voorsitter vir die uitvoering van die Kommissie se werksaamhede nodig is of nie by hierdie regulasies gemagtig word nie, mag by die ondersoek aanwesig wees nie

6 Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn, die eed op lê of van hom 'n plegtige verklaring afneem

7 Enige getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter toelaat dat dit deur daardie persoon gedoen word omdat dit na die Voorsitter se oordeel in belang van die werksaamhede van die Kommissie nodig is. Enige getuie wat voor die Kommissie verskyn, kan deur 'n advokaat of prokureur bygestaan word slegs in die mate waarin die Voorsitter dit toelaat

8 Niemand mag enige verrigtinge van die Kommissie of enige inligting wat aan die Kommissie verstrek is of enige deel van enige sodanige verrigtinge of inligting op enige wyse hoegenaamd publiseer of aan iemand anders mededeel nie, of iemand anders toelaat of veroorloof om toegang te verkry tot stukke wat in die besit of in die bewaring van die Kommissie of 'n beampte of 'n persoon in regulasie 3 (1) bedoel is nie behalwe by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of op bevel van 'n bevoegde geregshof

9 Die Voorsitter, 'n lid of 'n beampte kan te alle redelike tye enige perseel vir die doeleindes van die Kommissie se ondersoek betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word en wat op daardie ondersoek betrekking het, opers en in beslag neem

10 Elke persoon wat diens doen by die uitvoering van die Kommissie se werksaamhede, insluitende enige iemand wat aangestel of aangewys is om verrigtinge van die Kommissie wat in snelskrif of op meganiese wyse opgeneem is te transkribeer moet ten aanskyn van enige aangeleentheid of inligting wat by die uitvoering van sy pligte in verband met genoemde werksaamhede tot sy kennis kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag/verslae nodig is en elke sodanige persoon, behalwe die Voorsitter, 'n lid of 'n beampte, moet voordat hy enige diens by die Kommissie verrig, 'n eed van getrouheid en geheimhouding voor die Voorsitter in die volgende vorms aflê en onderteken

"Ek, A B verklaar onder eed/plegtig dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Ondersoek na Arbeidswetgewing of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal mededeel nie en niemand sal toelaat of veroorloof nie om toegang te verkry tot enige stukke van die Kommissie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beampte"

11 Niemand mag behalwe vir sover dit by die voering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman

4 Any officer designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and may adduce evidence and arguments relating to the inquiry.

5 No person whose presence at the inquiry is, in the view of the Chairman, not necessary for the performance of the functions of the Commission or is not authorised by these regulations may be present at the inquiry

6 The Chairman or any officer authorised thereto generally or specially by the Chairman shall administer to any witness appearing before the Commission an oath or affirmation

7 Any witness who appears before the Commission may be cross-examined by any person only if the Chairman permits this to be done by such person because the Chairman deems it necessary in the interests of the functions of the Commission. Any witness who appears before the Commission may be assisted by an advocate or an attorney to the extent to which the Chairman permits it

8 No person shall publish in any manner whatsoever or communicate to any other person any proceedings of the Commission or any information furnished to the Commission or any part of any such proceedings or information or suffer or permit any other person to have access to any records in the possession or custody of the Commission or any officer or any person referred to in regulation 3 (1), except in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

9 The Chairman, any member or any officer may, for the purposes of the inquiry of the Commission, at all reasonable times enter and inspect any premises and demand and seize any document which is or is kept upon such premises and which relates to such enquiry

10 Every person employed in carrying out the functions of the Commission including any person appointed or designated to transcribe proceedings of the Commission taken down in shorthand or recorded by mechanical means, shall aid in preserving secrecy in regard to any matter or information that comes to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information shall be necessary for the purposes of the report(s) of the Commission, and every such person, except the Chairman, any member or any officer, shall before performing any duty with the Commission, take and subscribe before the Chairman an oath of fidelity or secrecy in the following form

"I, A B, declare under oath/affirm that, except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Labour Legislation or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or of any officer"

11 No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish the report of the Commission

publiseer of aan iemand anders verstrek nie, tensy en totdat die verslag in die Senaat en in die Volksraad ter Tafel geleë is

12. Niemand mag 'n lid van die Kommissie beledig, heerhaal of verkleineer of die verrigtinge of die bevinding van die Kommissie benadeel, beïnvloed of vooruitloop nie

13. Iemand wat—

- (a) die bepalings van regulasie 8 of 11 oortree,
- (b) die Voorsitter, enige lid of 'n beampte by die uitvoering van 'n bevoegdheid in regulasie 9 bedoel opsetlik hinder, teengaan of dwarsboom, of
- (c) die bepalings van regulasie 12 oortree,

is aan 'n misdryf skuldig en by skuldigebevinding strafbaar—

(i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande, en

(ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar

or a copy or part thereof to any other person unless and until the report has been laid on the Tables of the Senate and the House of Assembly

12 No person may insult, disparage or belittle any member of the Commission or prejudice, influence or anticipate the proceeding or findings of the Commission

13 Any person who—

- (a) contravenes the provisions of regulation 8 or 11,
- (b) willfully hinders, resists or obstructs the Chairman, any member or any officer in the exercise of any power referred to in regulation 9, or
- (c) contravenes the provisions of regulation 12.

shall be guilty of an offence and on conviction liable—

(i) in the case of an offence referred to in paragraph (a) or (b) to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and

(ii) in the case of an offence referred to in paragraph (c) to a fine not exceeding R1 000 or imprisonment for a period not exceeding one year

## Politics

166  
RDM 30/8/77

# New labour law in action this week

By CLIVE EMDON  
Labour Correspondent  
LEGISLATION designed to extend the powers of the Government's in-company liaison and works committee systems for blacks becomes law on Thursday.

Unlike the position with trade unions, these committees do not employ outside organisers who can negotiate for them.

While the man who chairs the Government commission into labour legislation, Prof Nic Wiehahn, has proposed the scrapping of all discrimination in labour, the new Secretary for Labour, Mr E A Cilliers, plumps for a real apartheid structure — a separate system of representation for black workers

Announcing the implementation of the new law yesterday, Mr Cilliers said that since 1973, 2 503 liaison committees and 301 works committees had been established representing 733 000 black workers

The new legislation is

the amended Bantu Labour Relations Regulation Act, passed this year in Parliament

It enables works and liaison committees and employers to get together and enter legally binding agreements

It also extends the powers of the committees to coordinating committees to allow for industry-wide committees

There is also a provision to keep secret cases of victimisation of black workers who play any part in the committees.

Agreements between any two parties have the sanction of common law, so the new provision for "legally binding agreements" does not change their powers

The coordinating committees are seen by the trade unions as a mere extension of the existing in-company system which lacks the objectivity, specialised knowledge and freedom of persons who can negotiate for workers without feeling limited by the fact that they are ne-

gotiating with their own employers.

The Wiehahn Commission is due to make its first interim report by January next year.

Any attempt by the Department of Labour to push the in-company system as black expectations rise for an inclusive trade union movement is expected to cause trouble in the factories. Many trade unions believe it will be one more draft which will be still-born.

● Liaison committees consist of both worker and management representatives. They were designed initially to open up communication within companies on worker representations about working conditions.

Under the new Act the committees will bargain for wage structures and conditions

Workers in liaison committees can be elected or nominated. Works committees are generally elected representatives.

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The children in the single quarters do not necessarily belong to the women. The contract workers often bring some of their young children with them from the reserves, although these children will not qualify for permanent residence in the urban area in terms of Section 10(1) a) or b) unless they were actually born in the urban area.

# Labour journal lists black grievances

RDM 6/9/77

166

By CLIVE EMDON  
Labour Correspondent

POINTING to agitators is not an explanation of strikes — "one cannot agitate successfully without widespread grievances," says the South African Labour Bulletin.

The Bulletin says there is a view that the black labour force is essentially passive and consequently, if it strikes, such action must be the result of "agitators".

"It needs to be emphasised that to point to agitators is not an explanation of strikes; one cannot agi-

tate successfully without widespread grievances."

The Bulletin gives a range of these grievances:

- Low wages.
- Unfair treatment in the workplace over issues such as victimisation or unfair dismissals.
- Lack of recognition of workers' representatives.
- Dangerous and strenuous working conditions.
- Crude racial discrimination.
- Bad treatment from supervisors and managers.

The Bulletin says that in conflict situations leaders emerge, but in the absence of grievances it was highly unlikely that anyone could create a conflict situation.

In certain circumstances "agitators" could play a significant role in articulating grievances but to attribute strike action to such persons was at best pointing to the instrument of conflict rather than its cause.

The Bulletin focuses on three industrial conflict situations involving textile workers at the Natal Cotton and Woollen Mills, metalworkers at the Heine-mann Electric Company and glassworkers at Armourplate Safety Glass.

The three cases demonstrate the publication's own criticism of industrial-relations systems — unwillingness of managements or the State to enter into negotiations with independent African trade unions

# 'Draconian' charity bill slated 166

CAPE TIMES 8/9/77

DRAFT legislation providing for tighter government control of welfare work and fund-raising was criticized yesterday for taking South Africa closer to socialism

The Social Workers and Associated Professions Act, the Fund Raising Act and the National Welfare Act, gazetted on July 8, provide for:

- A council for social workers,
- The registration of social workers,
- A welfare advisory council and regional welfare boards,
- The appointment of a Director of Donation Funds, who would control contributions from the public

The Rev Peter Storey, superintending minister of the Central Methodist Congregation in Johannesburg and international vice-president of Lifeline, described the measures as "draconian"

"When the desire for

tidiness in a Pretoria office and the desire for control in a Government Department creates a situation where it becomes an offence to do good, then we have reached 1984"

The National Welfare Act contained the most horrific denial of the New Testament he had yet seen, making it an offence for a welfare organization to provide services "essentially similar" to those provided by another organization in the region or for which no "substantial need" existed

The bills provided "watertight control" over how people could express their goodwill and caring. "The legislation will rob us of the creative drive of the highly motivated volunteer and fund raiser and substitute the worst elements of socialist welfare policy, draconian controls by interminable committees

"Vast numbers of people

will be disqualified by this bill from doing the job that we will never have enough social workers to do"

If the Social Workers and Associated Professions Act was passed church youth clubs, community centres and child care programme would be illegal unless they employed a registered social worker

"The Fund Raising Act decides who shall have money for charitable work and who shall go out of business. With very few exceptions it controls the flow of every cent passing between every donor and recipient in South Africa"

Anybody collecting money on behalf of any organization would require a power of attorney. The Minister of Social Welfare could prohibit any organization from collecting by placing a notice in the Government Gazette

There would be no appeal against the ban. The Director of Donation Funds could

search the premises of any organization without a warrant

Mr Storey said he was "deeply concerned" about the bill as it related to the church, because the only exception allowed was for money used for "exclusively religious purposes"

"As I read the department's mind, churches will be able to collect money to enable men to 'love God' but permission will be required to 'love your neighbour as yourself'"

Mr Michael O'Dowd, a manager of Anglo American Corporation, said legislation would bring voluntary work under bureaucratic control and would destroy a lot of private initiative

"It's part of what Dr Wassenaar calls 'creeping socialism'"

The public have till September 30 to send their comments on the bill to the Secretary of Social Welfare and Pensions

J. en ire the rat a Like turn,

IZKY



# Doubts on early end to jobs bar

166 ROM 14/9/77

Own Correspondent

CAPE TOWN — Organised labour and industry agrees with Afrikaans Press reports yesterday that the Government intends to phase out job reservation, but it is sceptical about an early end to the policy.

Sources close to the Minister of Labour, Mr S P Botha, yesterday said an announcement on the issue could be expected before the end of the year. But the likelihood was that it would take one or two years before the policy was abolished.

Trade union leaders differed in their views on the timing of an end to the jobs bar. A senior official of the Trade Union Council of South Africa (Tucsa) said the policy had originated slowly and there would be repercussions if it were removed in a hurry.

Considerable care should be taken to protect minorities, but the scrapping of the policy would be wel-

comed, he said.

A spokesman for the Federated Chamber of Industries welcomed a move away from job reservation and pointed out that the FCI had been calling for this for some time. He doubted that there would be an early end to the policy, however, and added that the chamber had yet to submit all its documentation to the Industrial Inquiry and the Wiehahn Labour Commission recently appointed to make recommendations on the issue.

Trade union sources speculate that a closed meeting of organised labour in Johannesburg last week could have prompted early indications of changes to the Industrial Conciliation Act which embodies job reservation.

The meeting, attended by Tucsa, Confederation of Labour and black unions, was called to present a united front on labour representations to the Wiehahn Commission.

# Law may change, industrialists told 166

By GORDON KLING <sup>CAPE TIMES</sup> 16/9/77

THE CHAIRMAN of the commission appointed to investigate labour legislation in South Africa, Professor Nic Wiehahn, yesterday predicted it could produce widespread changes in laws governing industrial relations in the Republic and warned industrialists not to be "caught with your pants around your ankles".

Addressing the Cape Chamber of Industries in the City, he said it was relatively easy to alter legislation, but difficulties lay in the implementation of new labour policies.

Many employers were hiding behind imaginary government directives, so-called white papers, and policy statements to avoid doing away with discriminatory measures and practices.

"I think it will take a long time for undesirable practices to disappear," he said.

The onus for change rested with the business community, as well as the State.

## Loopholes

Emphasizing that his views were not necessarily those of the commission, Professor Wiehahn said labour legislation had not kept up with demands of the times and this had caused legal loopholes. This, among other things, put black workers at a disadvantage.

It was doubtful if the country could afford two different sets of laws based on race in the field of industrial relations which existed in a unitary economy. "Realities lie largely beyond the spectrum of colour in South Africa," he added.

His commission and the related Riekert Commission would be watersheds in the history of industrial relations which had been largely unchanged for 20 years. "Pain killers have been used in the past, now is the time for a major operation"

# Labour laws report ready soon

The Argus Political Staff

THE chairman of the Government-appointed Commission of Inquiry into labour legislation, Professor N. E. Wiehahn, said yesterday the commission was trying to complete an interim report as soon as possible.

This was aimed at enabling the Government to have some legislation before Parliament next year, which was the wish of the Minister of Labour, Mr S. P. Botha.

Speaking at a lunch of the Cape Chamber of Industries, Professor Wiehahn said that after the commission's inquiry, changes in South Africa's labour legislation had to follow.

But the onus to bring about the necessary changes did not rest entirely on the State. It also rested on employers and employees.

Discriminatory measures and practices had to be removed but such measures comprised only

10 percent of overall discrimination, while the rest was to be found in existing practices. Professor Wiehahn said he therefore envisaged a relatively long process of education and training. 'What is needed is a change of heart,' he said.

The present system was like a patient requiring major surgery. This surgery was the task of his commission and of the Rieckert Commission, dealing with all laws outside the field of labour and mines.

Professor Wiehahn said conflict prevention instead of conflict conciliation should be the philosophy in South Africa's labour laws. The present dualism in the labour system was, encouraging polarisation between black and white.

FIN. MAIL 23/9/77  
WIEHAHN COMMISSION

### Tucsa's thinking 166

The German industrial relations system seems to be catching on in SA. Tucsa's evidence to the Wiehahn commission will evidently show a strong preference for the German system in which national trade unions are supplemented by plant level "works councils".

Tucsa will probably be asking Wiehahn in effect to fuse the principles of the Bantu Labour Relations Regulation Act and the Industrial Conciliation Act, and to extend them to all races. (The former Act establishes works and liaison committees for Africans, while the latter excludes Africans from the right to form registered trade unions.)

Tucsa general secretary Arthur Grobelaar stresses that Tucsa believes that the Industrial Conciliation Act is "basically sound", but that it will agree to certain amendments. Tucsa will accept the idea of multiracial "works councils",

with the proviso that they be regarded as a supplement and not an alternative to trade unions.

Some speakers at this week's conference in Durban expressed misgivings about this, fearing that works councils would be used to supplant unions. They appeared to feel, however, that the caveat attached to Tucsa's submission was adequate.

While Tucsa will ask that all labour legislation be non-racial, it is prepared to back the idea of "unions being allowed to retain their ethnic identity".

## Tucsa's evidence to Wiehahn Commission

# Seven - point plan

TUCSA LABOUR MIRROR  
Sept/Oct 1977

166

In its evidence to the Commission appointed to review South Africa's labour legislation, the Wiehahn Commission, TUCSA will urge that seven key principles must form the basis of any new labour legislation.

Six of these principles were unanimously agreed to at the recent annual conference in Durban and a seventh has since been added by TUCSA's Officers' Committee.

The seven points are:

● The two existing major labour relations Acts, namely, the Industrial Conciliation Act and the Bantu Labour Relations Regulation Act, should be replaced by one new measure. (The title of this could possibly be "The Industrial Relations Act.") This new Act must be of common application to ALL the workers in South Africa. The only possible exclusions could be that of workers in the sectors of Agriculture and Domestic Service. TUCSA is, however, of the opinion that workers in Agriculture and Domestic Service should fall within the ambit of the Wage Act. It is emphasised that TUCSA believes that the Industrial Conciliation Act is basically sound industrial legislation, its only major fault being that it specifically excludes the Black workers of South Africa from its provisions. The Black workers are, of course, presently covered in the discriminatory measure of the Bantu Labour Relations Regulation Act, which inferior measure was specifically designed to apply only to this particular racial group. Much of the present industrial Conciliation Act should be retained, providing the Black workers in South Africa are brought within its ambit. The other changes which are needed to the Industrial Conciliation Act are relatively minor, to allow for it to become the basis for a new Act of common application to all.

● The unqualified concept of "freedom of association" must be written into any new or amending labour legislation. The right of all workers to organise, and to be able to gain legal recognition as a workers' organisation, is something which must be incorporated in any new or amending legislation. TUCSA supports the retention of the system of registering trade unions as organisations which upon registration are able to enjoy the protection of the Law.

"Freedom of association" will, however, have to be defined in very specific terms. TUCSA believes that the words mean exactly what they say, but a specific definition thereof will be required. TUCSA also believes that forced integration is as bad as enforced separation, and if unions (either Black or White or any other) desire to retain a group or ethnic identity, this must be written in as being permissible in the new or amending legislation. TUCSA is generally in favour of the concept of non-racial unions, and would certainly prefer that the development of non-racial unions takes place, rather than having more and more ethnic or group unions emerging. TUCSA firmly believes that the interests of the workers are indivisible and they should thus not be split on racial or ethnic lines. However, if the workers themselves decide that they prefer to retain their respective group or ethnic identities, they should be

allowed to do so. Provision should, however, be made in the new or amending legislation to allow for the registration of various types of co-ordinating bodies which are able to embrace all ethnic or racial groups as members, since in the event that ethnic or group unions are more desired (as distinct from non-racial unions) then there will at least be a possibility of co-operation between these various groupings under the umbrella of non-racial co-ordinating bodies. TUCSA also basically favours the encouragement of industry based unions, in preference to numbers of "particular interest" type of unions all active in the same industry. However, it is again emphasised that "freedom of choice" is paramount, and the workers themselves must decide what sort of union they actually require.

● TUCSA will support the development of Works Councils for individual establishments as also the establishment of Works Councils representing several plants or factories owned by a single employer. This concept is, however, only acceptable providing that Works Councils are clearly discerned as being either complementary or supplementary to trade unionism. TUCSA will vigorously oppose the system of Works Councils being introduced as an alternative to trade unionism, and in order to ensure that this does not occur (nor that it be incorrectly interpreted), the role of Works Councils will have to be clearly defined. The role of any possible Works Council will have to be further defined in relation to the role of trade unions, and also the role of industrial councils. The function of each of these institutions will have to be clearly spelt out.

● The Council supports the retention of the Industrial Tribunal, which should continue to be appointed by the Minister of Labour for a period of five years, but which should be reconstituted, so as to include representatives from labour, management, and the Government. The Industrial Tribunal will become the central administrative body of the proposed new industrial relations system. Its constitution, functions and duties would remain substantially the same as at present, but should be considerably expanded.

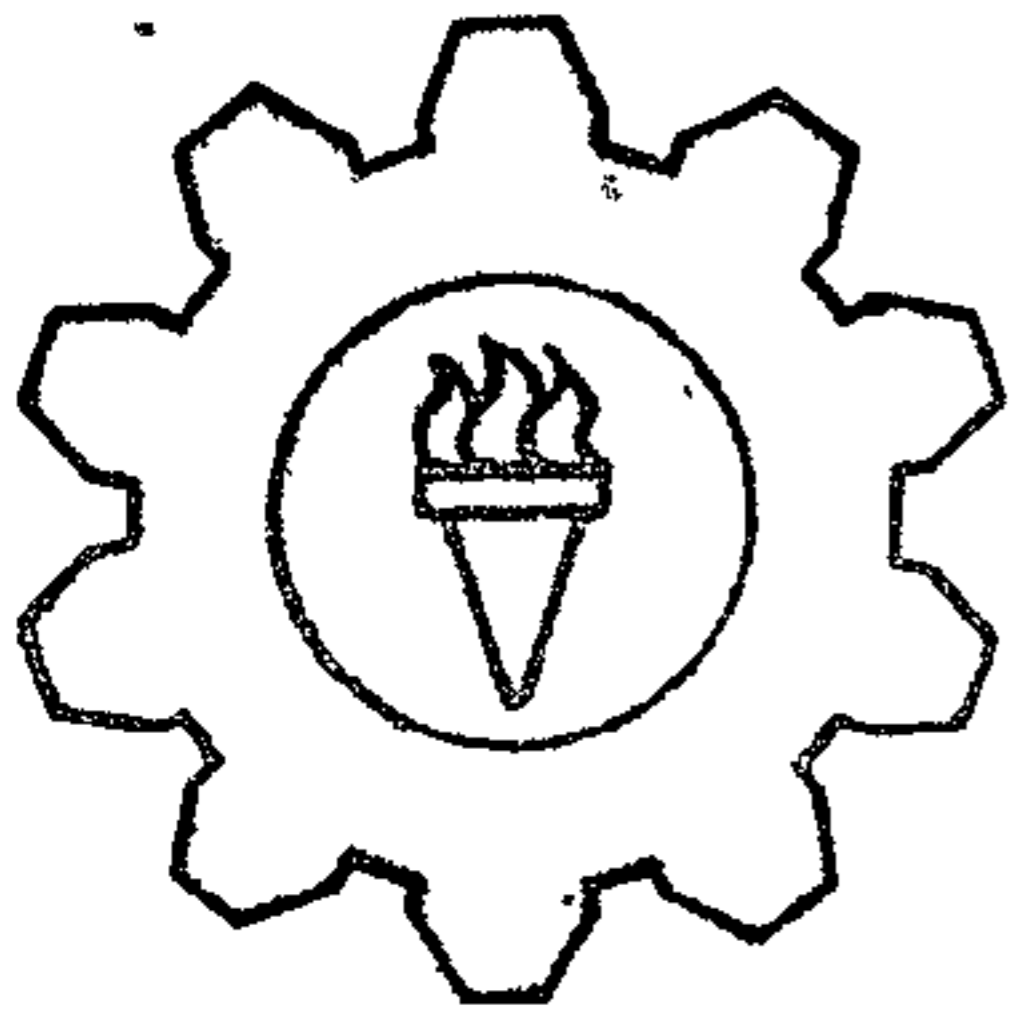
● In TUCSA's view, the introduction of any new industrial relations system should be based upon the concept of an "Industrial court". Such an industrial court should have a status equivalent to that of a division of the Supreme Court. It will also probably be necessary to have regional divisions of the suggested industrial court. The court envisaged will, of course, be completely impartial, and could consist of a Judge, and two other technical or lay members to

assist the Judge in the handing down of decisions. Such persons should be appointed because of their knowledge of industrial relations in general. It could well be that in certain instances the court could be further assisted by additional assessors appointed from the conflicting interests which have led to a matter being referred to the industrial court.

● In regard to the important question of the settling of disputes, TUCSA is of the firm opinion that the present provisions which allow for mediation, conciliation and voluntary arbitration should be retained, and any dispute should only be referred to the industrial court as envisaged as and when these procedures and thereafter referral to the Industrial Tribunal have failed to resolve the dispute. All these procedures must, however, be speeded up!

Once a dispute has been referred to the industrial court by any of the parties concerned, the court shall make an award or determination which is binding upon the conflicting interests for a limited specified period of time. This period of application for the award or determination must be of fairly short duration, preferably a period not exceeding twelve months. Upon expiry of this applicable period, strike action on the part of the union/s concerned, or lockout on the part of the employer/s would be permissible, following upon the holding of strike ballot procedures, etc., TUCSA's view on this important matter is that the ultimate recourse to strike action by the workers must be preserved, whilst it is also accepted that every effort must be made to reach a settlement, and prevent irresponsible or unwarranted strike action.

● On the question of industrial and labour relations training for both employee and employer organisations, TUCSA is of the firm opinion that such training must be done outside of Governmental educational institutions. There must also be a clear and unambiguous acceptance that this type of training will be conducted by autonomous institutions (which should preferably be controlled and managed jointly by employer/employee interests), particularly since training of this nature has to be provided for both employer and worker interests. TUCSA will accept that provision should be made for the registration of any training establishments by Government, but Government's involvement in the institutions providing such training, must be extremely limited. The concept of "university autonomy" is absolutely necessary in any industrial or labour relations training. Government might well have to subsidise these training schemes to some extent, and provision must also be made in any new or amending legislation for paid educational leave. Of equal importance is the fact that the workers' or employers' organisations must be given the sole right to select suitable candidates for training from amongst their members. Suitable criteria for aspirant trainees will have to be established by the organisations concerned. The nature of the training to be given, and the curricula, etc., will have to be determined by the parties who control and manage these various types of institutions.



TUCSA-VAKSA

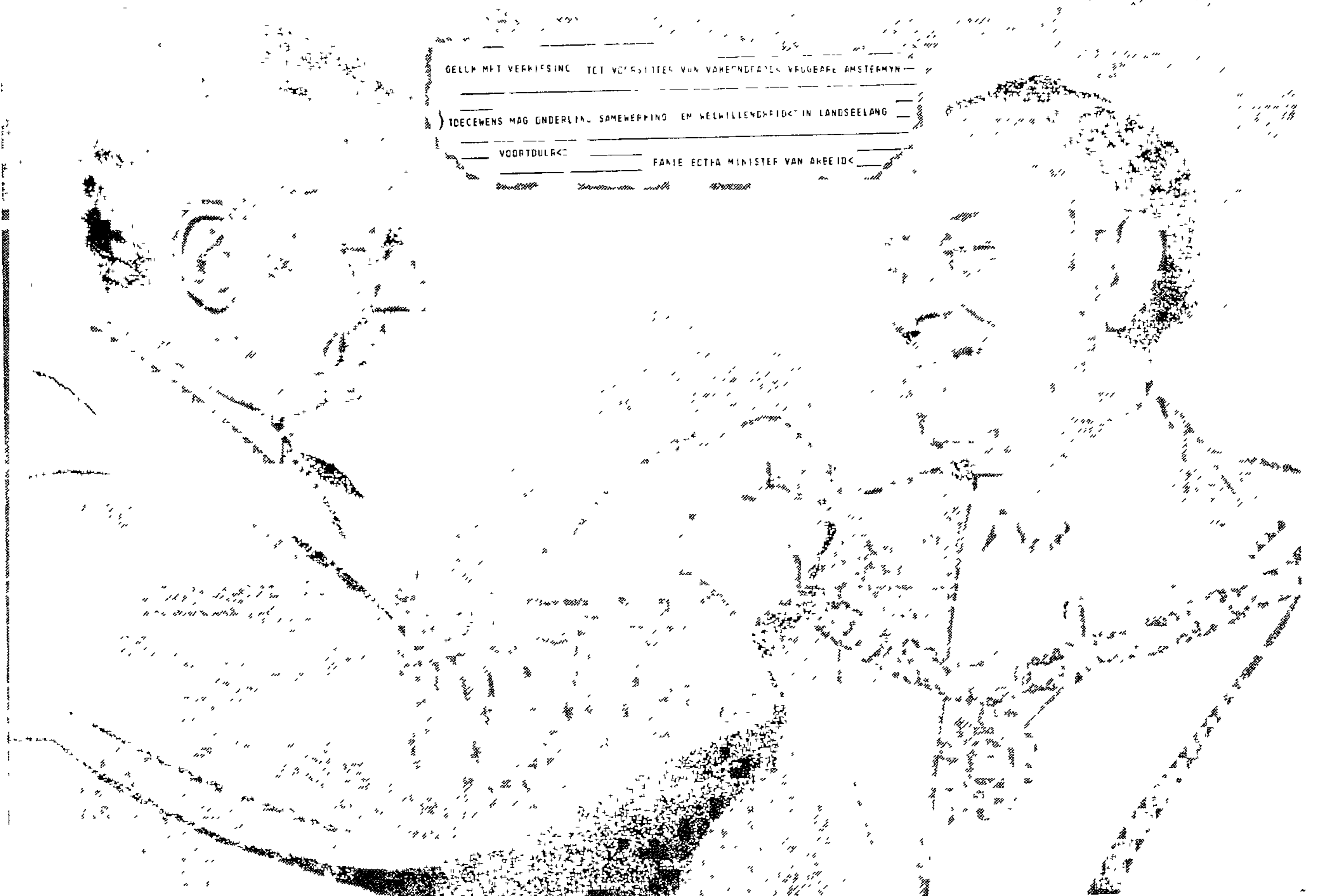
# labour minute

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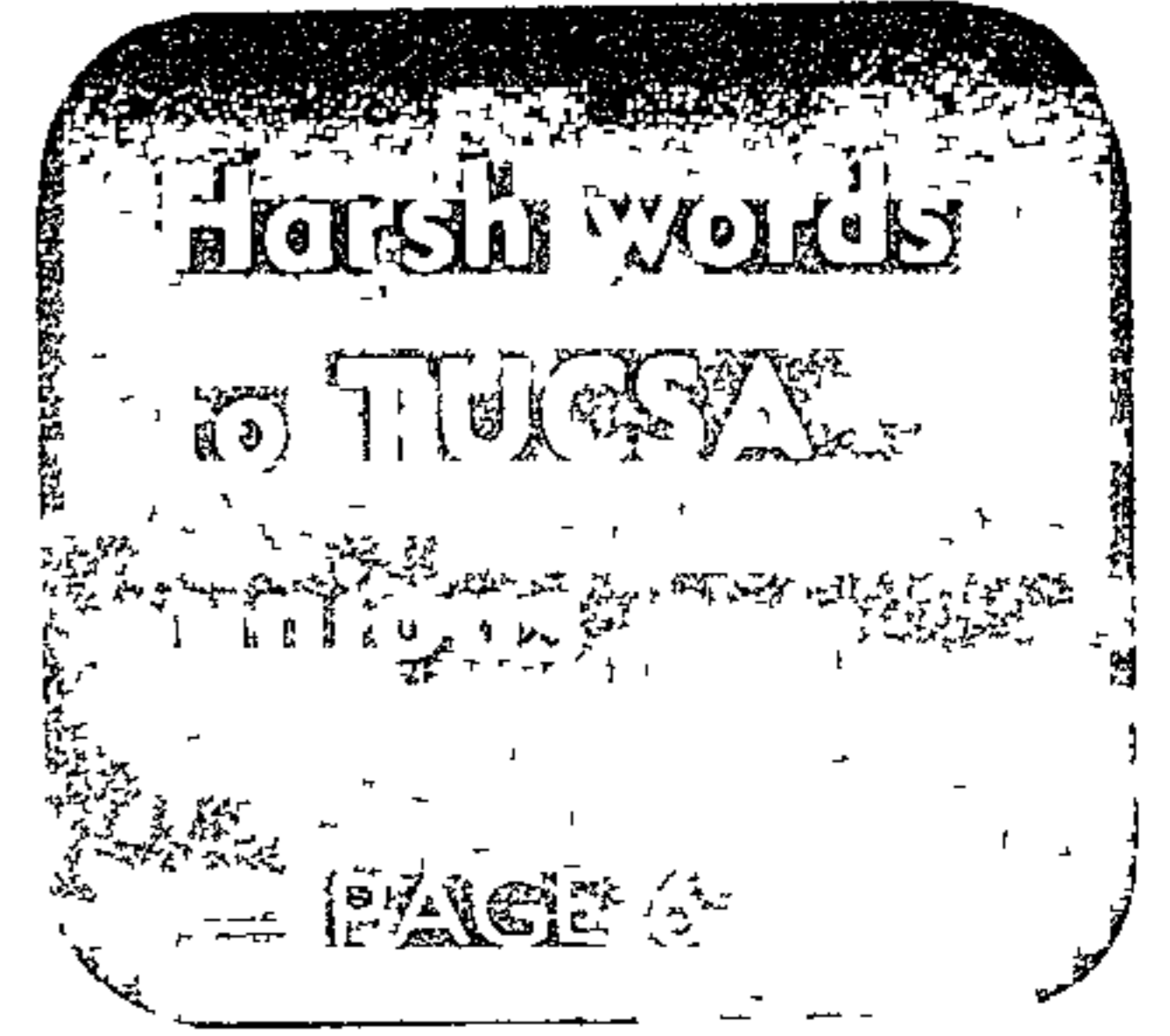
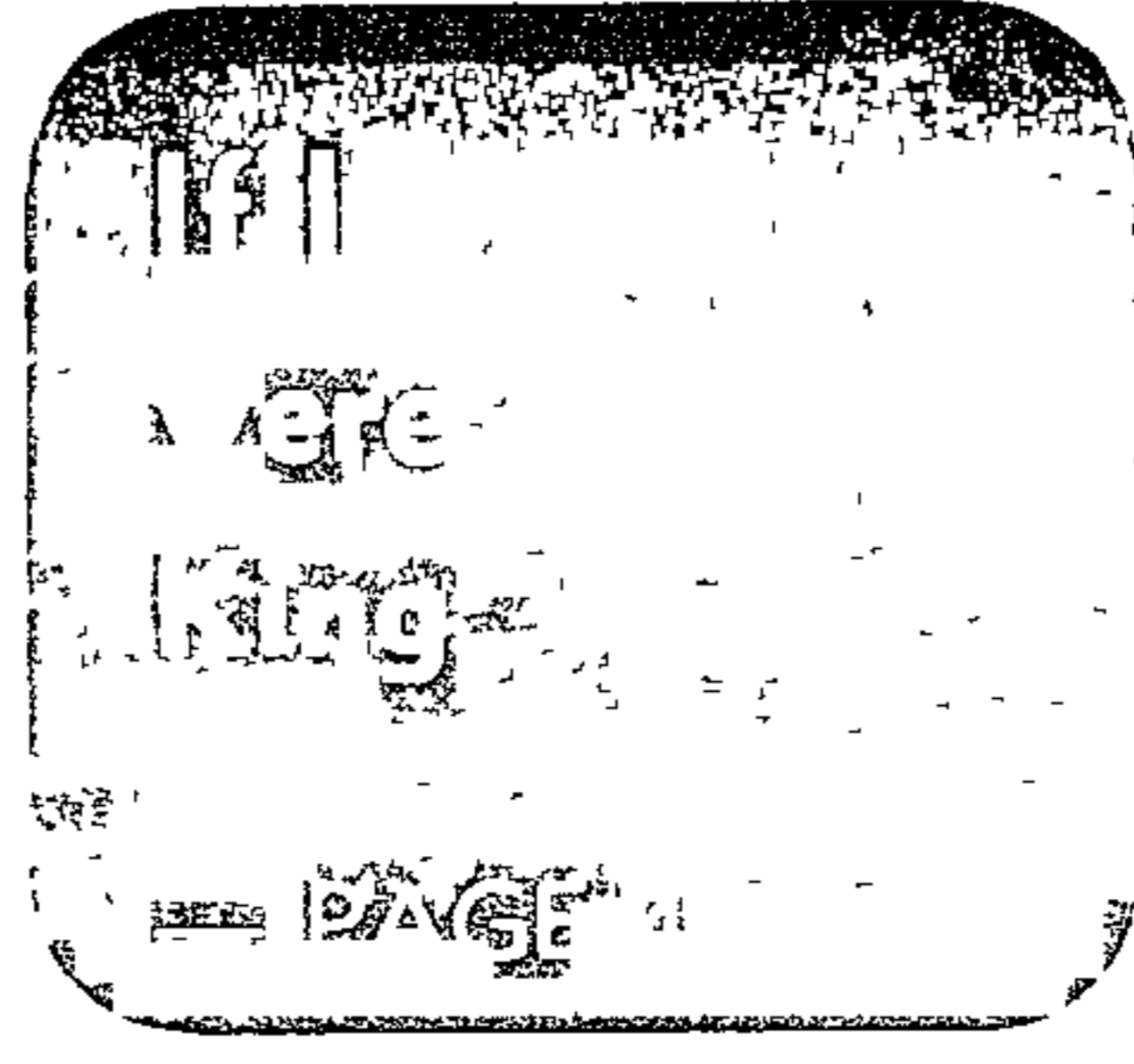
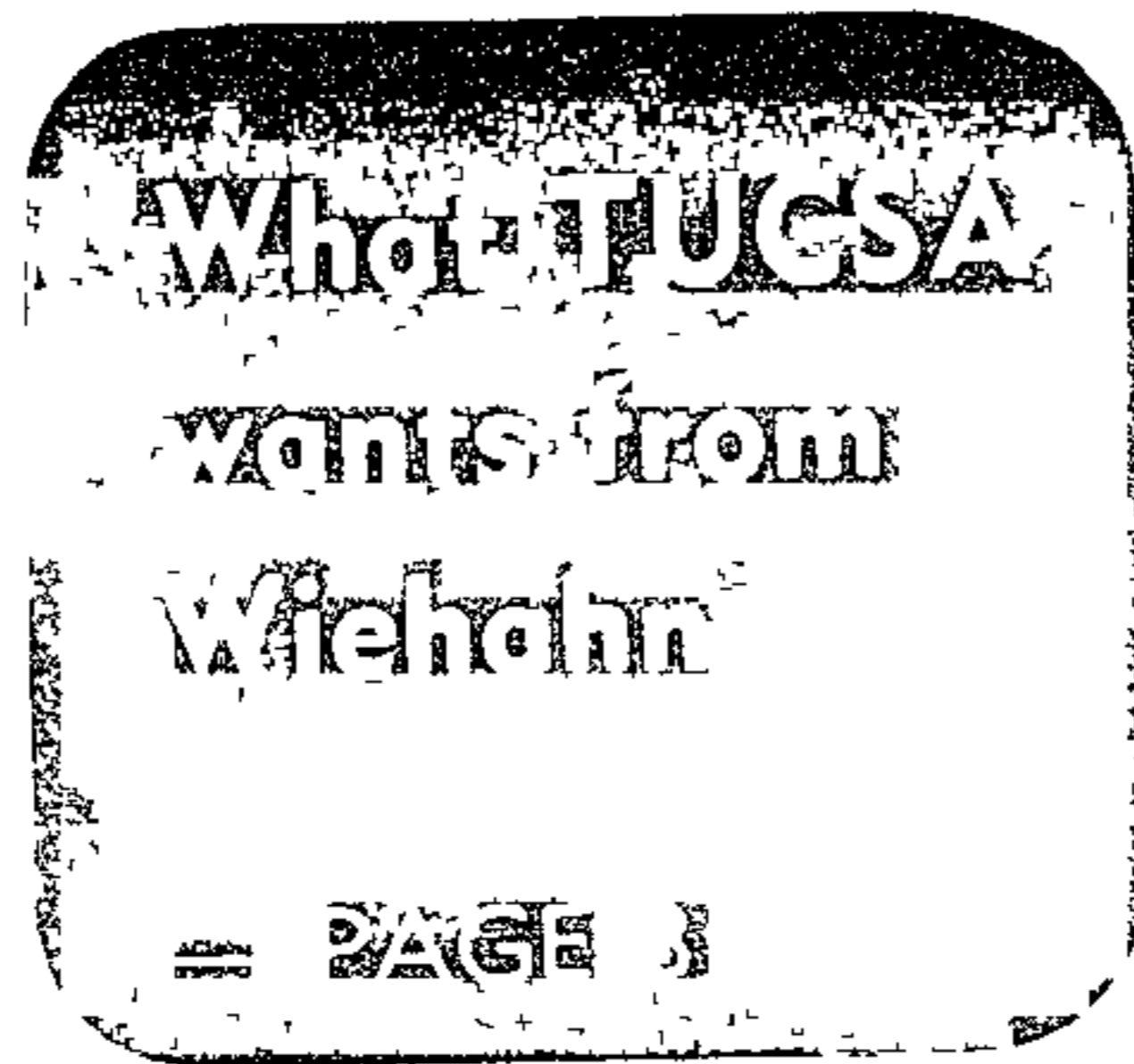
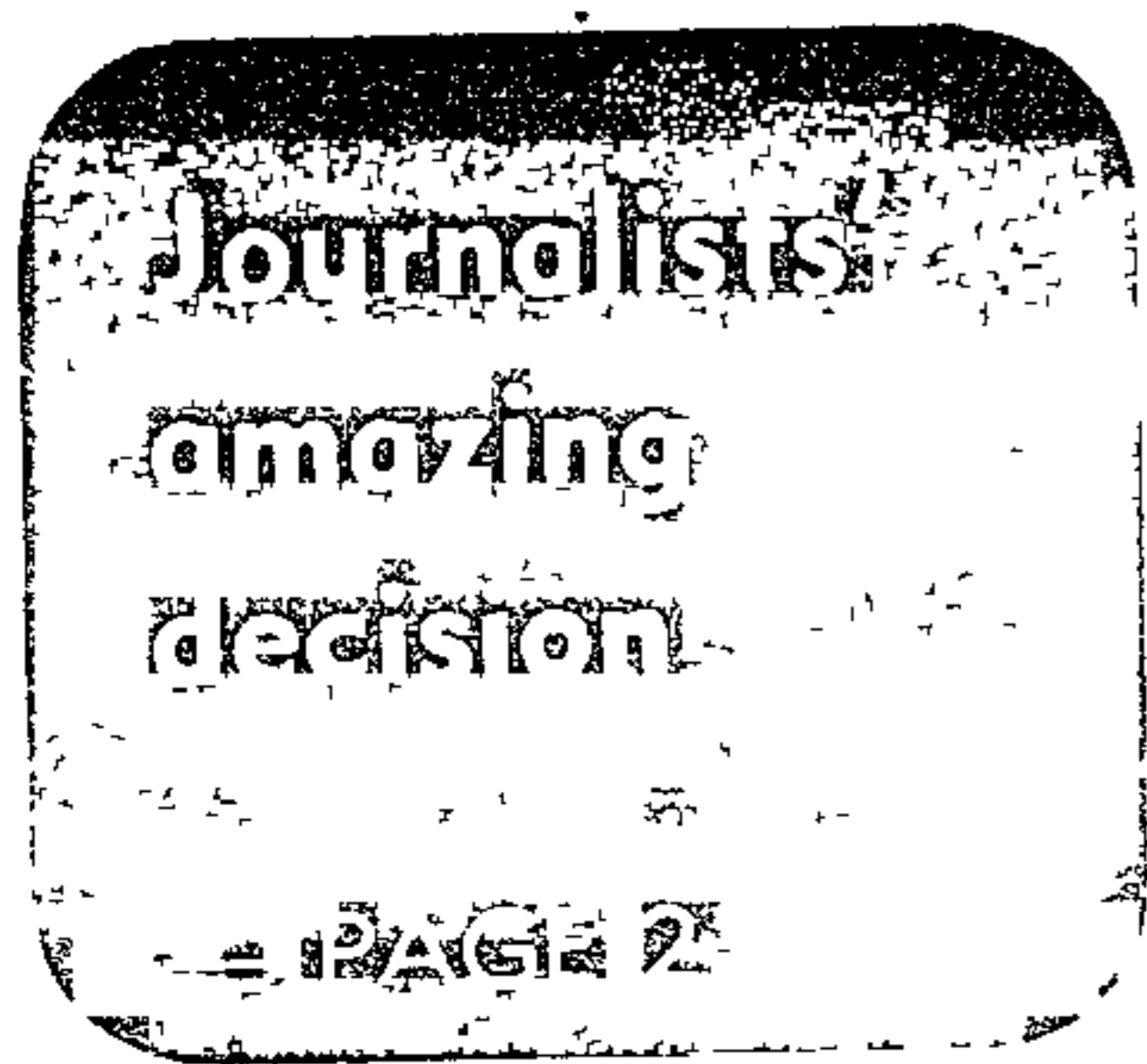
SEPTEMBER/OCTOBER 1977

## Tucsa gets a Coloured President...



Above: Ronnie Webb, general secretary of the Motor Industry Combined Workers' Union and the first Coloured man to be voted in as President of South Africa's premier labour organisation, receives his chain of office from outgoing TUCSA President, Lief van Tonder. The telegram of congratulations was sent by the Minister of Labour, Mr. Fanie Botha. See editorial, Page 4.

## ... and the Minister of Labour sends his congratulations.



The kind of insurance your future demands.

# Journalists in a muddle

## Amazing reasons given for leaving Tucsa

In a shock and what seems also an inexplicable move, the South African Society of Journalists has quit TUCSA

What TUCSA finds inexplicable are the strange and contradictory reasons given by the SASJ for resigning. In a letter dated June, 1977, Mr. D. K. Rae, the SASJ's secretary and treasurer, wrote;

"I have to inform you that this Society at its Annual Congress held on 27th and 28th May, 1977, passed a resolution to withdraw its affiliation with your Council. The reason for this step was because application is being made for affiliation to the International Federation of Journalists."

What TUCSA finds inexplicable is the fact that there is no reason why the SASJ should not belong to both the International Federation of Journalists as well as TUCSA.

Many TUCSA unions are affiliated to international trade union bodies.

The reason for wanting to disaffiliate was recorded in the Report of TUCSA's National Executive Committee to the annual conference — and brought prompt denial from Mr. Jon Beverley, the SASJ's vice-president, Natal, who advanced another and even more inexplicable reason for the decision to disaffiliate.

This was to the effect that the SASJ had left TUCSA because it "wished to be a non-racial trade union."

Now TUCSA is the major trade union organisation in South Africa catering for non-racial unions, so this second explanation is doubly puzzling.

The following is Mr. J. Beverley's letter

"I was somewhat astonished to read in reports submitted to your Congress that the SASJ had disaffiliated from TUCSA because of its wish to affiliate with the International Federation of Journalists, as you are probably aware membership of both bodies would not have been inconsistent.

"I am afraid that you have been wrongly informed.

"It happened that I as Branch Chairman of Kimberley originally proposed that the SASJ seek affiliation with TUCSA in 1970, it was no coincidence that I, as chairman of the Durban Branch, proposed at our Congress last May that we leave TUCSA

"The reasons should be spelt out, and I would request that you take steps to correct the wrong impression created by your report. We left TUCSA because we wished to be a non-racial trade union and it was our understanding that only registered unions might belong to TUCSA.

"We believe that by abandoning the provisions of the Industrial Conciliation Act as an unregistered trade union in favour of a non-racial membership we have done the only moral thing possible in the South African context. We appreciate that there may be some unions who would like to follow our example but who value their bargaining rights above the purely moral issue of non-racial membership, we have sympathy with them it took us ten years or more to face up to the issue and take action.

"Fortunately we have not had to abandon our negotiating rights as these were incorporated in an agreement signed between the trade union and the employers in the 40s and renewed up to this date. In this respect we shall continue to look after working conditions and salaries of our members."

Tucsa's General Secretary replied, pointing out: that the N.E.C. Report was based on information officially furnished by the Society and suggesting that if the official reason given for resigning was incorrect then the SASJ should take the matter up with its Secretary/Treasurer

## Kruger's crackdown

Following the banning and detentions which took place on October 19th TUCSA issued the following statement:

The Trade Union Council of South Africa is deeply perturbed at the action taken against certain organisations and newspapers, as also the banning and detentions of individuals, which took place on the 19th October, 1977.

TUCSA reiterates its long-standing opposition towards these forms of Government administrative action. TUCSA has consistently protested over the years against this practice of banning people and organisations, and detaining people without the benefit of trial in open court.

TUCSA again emphasises its belief that people or organisations should not be banned, nor should people be detained, until such time as they have been charged and found guilty by a court of justice of an offence against the laws of the land."

Mr Groblelaar went on:

"Referring to the reason furnished by yourself as to why the SASJ decided to leave TUCSA, namely, that your Society wished to operate as a non-racial trade union, and that the Society's understanding that only registered unions might belong to TUCSA, I can only express astonishment.

"I am flabbergasted that it can be categorically stated by members of the media, and by a Society which represents the media, that they believe that only registered unions might belong to TUCSA. Surely to goodness there have been more than sufficient Press reports in virtually all of the country's newspapers over many years, which have conveyed the fact that TUCSA's membership is open to all bona fide trade unions."

Referring to the SASJ 'understanding' that only registered unions might belong to TUCSA Mr Groblelaar said: "Surely an attempt should have been made to determine what the factual position was? Alternatively, I would suggest that you attempt to establish who it was that furnished the members of your Society (who were present at your Congress) with the impression or 'understanding' that only registered unions could be members of TUCSA."

## The taste that's stood the test of time



### Castle Lager

Great care in the brewing comes through in the taste

# Anna sues — and collects

Garment Workers' Union President, Anna Scheepers has collected R2500 from South Africa's leading financial weekly, the Financial Mail, in a damages suit which she brought against the publication.

In a settlement negotiated with the Financial Mail the journal paid her R2500 and apologised to her for the false allegation that she had threatened the

National Union of Clothing Workers with eviction from its offices in Johannesburg if it refused to join TUCSA.

The Financial Mail reported recently. "We now accept that Scheepers did not make this threat and that our report was incorrect ..."

Anna Scheepers, now a Senator, is widely regarded as one of South Africa's greatest ever trade unionists. She became President of the Garment Workers' Union in 1938, and later helped to found the National Union of Clothing Workers — which the Financial Mail wrongly accused her

of threatening with eviction — and at least eight other trade unions, ranging from a glass workers' union to a union for coloured electrical workers.

She has won a number of libel actions over the years, mainly against right wingers who attempted to link her

with communism.

The irony of this damages suit is that by implication she was accused of an anti-liberal stance, and Anna Scheepers is one person who throughout her life has fought for the rights of Black workers.

To date right wingers who have attacked her have paid more than R5000, mostly in out of court settlements.

## Tucsa's evidence to Wiehahn Commission

*TUCSA labour mirror Sept/Oct 1977 166*

# Seven - point plan

In its evidence to the Commission appointed to review South Africa's labour legislation, the Wiehahn Commission, TUCSA will urge that seven key principles must form the basis of any new labour legislation.

Six of these principles were unanimously agreed to at the recent annual conference in Durban and a seventh has since been added by TUCSA's Officers' Committee.

The seven points are:

- The two existing major labour relations Acts, namely, the Industrial Conciliation Act and the Bantu Labour Relations Regulation Act, should be replaced by one new measure. (The title of this could possibly be "The Industrial Relations Act.") This new Act must be of common application to ALL the workers in South Africa. The only possible exclusions could be that of workers in the sectors of Agriculture and Domestic Service. TUCSA is, however, of the opinion that workers in Agriculture and Domestic Service should fall within the ambit of the Wage Act. It is emphasised that TUCSA believes that the Industrial Conciliation Act is basically sound industrial legislation, its only major fault being that it specifically excludes the Black workers of South Africa from its provisions. The Black workers are, of course, presently covered in the discriminatory measure of the Bantu Labour Relations Regulation Act, which inferior measure was specifically designed to apply only to this particular racial group. Much of the present industrial Conciliation Act should be retained, providing the Black workers in South Africa are brought within its ambit. The other changes which are needed to the Industrial Conciliation Act are relatively minor, to allow for it to become the basis for a new Act of common application to all.

- The unqualified concept of "freedom of association" must be written into any new or amending labour legislation. The right of all workers to organise, and to be able to gain legal recognition as a workers' organisation, is something which must be incorporated in any new or amending legislation. TUCSA supports the retention of the system of registering trade unions as organisations which upon registration are able to enjoy the protection of the Law.

"Freedom of association" will, however, have to be defined in very specific terms. TUCSA believes that the words mean exactly what they say, but a specific definition thereof will be required. TUCSA also believes that forced integration is as bad as enforced separation, and if unions (either Black or White or any other) desire to retain a group or ethnic identity, this must be written in as being permissible in the new or amending legislation. TUCSA is generally in favour of the concept of non-racial unions, and would certainly prefer that the development of non-racial unions takes place, rather than having more and more ethnic or group unions emerging. TUCSA firmly believes that the interests of the workers are indivisible and they should thus not be split on racial or ethnic lines. However, if the workers themselves decide that they prefer to retain their respective group or ethnic identities, they should be

# plan

allowed to do so. Provision should, however, be made in the new or amending legislation to allow for the registration of various types of co-ordinating bodies which are able to embrace all ethnic or racial groups as members, since in the event that ethnic or group unions are more desired (as distinct from non-racial unions) then there will at least be a possibility of co-operation between these various groupings under the umbrella of non-racial co-ordinating bodies. TUCSA also basically favours the encouragement of industry based unions, in preference to numbers of "particular interest" type of unions all active in the same industry. However, it is again emphasised that "freedom of choice" is paramount, and the workers themselves must decide what sort of union they actually require.

- TUCSA will support the development of Works Councils for individual establishments as also the establishment of Works Councils representing several plants or factories owned by a single employer. This concept is, however, only acceptable providing that Works Councils are clearly discerned as being either complementary or supplementary to trade unionism. TUCSA will vigorously oppose the system of Works Councils being introduced as an alternative to trade unionism, and in order to ensure that this does not occur (nor that it be incorrectly interpreted), the role of Works Councils will have to be clearly defined. The role of any possible Works Council will have to be further defined in relation to the role of trade unions, and also the role of industrial councils. The function of each of these institutions will have to be clearly spelt out.

- The Council supports the retention of the Industrial Tribunal, which should continue to be appointed by the Minister of Labour for a period of five years, but which should be reconstituted, so as to include representatives from labour, management, and the Government. The Industrial Tribunal will become the central administrative body of the proposed new industrial relations system. Its constitution, functions and duties would remain substantially the same as at present, but should be considerably expanded.

- In TUCSA's view, the introduction of any new industrial relations system should be based upon the concept of an "Industrial court". Such an industrial court should have a status equivalent to that of a division of the Supreme Court. It will also probably be necessary to have regional divisions of the suggested industrial court. The court envisaged will, of course, be completely impartial, and could consist of a Judge, and two other technical or lay members to

assist the Judge in the handing down of decisions. Such persons should be appointed because of their knowledge of industrial relations in general. It could well be that in certain instances the court could be further assisted by additional assessors appointed from the conflicting interests which have led to a matter being referred to the industrial court.

- In regard to the important question of the settling of disputes, TUCSA is of the firm opinion that the present provisions which allow for mediation, conciliation and voluntary arbitration should be retained, and any dispute should only be referred to the industrial court as envisaged as and when these procedures and thereafter referral to the Industrial Tribunal have failed to resolve the dispute. All these procedures must, however, be speeded up!

Once a dispute has been referred to the industrial court by any of the parties concerned, the court shall make an award or determination which is binding upon the conflicting interests for a limited specified period of time. This period of application for the award or determination must be of fairly short duration, preferably a period not exceeding twelve months. Upon expiry of this applicable period, strike action on the part of the union/s concerned, or lockout on the part of the employer/s would be permissible, following upon the holding of strike ballot procedures, etc. TUCSA's view on this important matter is that the ultimate recourse to strike action by the workers must be preserved, whilst it is also accepted that every effort must be made to reach a settlement, and prevent irresponsible or unwarranted strike action.

- On the question of industrial and labour relations training for both employee and employer organisations, TUCSA is of the firm opinion that such training must be done outside of Governmental educational institutions. There must also be a clear and unambiguous acceptance that this type of training will be conducted by autonomous institutions (which should preferably be controlled and managed jointly by employer/employee interests), particularly since training of this nature has to be provided for both employer and worker interests. TUCSA will accept that provision should be made for the registration of any training establishments by Government, but Government's involvement in the institutions providing such training, must be extremely limited. The concept of "university autonomy" is absolutely necessary in any industrial or labour relations training. Government might well have to subsidise these training schemes to some extent, and provision must also be made in any new or amending legislation for paid educational leave. Of equal importance is the fact that the workers' or employers' organisations must be given the sole right to select suitable candidates for training from amongst their members. Suitable criteria for aspirant trainees will have to be established by the organisations concerned. The nature of the training to be given, and the curricula, etc., will have to be determined by the parties who control and manage these various types of institutions.



## Editorial

### Tucsa shows the way

A notable event at this year's TUCSA conference in Durban was the election of Ronnie Webb as President. It is an important and significant step for a number of reasons:

● TUCSA is a multi-racial — non-racial would perhaps be the better word — organisation, more than 60 per cent of its rank and file members being Coloureds, Indians and Africans, and although this is reflected in its leadership, the time for a person other than White to take a turn at the very top was long overdue.

● Delegates from unions representing all racial groups voted him into office — not because Ronnie Webb is a Coloured, but because he was considered the best man for the job. Confirmation, if it was ever needed, that TUCSA really does operate on non-racial lines.

● The move will give emphasis to the new direction towards non-discrimination and racial co-operation in which South Africa is moving, and will also give encouragement to other organisations and individuals to adopt a non-racial approach.

And if anyone has any doubts that this philosophy, which TUCSA has preached for 23 years, is destined to be South Africa's social and political philosophy of the future, then they should reflect on the telegram of congratulations which Ronnie Webb received from the Minister of Labour, Mr. Fanie Botha.

Here is a powerful, key man in the Government and National Party leadership, endorsing the election of a Coloured man to head the largest trade union grouping in the country. That is the direction in which South Africa is going. It is moreover the only direction which can save this country and all its wonderful people, and TUCSA's election of Ronnie Webb takes us further along that road.



I am privileged to be here today. I would rather be here, talking to the Trade Union Council of South Africa, in the Republic of South Africa, than anywhere else in the world that comes to mind.

It seems to me that South Africa is the place for free men to be, the place where we should now come in increasing numbers, in fraternity and goodwill, to lend our aid and encouragement in the time of your increasing sorrows.

I met by chance last week in Johannesburg with an old and respected friend of mine, Victor Riesel, a distinguished American journalist who

ganging-up on a small and distant place, the use of South Africa as a convenient whipping-boy and camouflage, the urging upon you of courage not exercised elsewhere, and the sickening homage paid by Western democracies to jackbooted tyrants who would impose upon you in the name of freedom a despotism far worse than you have ever known.

I have no illusions about South Africa. I have no romantic ideas about your virtues, and I know a lot about your imperfections. But we do not come against you with clean hands, or an open mind, or even with a recognition of your right to survive. We have a duty to behave before we sermonize, to learn before we denounce, to help before we destroy.

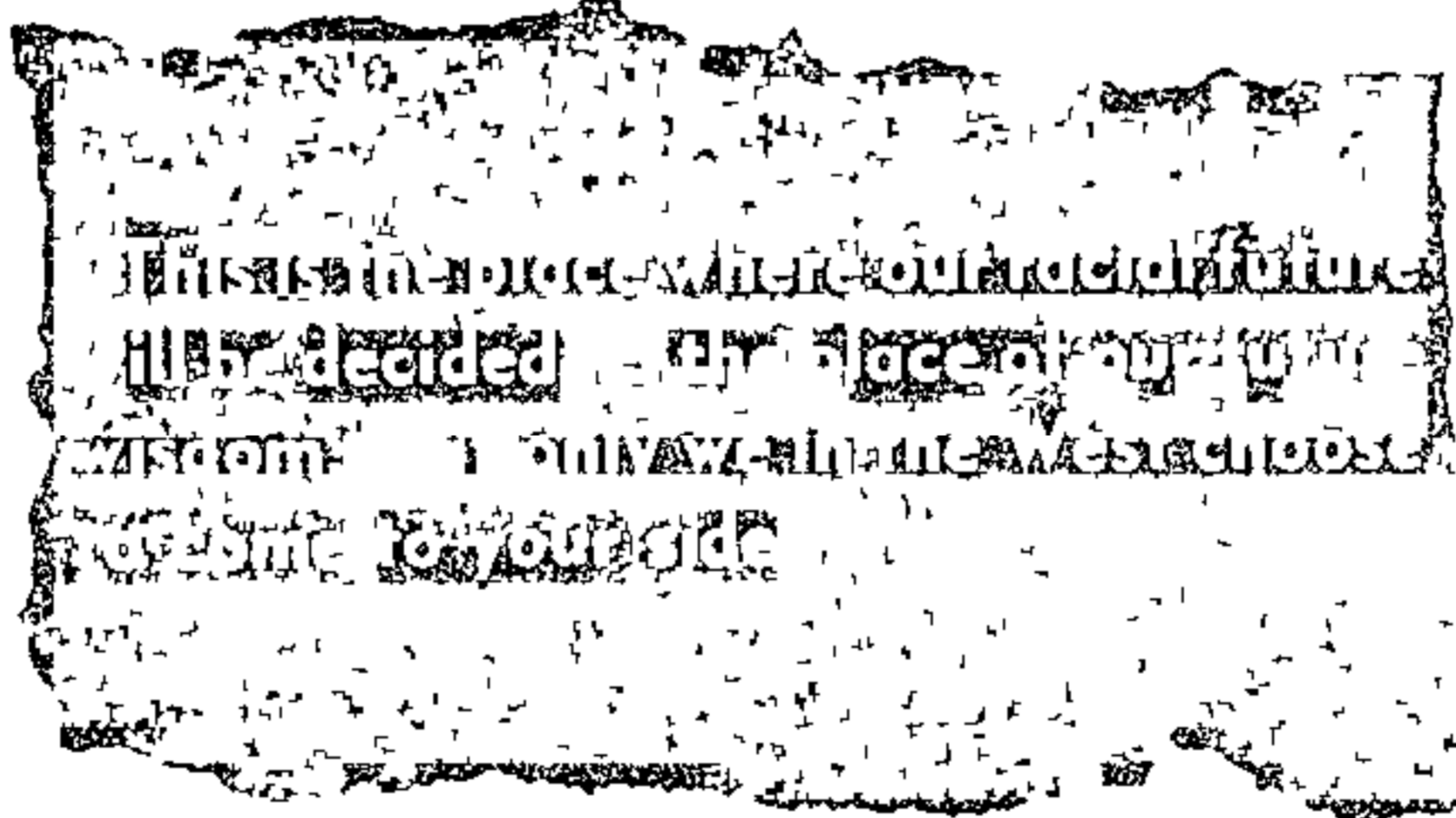
# If I we

has given as much for his beliefs as any man I know. Some of you will recall that he was blinded by acid thrown by agents of the American underworld for exposing their attacks on free trade unionism. He paid a high price, but the high order of his courage has not changed. He is the best of men to have on your side, and I am glad he has come to South Africa to find out the truth and tell it to his audience around the world.

"South Africa," he said last week, "is the place to be, the place where it is all happening."

He is right. You have almost all the riches of the earth in your beautiful country, and almost all of its sorrows. In particular you have the problem of race relations in its most severe and complicated form.

It is the most difficult of all social problems to solve, and it is worth noting that the noisiness and self-righteousness of your critics subside — as in the case of once-censorious Sweden — in direct proportion to the increase of their own



racial difficulties. We should not wish your problems upon them, but we should insist that they at least come to see and understand and share in the awful complexity of your discomforts instead of indulging themselves in distant hypocrisies. You suffer from the phoniness of the long-distance sinner, when the immensity of your problem justifies the presence and friendship and earnest attention of all men of moral pretensions.

For this is the place where the problem of racial fraternity could best be resolved, where we could best find the sense of proportion we so badly need, where anything like a solution would entitle you to teach and lead a most imperfect outside world.

I am an equalitarian, and hope to see the day when the races of South Africa will live together in exemplary freedom and fraternity. But as you live with dangerous opportunity, so we have a compelling obligation to understand the complexity of your problems before we assert the universality of our simple formulas.

We cannot do that if we play the Pharisee, if we pass by on the other side and denounce you in our ignorance and comfort. I find nothing more offensive in the world today than the double standards of your critics, the international

It is therefore a matter of great regret to me that neither the British nor the American labour movements have seen fit to send fraternal delegates here today. TUCSA is a legitimate trade union organisation, committed to constitutional government and free institutions and equal justice, one of the strongest assets South Africa has in its relations with the outside world. Our meeting today is a racially integrated gathering, far more integrated than anything the British Trades Union Congress has ever held, and just as integrated as anything the AFL-CIO is likely to hold. It is also and very obviously a free meeting by any reasonable standards, far more lively than many of the well-controlled trade union conferences I have attended in other countries, far more free to criticise the government of the day than the Communist state labour agencies the TUC chooses to patronize as unions or the house-broken Latin American labour movements the AFL-CIO is properly anxious to help. You are being ostracized by those who fraternize with fakes and puppets, and who criticise you according to standards they do not observe themselves or have only recently come, in far less hazardous circumstances than yours, to obey or even applaud.

I can take you to union meetings in Britain and the United States just as segregated by custom or coercion as yours ever were by law. I could provide you with an escort through streets in both countries just as segregated by race, and just as dangerous to walk in, as any of yours, in fact. I intend proposing soon a comparative study of civil life and street safety in Soweto and Harlem and Notting Hill Gate, and I swear I do not know which will come out the worst.

I could introduce you to political campaigns in New York and Chicago where the tickets are just as ethnically-balanced as those the ignorant Vice President Mondale of the United States chose to condemn in the Turnhalle proposals, and walk you around districts in metropolitan

America where fraud and ignorance and violence make a grizzly joke of the one-man one-vote system which Mr. Mondale would mindlessly thrust upon you. Let me alone remind you that the voting system in the annual conference of the British Labour Party, in which I grew up and which loves to denounce you, is about as lopsided a franchise system as any in the world. It is the fashion in Britain and the United States to despise and reject you for discriminatory practices, but it is not at all the fashion to publicize the discrimination that their ritual prohibitions and preferred institutions serve considerably to obscure.

Indeed, the more I think about our credentials for criticizing you, the more stupefying our hypocrisy becomes.

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**For your Savings,  
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● Guest Speaker at this year's TUCSA conference, Professor John Hutchinson, Professor of Industrial Relations at the Graduate School of Business Management, University of California at Los Angeles (UCLA), received a thunderous ovation for his address in which he called on the West to help instead of destroy South Africa. His speech is reproduced here in full.

The death of Steve Biko was a tragedy for South Africa, and you will ignore the circumstances of his death at your peril. But one of your newspapers has said that for the critics overseas it was "the last straw"

The last straw for whom? For Idi Amin, with 150,000 scalps in his belt? For the exempted killers of Burundi? For Colonel Gaddafi, the UN Plaza's terrorist-in-chief? For President Nyerere of Tanzania, who keeps almost as many legislators in prison as you have in office? For President Kaunda of Zambia, who acts as jailer to those disillusioned with the thugs of Swapo? For General Obasanjo, whom Ambassador Young would make Protector of Rhodesia, and whose credentials rest upon the bodies of a

Africa for our sins in Vietnam It is beginning to look as if the Blood of the Atonement will be yours

We have to make a choice, and very soon. The absence of British and American fraternal delegates today serves to highlight the fundamental decision my two countries have to make about your affairs before incited insurrection takes the place of peaceful reason.

We have to choose to help you, or to destroy you We cannot deliberately do both, and will do one or the other

I would rather help South Africa I would rather train a journeyman than a terrorist I would rather give aid to you than arms to your enemies I would rather visit your borders than

comparative evidence on representative government and interracial relations throughout the continent and the world; the development of single standards for the judgement of the conduct of nations in these and other matters, the convening of international and national meetings to examine the evidence about us and our critics, and above all the pursuit of liberty of the person, equality of consideration and opportunity, and fraternity among the peoples, in all our dwelling places.

I like to remember the headline in the London Daily Express before the war: "Fog in Channel — Continent Isolated"

The world is isolating itself from you at a critical time in our joint fortunes. This is the

# e King



million Nigerians killed in their own tribal irritations? For Englishmen in Ulster, for Americans in Panama, for Castroite imperialists and Russian Archipeligans? For the vacuous UN General Assembly, which has yet to condemn anybody outside of Israel and Southern Africa? Who comes against you in robes of white?

I do not know, on another matter, whether you should have Bantustans; but I do know that the United States should not pontificate about your homeland policies while it maintains a string of urban ghettos and pauperised Indian reservations

I do not know whether the traditional forms of representation formulated so carefully and skilfully by the Turnhalle would have worked if the British Foreign Office and the American State Department had graciously allowed them a trial period at the risk of offending the voteless dictatorships of continental Africa, but I do know that the Turnhalle has proposed nothing so wildly disproportionate in representativeness

infiltrate them I would rather fraternize than ostracize. I would rather stand with you in your sorrows than against you in hypocritical company I would rather be your friend than your enemy. I would rather be your brother than your executioner.

How could we help?

If I were King I would make it a law that no foreign legislator could utter more than three imbecilities a day about South Africa without paying a visit, or a fine of 500 Rand for the training of journeymen and bargaining representatives in South Africa That of course would present you with a terrible dilemma. You would either be inundated with witless politicians, or made richer than Solomon in all his hard currency and underpaid labour force Perhaps you could apply an apprenticeship test at the border to keep the most senile of the critics out, although that might exclude most university professors in the social sciences

place where our racial future will be decided or at least greatly influenced, the place for developing new standards and tests, the place of our future wisdom — if only we of the West choose to come to your side.

I am grateful to be here today I have never ceased to be grateful to my British coal-miner father for the lesson that trade unionism at its best is about dignity.

That is what TUCSA is for, I am indebted to you for the opportunity to convey at least my own fraternal greetings, and to express my admiration for your patriotism and courage and persistence and example. I hope it is not too much to expect that in time my own two countries, and my own two trade union movements, will come to join with you and your Republic in the peaceful and democratic solution of your problems for the benefit of all mankind

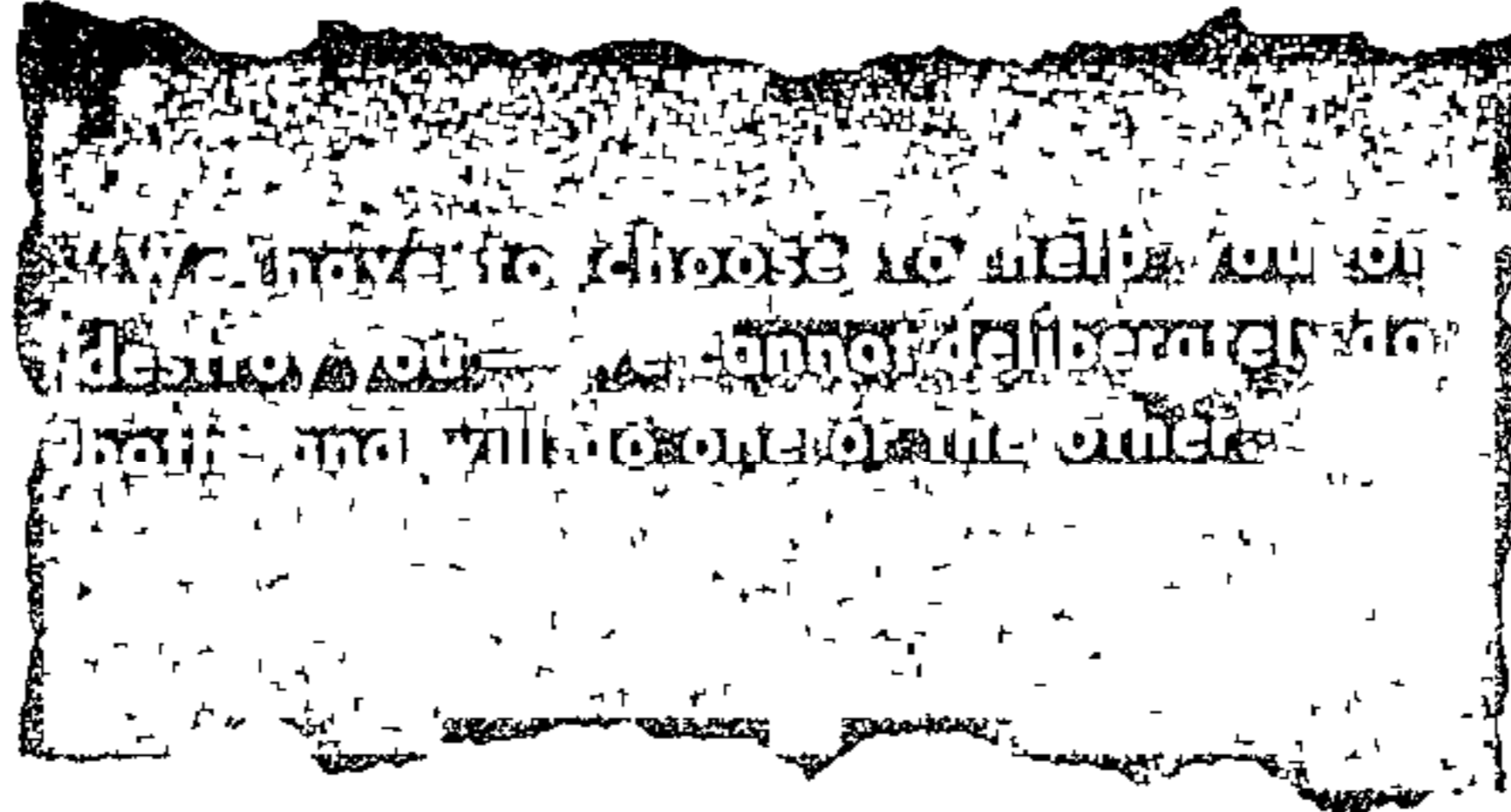
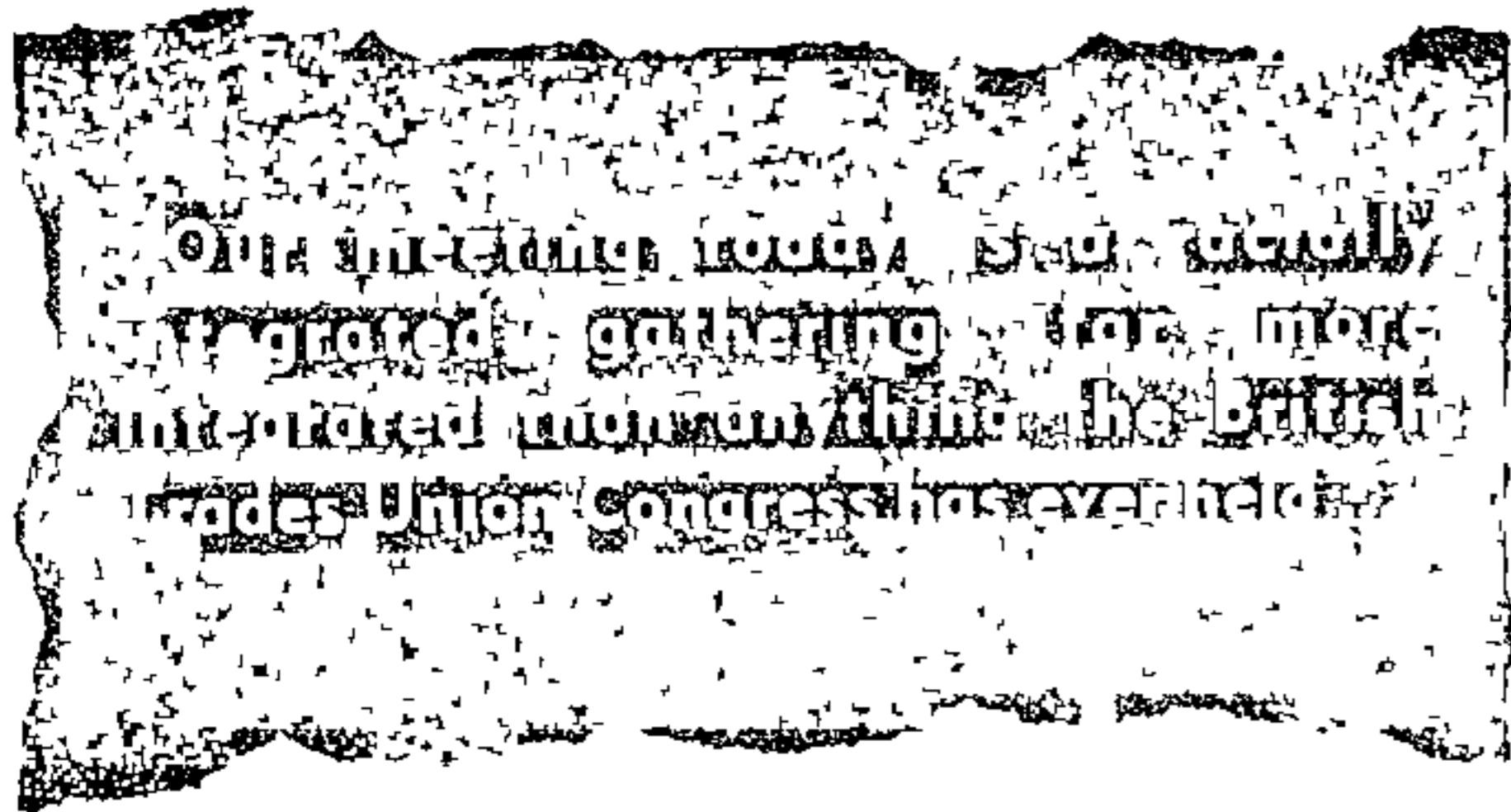
I will try to say it in your own tongues

Die Here seen U en behoed julle.

Unkulunkulu aku busise aku gcine futhi.

Othoku aku busise aku gcine futhi.

The Lord bless thee and keep thee, and give thee peace



as the United States Senate and the British House of Lords. In the Senate — a body most intent upon its own preservation — two members represent almost empty Wyoming, while two other members represent the more than 20 million residents of California, except me. In the House of Lords — an appointive and hereditary body and incidentally of quiet and constructive good works — none of its members represent anybody at all except themselves when awake. But you in South Africa must not have leaders and institutions of your own choosing in accordance with your own needs and traditions. You must conform to the simple mathematical formulas that simple-minded Vice Presidents of the United States would thrust upon you. We are entitled to complex self-determination. You are not.

We have chosen to despise you from a distance by double standards. Our criticism is moving with all pious speed into ostracism, and from ostracism into isolation, and — unless we repair our consciences and change our ways towards you — from isolation into the making of a wasteland by force of arms

— Senator Daniel P. Moynihan of New York has recently suggested that we are atoning in

Having no imperial powers and desiring none, let me bring to your attention a proposal which I and I hope a number of my colleagues at the University of California will be making soon.

We will propose the establishment of The Atlantic Council, composed of private individuals and organisations in North America, the United Kingdom and Southern Africa, for the furtherance of our mutual interests through a common commitment to constitutional government and free institutions and equal justice.

The Council would be independent of all governments and free to criticise them. It would seek a greatly increased exchange of people and ideas between the three regions; the conducting of scholarly research in university-based Atlantic Institutes on the problems we have in common, on the complexities of our different ways, on the necessary differences in our solutions, and particularly on the intricacy and singularity of so many of the problems in Southern Africa and therefore the necessary uniqueness of the solutions to them; the encouragement of increased trade and investment between us, the strengthening of our mutual defences, the gathering of

There are many fine Insurance Companies in South Africa but there is one — and only one — which is owned and controlled by the Trade Union Movement.

Many of our shareholders are members of the Trade Union Council of South Africa; many of our Directors hold — or have held — high office in the Council.

**TRADUNA**

THE SOUTH AFRICAN TRADE UNION ASSURANCE SOCIETY LIMITED

# "OUR IMAGE TOO FLIMSY"

While TUCSA'S ideals are sound, there are, nevertheless, at times doubts about the organisation's sincerity, the outgoing president, Mr. "Lief" van Tonder, said in his farewell address to the TUCSA annual conference.

In his address to the conference Mr van Tonder said the past year has not been an easy one for the Council. As the only multi-racial organisation of its nature in this country, it is only natural that the policy and modus operandi of the Council should be exposed to criticism to a much larger extent than otherwise, and we also accept that the very nature of our Constitution, and the attempts to live up to the expectations entrenched in the Constitution, make us more vulnerable to attack. TUCSA fully accepts this position, and I am sure that affiliated unions that genuinely endeavour to execute their duties in the spirit of the ideals that the Council represents, also accept the position. It is fair to say that the Council has no objections to criticism, but sad to say that in the past year we have had the unpleasant experience of affiliates leaving the Council for very poorly motivated reasons, and in some instances, without being able to submit valid reasons at all. And worse still, we find that unions who leave the Council are quite prepared to drift into the unaligned wilderness of trade unionism in our country. When unions act in this manner, there is little that can be done for them, but most frightening of all, is the belief on their part that they can go it alone. This seems to be the position in general in trade union circles in this country.

But trade unionism has always been too cheap in South Africa, as compared with the rest of the world where people have to, and indeed subscribe substantially more to trade unionism. Perhaps our answer lies in that direction. Because of its cheapness, the value tag remains insignificant, and trade union achievements are too often taken for granted.

A very good example for illustrating this point in the amendment to the Unemployment Insurance Fund, which from July of this year provides for a worker to receive 45% of his actual wages, when sick or unemployed. I readily concede that the administration of funds of this nature creates many problems, and also that irritations exist for various reasons. Nonetheless, this was an achievement of tremendous benefit for the workers. But what do we find? An attitude of indifference, and worse still, remarks to the effect that it is the Government that provided these improvements. I wonder how many workers really realise that a lifetime of struggle and hard work has gone into this achievement by the trade unions and employer representatives, and (to be honest) some Government officials as well. I want to pay tribute to these people, who for so long carried this fight, finally through to its successful conclusion.

It is then against this background that the Council meets for its Conference this year. When one examines the preamble to the Constitution of the Council, you find that its architects went to great pains to ensure the effective exclusion of politics, and the prevention of the involvement of political parties, into the affairs of the trade unions, and vice versa. This exclusion was obviously necessary in order to comply with the law, but also important, is the fact that it was made possible for all organisations representing working people to get together, to pursue their common goals. Unfortunately, we have not achieved that object of unity, in fact we appear to be further from complete unity than ever before.

Trade unionism and politics run in very close harness in the rest of the world, so close that active involvement either way is regarded as being natural. Our peculiar South African situation does not permit direct involvement either way, but having because of necessity to run an equally close parallel in many instances, as in the rest of the world, a degree of rub-off is inevitable, and from this stems our greatest dilemma.

Under these circumstances, what does the future hold for the Council, or better still, is there a future for us as a co-ordinating body? These are questions that affiliates must seriously apply their minds to at this Conference. I do not think that anybody can seriously fault the policy of the Council as dictated by Annual Conferences, and processed by the National Executive Committee. I do not think anybody can fault our Constitution, for the ideals enshrined in the Constitution ring true. But I do say, and I say it with respect, that our sincerity at times is questionable, and the image of brotherhood that we like to display is too flimsy to fool anyone. These are harsh words, but I would suggest that we all pause to ponder them, before you reject them, or take exception to what I have said. We claim to subscribe to the principles of international trade unionism, but it is these very basic fundamental principles that divide the movement, and hamper solidarity in South Africa.

## THE ECONOMY

The economic situation of our country during the past year has been very much worse than most of us present might have realised. From the trade union point of view we have obviously been most concerned with the unemployment position. The country is going through the deepest and longest recession since the Great Depression, and our hopes for a recovery in 1977 have also largely been dashed. The South African position has also been further bedeviled by developments elsewhere, over which we have no control.

Our balance of payments situation, which reflected a large deficit towards the end of 1976, has fortunately to a large extent been remedied by the authorities, and if some of the measures taken have not been all that popular, they have at least gained us a breathing space.

Our rate of inflation in relation to that of other countries still remains too high, although we must admit that the rate of price increases shows some degree of easing off during the last few months. To what extent this is due to the effects of unemployment, with a consequent lack of purchasing power, is difficult to establish, but as I have said repeatedly — The labour movement will have to decide to live with inflation as best it can, and opt for employment opportunities much more than we have done in the past. We have enjoyed a state of virtually full employment with an abundance of job opportunities (especially for the Whites) in the past decades. I think that we have come to the end of that era. Even if we

work on the assumption that political pressures from abroad may ease, and even assuming that the explosive situation within the country can be contained, we still have the problem of a too low national growth rate. According to the Reserve Bank accounts, the year that ended in June, turned out to be one of the lowest growth years experienced by the South African economy during the post-war period. The total real gross domestic product increased by only about 1 percent, while it was still 2 percent in the preceding year.

It is therefore clear, even to laymen like us, that even under the best of circumstances, there will be no quick return to the years of plenty that we have known. Our country is just not in a position to generate the capital requirements to promote increased growth, and consequently more job opportunities, at the rate that we need. We remain desperately dependant on foreign investment capital, and obviously for our specific purposes, long-term investment capital. And this is really where our problem lies. It is precisely this kind of investment that is no longer forthcoming in large enough amounts, to stimulate the growth so badly needed. Unemployment, when compared with other countries, has not reached crisis proportions, but for any person who loses his or her job, unemployment is a crisis. It is in fact the biggest crisis in his or her life. The number of registered unemployed Whites, Coloureds and Asians more than doubled during the past year, and according to the official figures, now represents some 1.4 percent of this grouping of the labour force. Accurate figures (for various reasons) are not available, but it must be accepted that Black unemployment is rising at a much faster rate, and if it was possible to obtain accurate figures for the total labour force, then it could well make very alarming reading.

What I find frightening at present, is the very real possibility of more and more young Black school leavers coming onto the labour market, without any prospect of ever finding a permanent job, and with the real danger of these people joining the ranks of the totally discouraged, who no longer even bother looking for a job.

In this context, I cannot help but comment upon the amazing statement made by the President of the Transvaal Chamber of Industries, when he addressed a recent "Manpower and Unemployment Congress" in Johannesburg. I for one certainly expected a bigger outcry from the labour movement regarding his comments, but be that as it may, Mr Holloway is reported to have said that a country's wealth is only created by production. We all know that, but he then continued to say that the "dole" is unproductive, and a drain on a country's economy. He said "Let us not permit our emotions to run our minds. The unemployed are non-productive. Any thought of supporting the unemployed through the use of creative money by a system of dole, or by any transfer of payment, is to weaken our economy and our country." He is furthermore reported to have said that the development of society had reached a stage where assistance can be given to the unemployed, without questions being asked!

A truly modern Rip van Winkle I would say, seemingly unaware of the developments of the last few centuries! It did take quite a few centuries (with a couple of bloody industrial revolutions) for the working people of the world to obtain even the most basic of human rights, and to enjoy even the most modest portion of the good life which a small section of the inhabitants of the earth so selfishly regard as theirs, as a matter of god-given right!

We have never known Industry and Commerce to be too concerned about the unemployed, and I will readily concede that the responsibility for these people cannot be laid entirely at their door. I did, however, believe that this abominable type of industrial policy belonged to an era gone by, but apparently I am mistaken.

Even if Mr Holloway and his colleagues do regard the unemployed as a nuisance, then we should warn them against this kind of approach, for it is explosive. The "creative" money that he begrudges the unemployed to keep alive, has, after all, been created by their sweat, and more important, when the economy gets moving again they will undoubtedly be needed, to generate even more "creative" money.

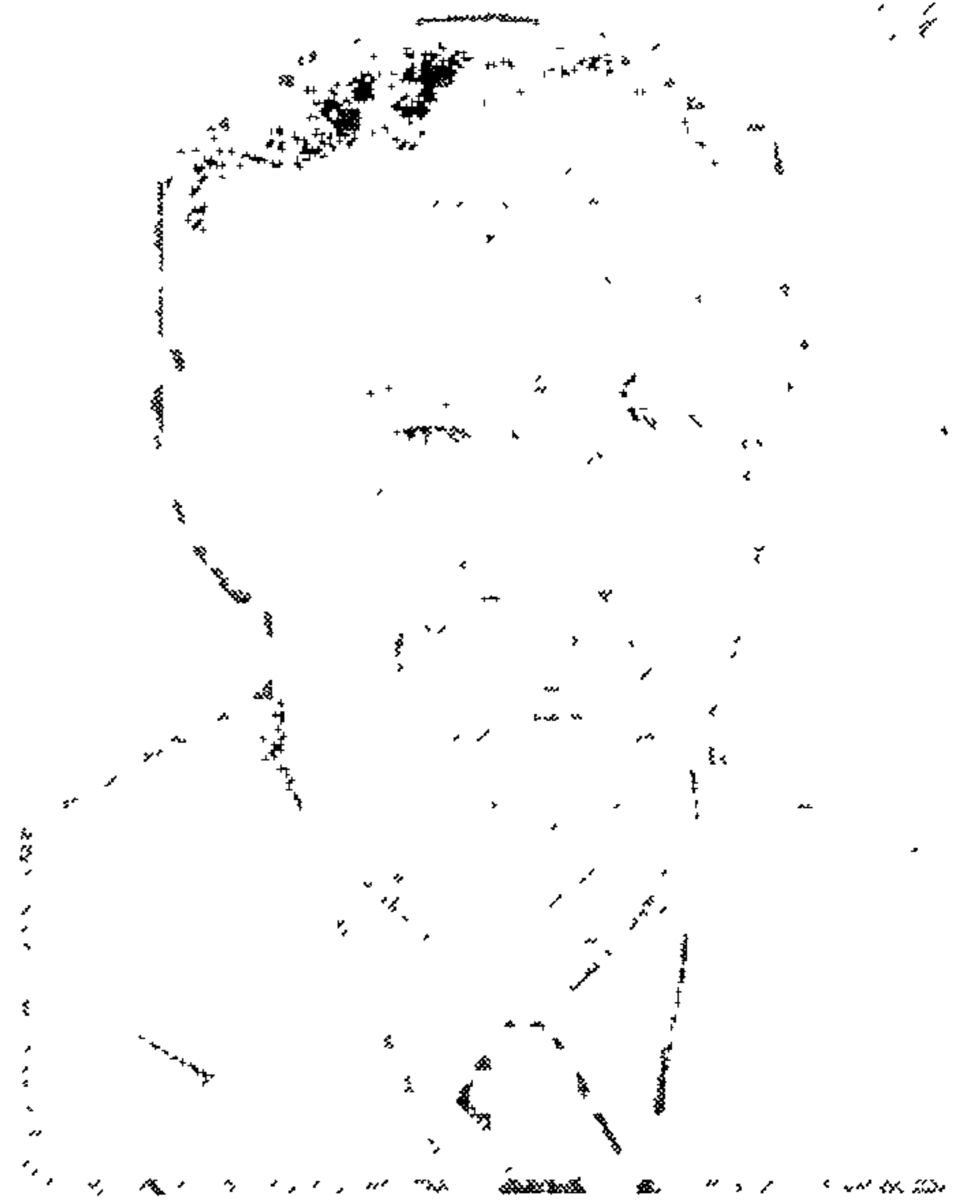
Dr Anton Rupert some years ago summed up the position in a few words, when he said "We cannot sleep peacefully while they go hungry."

Still on the question of unemployment, I believe that many of our trade union colleagues present here today have acted wisely and responsibly, together with their employers, to resort to shortened working weeks, longer holiday, short time, and cutbacks in overtime, in order to retain as many workers as possible in at least some form of employment. This is a wise policy, that will pay off in the long term, for when conditions improve, those industries will have their skilled labour reserves on top, and can immediately move into top-gear activities, which in turn will greatly assist to create some of the much needed additional unskilled and partially skilled jobs.

I am mindful of the fact that I could be accused of over-emphasising this issue, and it is true that by the standards of some of the Western countries, our unemployment problem is relatively small. But I do submit with respect, that our unemployment problem cannot be viewed in an over-simplified way. We must bear in mind the political tendencies abroad against our country, and we must remember that overseas trade unions are playing a leading part in ever more effective efforts aimed at isolating South Africa. I believe that their efforts will continue to gain momentum, and they will have more success than we would like to believe, and as the political storm gathers here, and as such further reduces the flow of foreign capital, so we on the other hand will have to spend even more on defence — money that is desperately needed to develop our mineral and other assets. Job creation thus becomes even more difficult.

Where does the Council stand in this situation, and what can we do apart from criticising, to help remedy the situation, and at the same time help ourselves? I would say firstly, that our colleagues who have gone abroad for various reasons have been excellent Ambassadors, and without trying to whitewash the political position in our country (with which many of them disagree) they have nonetheless, with some degree of success, and at the risk of being abused, succeeded in bringing home to the outside world that certain actions harm the Black workers, rather than assist them. This approach should be continued.

Furthermore, it will be necessary for the movement to examine our position in the economy, and to see to what extent the accusations that we are losing our



competitiveness in the world market, is true. This accusation is indirectly aimed at us, the labour force, and we dare not ignore the issue.

We will also have to do our share to bring home to the Black section of our community the absolute need to reduce the size of their families in the future. Whether this cuts across personal feelings, customs, or tradition, is no longer of significance. It is a question of economic survival for them and us.

There is one further aspect that I want to touch on, before leaving the unemployment problem, and I personally believe it is a subject in which members of the Council should show a much greater interest. The subject is that of "under-employment." This is an aspect that perhaps only gets accentuated by economic recession, and it is certainly not confined to South Africa. A recent International Labour Organisation estimate presently puts the unemployed persons under 25 years of age at more than 7 million, and predicts that even if the world recession should miraculously disappear overnight, staggering numbers of youth will still be walking the streets because employers will give preference to experienced and trained workers. That statement is also true of our own country. For far too long we have abused the abundance of labour available. We have remained largely silent, knowing full well that thousands of intelligent but untrained workers were being condemned to a life-time of menial or labouring types of employment, with absolutely no chance of job advancement. And mere concentration on higher education (ironical as it may seem) is not the entire answer, because higher education unrelated to job opportunities, merely raises the aspirations of workers, whilst the absence of jobs in the market frustrates them to the point of despair.

For the reasons advanced, the Council plays an active part in the In-Service Training Schemes initiated by the Government. I want to give credit to the Employer Organisations that play such an active role in helping to get this massive programme off the ground. It is a fact that, in the event of future lay-offs, employers will tend to favour those employees in whom they have invested considerable time and money in training. Statistics already show that labour turnover rates in high-skill industries are significantly lower than in those that are satisfied with large numbers of relatively unskilled and untrained workers. I personally believe that these training programmes will soon have to be extended, so as to provide better opportunities for all race groups.

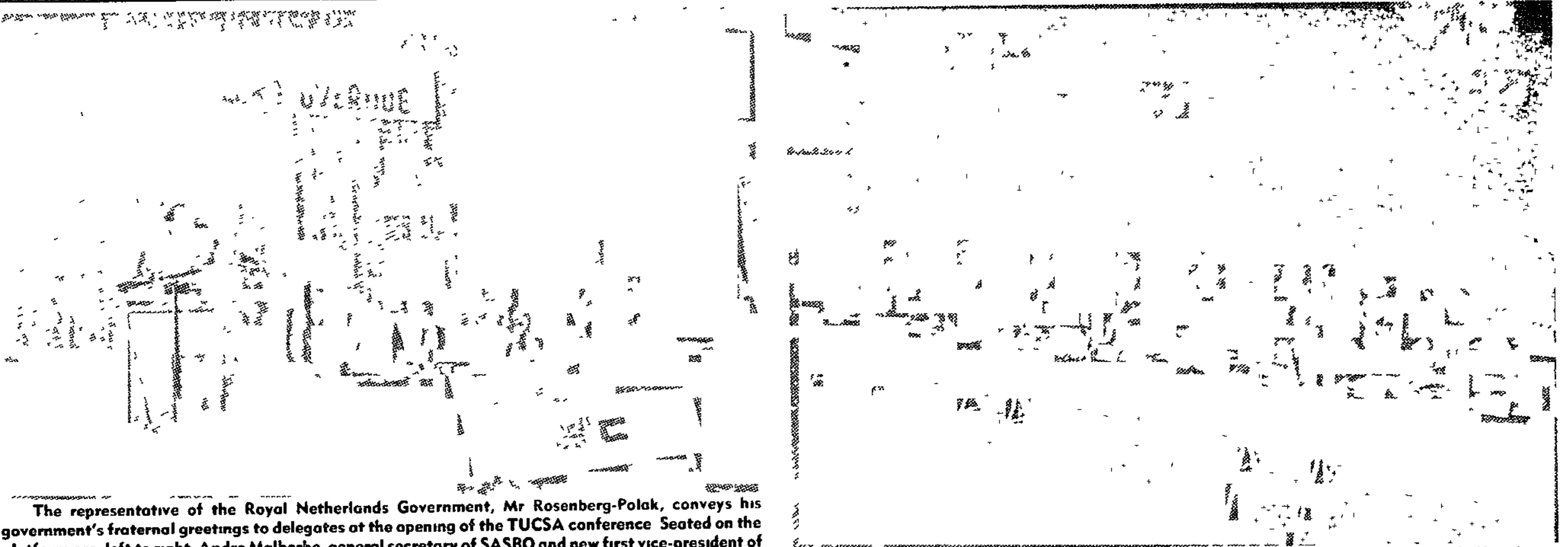
## INDUSTRIAL LEGISLATION

When the Germans introduced their experimental system of paritative co-determination in the coal, iron, and steel industries some 25 years ago, they perhaps unknowingly sparked off something that (according to my observations) is going to engulf the entire western industrialised world. In Germany itself the concept of Industrial Democracy has gained so much ground that they now (as a result of their experiments) already have what is termed their Co-determination Policy, or Mitbestimmung, written into the law, and the law now provides for legal employee representation on the Boards of Companies.

To us in South Africa these measures may seem far reaching revolutionary, and perhaps even drastic changes from traditional labour patterns, but it is important for us to observe that this concept of Industrial Democracy is rapidly gaining ground in Europe. It is established in Sweden, the U.K. is investigating it, and it is gaining momentum in the U.S.A. and Canada. Although each country has a different interpretation of its application in its own particular set of circumstances, and although each may have its own name for it, whether it be Co-determination, participative management, or participation, the principle remains the same, i.e. Co-determination means that decisions are taken by partners — equal in numbers and influence.

Unions abroad also claim that Co-determination by employers and their unions has become an urgent necessity under any economic system. Some see it as an alternative to the ultimate weapon of strike action (which like wars) cause just as much damage to the victor as to the vanquished. Even in the U.K. we have the report of a government-commissioned committee on the subject of Industrial Democracy, a committee which consists of unionists, lawyers and industrialists under the chairmanship of Lord Bullock, a Master of Oxford University. The report of the committee, if adopted, will give British workers much more control over the operation of companies than employers already have in either Germany or Sweden.

In Canada the proponents of Industrial Democracy have been at pains to explain that their aim is not to destroy the collective bargaining system, but to strengthen and enrich it, and their definition of Industrial Democracy is thus deliberately loose. It implies a meaningful extension of



The representative of the Royal Netherlands Government, Mr Rosenberg-Polak, conveys his government's fraternal greetings to delegates at the opening of the TUCSA conference. Seated on the platform are, left to right, Andre Malherbe, general secretary of SASBO and new first vice-president of TUCSA; Arthur Grobbelaar, general secretary of TUCSA, "Lief" van Tonder, outgoing President of TUCSA; Ronnie Webb, the new president; and "Steve" Scheepers, the new second vice-president of TUCSA.

The "Diplomatic Row" at the TUCSA conference — diplomatic observers from half a dozen countries who traditionally attend TUCSA's annual conference to monitor on its proceedings for their governments.

## New union makes impact

TUCSA's newest union, the 13 000 strong Mine Surface Officials Association, emerged as a force at this year's annual conference.

The association, headed by its general secretary, Mr. R. H. Botha, spoke out strongly and unequivocally on a range of matters.

Because the MSOA joined TUCSA only

weeks before the conference, most unionists expected it to maintain a fairly low profile, but its immediate and forceful participation in debates was widely welcomed.

One veteran trade unionist commented: "The MSOA's presence in TUCSA will undoubtedly strengthen the labour movement."

"They have come in with what appears to be a vigorous, though clearly conservative, leadership with their own decided viewpoints. It is good to see a new union flexing itself in this way.

"If the MSOA continues in this fashion it is certain to start emerging in a leadership role and will, hopefully, have the effect also of gingering up some of the other unions."

Continued from page 6

opportunity to workers to share in decision-making and/or ownership, in the workplace. While criticism of the new tendencies has been forthright in many countries, the proponents of the new system argue that it is no longer debatable whether industrial Democracy should be fostered in industry, but only a question of how it should be done. It is however, generally conceded that bold innovations are now needed to improve the poor industrial relations of those countries with their dreadful record of strikes and lockouts. Employer organisations may condemn these developments, but they cannot simply wish them away from the face of the earth. It seems to me that this is a concept of industrial relations that is here to stay.

It is a well-known fact that much of our industrial and labour structures and organisations are based on overseas practices, it would thus be very naive to believe that we need not take note of the tendencies that is so rapidly engulfing the industrial world of the West. Like us, these countries are also today struggling with their balance of payments situations, at a time when investor confidence is falling. They also realise the need for greater co-operation in the work-place. Time, however, does not permit an in-depth discussion of the growing concept of industrial democracy, and I have merely touched on the subject. But it must be evident that the Western World, in its desperate struggle to cope with the side-effects of their ailing economies, such as unemployment, are prepared to plunge into experiments hitherto undreamed of, for despite their efforts of the past to improve the lot of the masses, Europe — and the West for that matter, seems to be losing the race against Communism. Even in countries where the world Communism remains repulsive, it is a struggle against Socialism, a much more subtle form of reform with greater appeal to the working class. And in a world that is getting progressively poorer, it is the masses who yield increased power.

I do not want to be misunderstood. I am not pleading for the introduction of systems of this nature, because I do not know enough about them. Furthermore, I do not believe that organised labour in this country is ready to tackle developments of this nature, but we should study the developments to a much greater extent than we have done thus far.

These developments may, or may not, be a factor in the decision by the present Minister of Labour to appoint a Commission of Enquiry into our own Industrial Legislation. We know that his Advisor has been abroad for quite some time to examine labour legislation in other countries. Be that as it may, we have to be honest and admit that he did consult organised labour as to the advisability or otherwise of appointing such a Commission, and organised labour agreed that a need existed to at least examine our industrial legislation. At the same time, it is perfectly natural that older trade unionists, probably still haunted by the struggle in the fifties against the Amendments to the Industrial Conciliation Act of that time, should view such a Commission with suspicion. It must be recorded, however, that at a meeting in Pretoria on the 8th day of September 1977, called by the Minister of Labour, representatives of all sections of organised labour were given the opportunity to discuss, in an informal manner and quite openly, the whole question of the appointment of the Commission, its terms of reference, and its proposed modus operandi. The Minister, after listening to the fears expressed by some trade union leaders, gave then an assurance, in a manner which could not possibly have been misunderstood by anyone present, that he had certainly not submitted already prepared draft legislation to the Chairman of the Commission for study by the Commission. He indicated that it was up to the Commission to formulate proposals for improving our industrial legislation. I want to stress this point, because I for one have no reason to mistrust the Minister in so far as these assurances are concerned. Organised labour is well represented on the Commission of Enquiry, and it is up to us to clearly indicate to the labour representatives what our desires are in this regard.

# Firm stand on pensions

The big event of this year's TUCSA conference — the burning issue of pensions — left no doubt that South Africa's trade union members want an effective national contributory pension scheme.

The conference unanimously passed the following resolution:

"Conference welcomes and agrees in broad principle with the proposals of the Department of Social Welfare and Pensions for the establishment of a national contributory pension scheme for all races.

"Conference urges however that the proposed rate of contributions be raised to a more realistic rate than that recommended by the Departmental Committee, and that at least one-half of the total contribution should be required to be paid by the employers in order to make the scheme economically viable.

"Conference emphasises the need to counter the sustained and virulent campaign by vested interests against the proposed national pension scheme, and reiterates that such a scheme will be a major milestone along the road to economic security for the many thousands of employees of all races who at present have no pension scheme.

"Conference therefore urges the Government to accept the basic principles underlying the Department's proposals and to establish a national contributory pension scheme, in consultation with representatives of organised labour, commerce, industry and agriculture, in the near future."

During a panel discussion on pensions Mr. A. Malherbe of the South African Society of Bank Officials (SASBO) claimed that there was a "virulent" campaign to oppose a national contributory pension scheme.

He argued that 61% of South Africa's working population were not covered by a pension fund, and had to rely on old age pensions.

Conference also decided that strong representations should be made to the Minister of Social Welfare and Pensions, to have representatives of organised labour on the Joint Working Committee which is going to investigate the whole question of pensions.



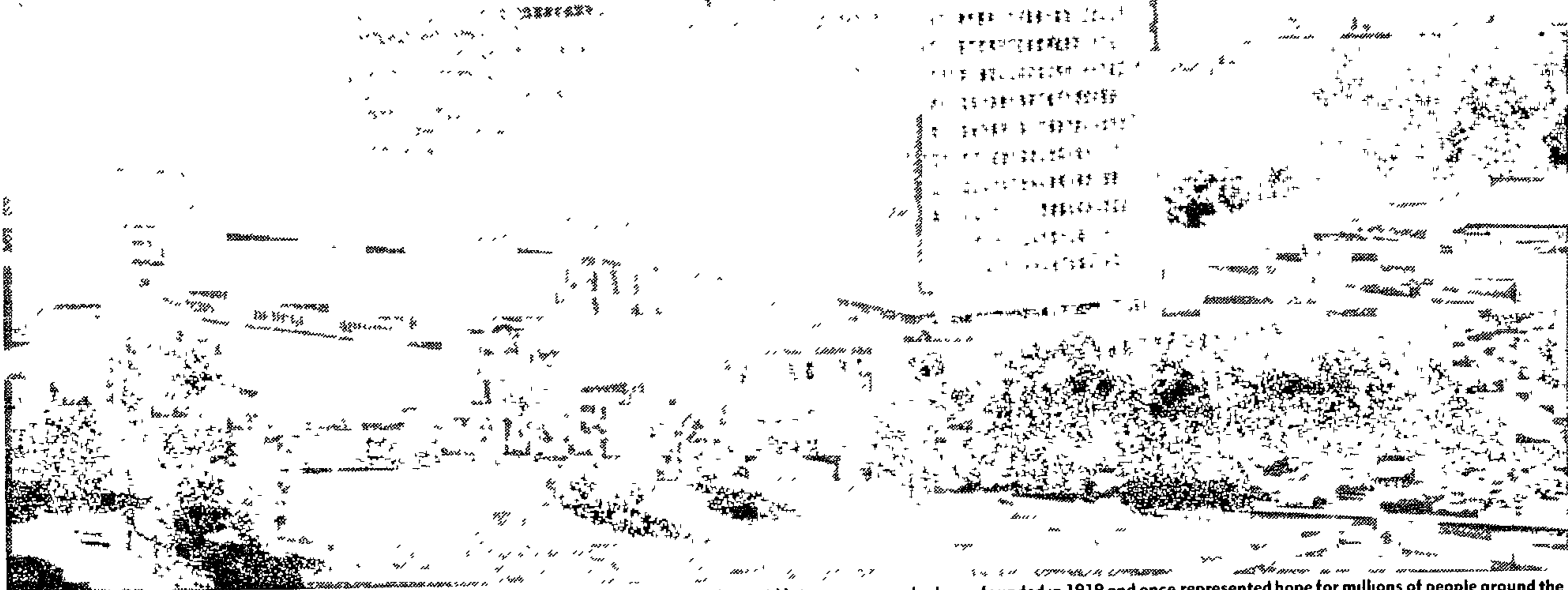
In his address to the TUCSA annual conference the South African Council of Churches Ombudsman, Eugene Roelofse, (above) called for the labour movement to involve itself more fully in consumer affairs.

He said: "Worker organisations have in the past seen their members as workers and not as worker-consumers. While worker organisations have admittedly made some rather pointed comments on the subject of consumer exploitation, I think that much more emphasis should be given to the airing of consumer grievances, to the study of the consumer complaints of your members and to the appointment of task groups to propose better legislation and the more efficient enforcement of the few protective measures that we have.

"Furthermore TUCSA should take careful stock of their membership of the S.A. National Consumer Union. You should ask yourself whether your membership has produced results, if so what results and if not, why not.

"Is that structure to which for years you have committed your members and yourself hitting pay-dirt or are the main features of their bi-monthly meetings still confirmation of minutes, correspondence, how much money is in the petty cash and words of wisdom from the representative of the S.A. Bureau of Standards?"

# Once—the headquarters of hope



The imposing Geneva headquarters of the International Labour Organisation, the oldest United Nations agency which was founded in 1919 and once represented hope for millions of people around the world who looked to the ILO to help raise labour standards and so give working people a better deal

# A crippling blow for the ILO

The withdrawal of the United States from the International Labour Organisation will be a crippling blow to the world body, in the opinion of TUCSA's general secretary, Arthur Grobbelaar.

While recognising its potential as one of the most valuable world organisations, TUCSA, which sends an observer every year to the annual ILO conference in Geneva, has long been disenchanted with the politicisation of the ILO.

The United States considers that the organisation is being used for political ends by communist and Third World countries.

It gave notice in 1975 that it would withdraw unless the ILO mended its ways, and has now carried out that threat.

American resentment against the organisation boiled over in 1974, when a coalition of Arab and communist votes pushed through a resolution condemning Israel for racism and for occupying Arab lands.

The next year Dr. Henry Kissinger threatened withdrawal within two years unless the ILO stopped being so political and returned to its original purpose.

The annual ILO congress last June showed little progress had been made in the line of the US demands for reforms.

In particular, American delegates were outraged at a successful attempt to bury a report that condemned labour practices in the Soviet Union and various Third World countries.

President Carter has, however, said that the US "remains ready to return whenever the ILO is again true to its proper principles and procedures."

The Americans contributed one quarter of the annual budget, which means that the ILO will be missing R17 million in 1978 and another R17 million in 1979 because the total budget for those two years was earlier this year set at R135 million.

Mr. Grobbelaar believes the loss of US

Because South Africa withdrew from the ILO in 1964 — after communist and Third World countries refused to allow the Republic's representatives to be heard — few South Africans know much about this world body.

Founded in 1919, it attempts among other things, to set improved standards of employment for countries throughout the world. It does this by drawing up codes of practice (conventions) which governments are encouraged to sign and implement in their countries.

It also assists in the training of people in labour matters and monitors and reports on labour conditions around the world.

The ILO is unique in that it is the only world body that represents governments, employers and employees and thus can be said to be the most truly representative organisation on earth.

financial support will mean the ILO's technical assistance programmes will probably have to be stopped.

He said: "It is a tragedy this international labour forum has deteriorated into a political platform for the communist and black countries."

Reports from Geneva say that besides reducing training programmes, there will be deep cuts in travel, publications and the number of ILO meetings and conferences each year.

One publication put out each year by the ILO is an annual Special Report on Apartheid.

Some ILO people fear that Russia and its allies will seek to take over key positions and thus effectively destroy what efforts are being made to monitor and criticise workers' rights violations in totalitarian countries.

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United Capital Accumulator Plan.

SITUATION VACANT

Persons interested in **TRADE UNIONISM**

as a career are invited to contact Mr. Morris Kagan who requires an assistant, with prospects of promotion to full Secretaryship. Must have some experience in Trade Union work and some knowledge of Industrial Legislation, be fully bilingual and able to drive.

Phone 836-9116 or 834-5188 for an appointment.

GOVERNMENT NOTICES

(166)

DEPARTMENT OF BANTU ADMINISTRATION AND DEVELOPMENT

No 2133 21 October 1977

EMPLOYMENT OF BANTU IN CERTAIN CLASSES OF WORK --WITHDRAWAL OF GOVERNMENT NOTICES R 531, DATED 3 APRIL 1970 AND R 1260 DATED 7 AUGUST 1970

I. Willem Adriaan Cruywagen, Deputy Minister of Bantu Affairs, acting on behalf of the Minister of Bantu Administration and Development, under and by virtue

GOEWERMENTSKEENISGEWINGS

DEPARTEMENT VAN BANTOE ADMINISTRASIE EN -ONTWIKKELING

No 2133 21 Oktober 1977

INDIENSNEMING VAN BANTOES IN SKEERE SOORTE WERK --INTREKING VAN GOEWERMENTSKEENISGEWINGS R. 531 VAN 3 APRIL 1970 EN R 1260 VAN 7 AUGUSTUS 1970

Fr. Willem Adriaan Cruywagen, Adjunk-minister van Bantoesake, handelende namens die Minister van Bantoe-administrasie en -ontwikkeling, kragtens die bevoegdheid

STAATSKOERANT, 21 OKTOBER 1977

No. 5778 5

of the powers vested in him by section 20A (3) of the Bantu Labour Act, 1964 (Act 67 of 1964), hereby withdraw Government Notices R 531, dated 3 April 1970 and R 1260 dated 7 August 1970

W A CRUYWAGEN, Deputy Minister of Bantu Affairs (File A10/4/1/7/H20)

hom verleen by artikel 20A (3) van die Wet op Bantoe-arbeid, 1964 (Wet 67 van 1964) trek hierby Goewermentskeenisgewings R. 531 van 3 April 1970 en R. 1260 van 7 Augustus 1970 in.

W A CRUYWAGEN, Adjunk-minister van Bantoesake. (Lêer A10/4/1/7/H20)

NOTICE 746 OF 1977  
DEPARTMENT OF LABOUR  
COMMISSION OF INQUIRY INTO LABOUR  
LEGISLATION

GG 5778  
21/10/77  
166

It is hereby notified for general information that questionnaires on—

- (i) the Registration for Employment Act, 1945;
- (ii) the Apprenticeship Act, 1944,
- (iii) the Training of Artisans Act, 1951,
- (iv) the Bantu Building Workers Act, 1951,
- (v) the Electrical Wiremen and Contractors Act, 1939,
- (vi) training in industrial relations, and
- (vii) the membership functions and financial affairs of employe and employee organisations and certain matters relating to industrial councils,

have been sent out to various known interested bodies and persons

Other interested bodies which or persons who wish to complete the questionnaires may obtain them from the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria. Questionnaires must be completed and returned to reach the Commission on or before 30 November 1977

(21 October 1977)

KENNISGEWING 746 VAN 1977  
DI PARTEMENT VAN ARBEID  
KOMMISSIE VAN ONDERSOEK NA  
ARBEIDSWETGEWING

Hierby word vir algemene inligting bekendgemaak vraeboek oor—

- (i) die Wet op Registrasie vir Werk, 1945;
- (ii) die Wet op Vakleerlinge, 1944
- (iii) die Wet op Opleiding van Ambagsmanne 1951,
- (iv) die Wet op Bantoebouwerkers 1951,
- (v) die Wet op Elektrotegniese Draadwerkers, Aannemers, 1939;
- (vi) opleiding in industriële betrekkinge en
- (vii) katal. funksies en finansiële aansleentehede van werke werke- en werknemersorganisasies, asook sake-ansleentehede rakende nywerheidsrade,

aan verskeie bekende belanghebbende instansies, persone uitgevoer is.

Ander belanghebbendes wat van die vraeboek wil in kennis kan hulle van die Sekretaris van die Kommissie van Ondersoek na Arbeidswetgewing, Private Bag X316, Pretoria, verkry. Vraeboek moet ingevul en teruggestuur word sodat dit die Kommissie voor of op 30 November 1977 bereik

(21 Oktober 1977)

### WIEHAHN COMMISSION Mining men at odds

The mining industry is battling to reach consensus over its evidence to the Wiehahn Commission. There has even been talk of some mining houses not associating themselves with the Chamber of Mines's evidence.

The *FM* understands that the Chamber's attempts to draw up proposals for Wiehahn have been delayed by disagreement between liberal and conservative factions within the industry.

The conservatives, said to be led by Gold Fields, apparently argue that migrant miners should be represented by "mine level committees" or "enterprise unions" only. The liberals argue that the conservatives' proposals will make it impossible for the industry to achieve a united industrial relations structure and that full trade union rights should be extended to black miners.

The conservatives seem to want to be left free to devise their own form of

worker management communication. The liberals reply that this could allow some mining houses to get away with virtually no worker representation while others bargain with strong worker bodies.

The *FM* understands that the dispute has been referred to the Chamber's executive which agreed to draw up a document to submit to the Commission.

This has not yet been fully debated, however, and some sources say it's unlikely that agreement will be reached when it's debated.

The Chamber claims, however, that the matter has been resolved. "We've reached consensus and a document is being drawn up. This should get to the Commission by the October 30 deadline," a spokesman tells the *FM*. He concedes, however, that the document "has not been approved by the Chamber yet."

Some of the more liberal industry men fear, however, that even if a document is agreed to, it will be of little value. "It will probably be very vague in an attempt to satisfy all parties. It's the old problem of watering down principles to preserve consensus," says one.

There is even a possibility, he says, that some of the houses will "go it alone" as far as evidence is concerned.



166

Sunday Tribune 23/10/77

# Board plans better deal on unemployment benefits

NEW MOVES are in hand to improve the efficiency of the Unemployment Insurance Fund and raise the ceiling at which people may claim benefits.

The Unemployment Insurance Board is also investigating the possibility of extending the present 28-week period for which people are eligible for benefits

Mr Jaap Cilliers, Secretary for Labour, said this week the board had recommended to the Minister of Labour that the ceiling at which benefits may be claimed should be extended from its present

## Tribune Reporter

R6 760 a year to slightly over R8 000

But because the ceiling is laid down in the Unemployment Insurance Act, any change will have to wait until the Minister can present an amendment to Parliament

Mr Cilliers said the department's recent announcement that in future it would prosecute employers who failed to complete their workers' UIF documentation appeared to be having the desired effect

"As far as I know we

haven't had to prosecute anyone, but the situation appears to be improving," he said

Failure of employers to complete the necessary documentation has been one of the major causes of delays in people drawing benefits up to now.

The department's inspectors have also been instructed to give priority to checking on workers' UIF cards on their visits to factories.

Much of the present campaign is due to the efforts of the Black Sash ad-

vice office in Durban, which deals with workers' complaints

The office found during interviews with workers over at least a year that a large majority were finding difficulties in drawing benefits because employers had either not applied for UIF cards for them or had not filled the cards in properly.

But after meetings in Durban between Mr Cilliers and Mrs Solveig Piper of the advice office a new approach to these problems was promised which has resulted in the department's new get tough policy.

**DEPARTMENT OF BANTU ADMINISTRATION  
AND DEVELOPMENT**

28 October 1977

No. R 2197  
COMING INTO OPERATION OF PART II OF  
SCHEDULE II TO PROCLAMATION R 70 OF 1972

Under and by virtue of the powers vested in me by  
Paragraph (d) (ii) of Proclamation R 70 of 1972, I,  
Michiel Coenraad Botha, Minister of Bantu Administra-  
tion and Development, hereby determine that the  
provisions of Part II of Schedule II to the said Proclama-  
tion R 70 of 1972, shall come into operation on 1  
November 1977  
M C BOTHA, Minister of Bantu Administration and  
Development  
14 October 1977 (ule R218/7/2)

No. R 2210  
CONTRIBUTIONS PAYABLE UNDER THE CONTRI-  
BUTIONS IN RESPECT OF BANTU LABOUR ACT,  
1972 (ACT 29 OF 1972)  
I Willem Adriaan Cruywagen Deputy Minister of  
Bantu Affairs, hereby declare, on behalf of the Minister  
of Bantu Administration and Development under the

28 October 1977

**DEPARTEMENT VAN BANTOE-ADMINISTRASIE  
EN -ONTWIKKELING**

28 Oktober 1977

No. R 2197  
INWERKINGTREDING VAN DEEL II VAN BYLAAG  
II VAN PROKLAMASIE R 70 VAN 1972

Kragtens die bevoegdheid my reëen by paragraaf  
(d) (ii) van Proklamasie R 70 van 1972 bepaal ek,  
Michiel Coenraad Botha, Minister van Bantoe-admini-  
strasie en -ontwikkeling, hierby dat die bepaalde van  
Deel II van Bylaag II van genoemde Proklamasie R 70  
van 1972, op 1 November 1977 in werking sal tree  
en  
M C BOTHA, Minister van Bantoe-administrasie en  
-ontwikkeling  
14 Oktober 1977 (leer R218/7/2)

No. R 2210  
BYDRAES BETAALBAAR KRAGTENS DIE WET  
OP BYDRAES TEN OPSIGTE VAN BANTOE-  
ARBEID 1972 (WET 29 VAN 1972)  
Ek, Willem Adriaan Cruywagen, Adjunk-minister van  
Bantoesake, handelende namens die Minister van Bantoe-  
administrasie en -ontwikkeling, verklaar hierby kragtens

28 Oktober 1977

166

powers vested in him by section 2 (1) and (5) of the Contributions in respect of Bantu Labour Act 1972 (Act 29 of 1972), that (a) each employer of each Bantu employee and (b) each Bantu who is in terms of the Bantu Labour Act, 1964 (Act 67 of 1964) or the regulations made thereunder permitted to work as a casual labourer or to perform any work on his own account in any remunerative activity or as an independent contractor in the administration areas as referred to in section 1 of the Bantu Affairs Administration Act 1971 (Act 45 of 1971), shall with effect from the first day of December 1977 pay the contributions indicated in the Schedule hereto

Government Notices R 545, dated 21 March 1975 and R 2306, dated 5 December 1975, are hereby withdrawn with effect from the first day of December 1977

W. A. CRUYWAGEN, Deputy Minister of Bantu Affairs.

(File A1/1/2/6)

#### SCHEDULE

1 R2,15 per month for each employee. Provided that in respect of the employees mentioned in paragraph 2, the contributions as indicated therein shall be payable

2 (a) (i) 40c per month or R4 per annum if paid in advance, for each employee who is in the service of the agricultural or farming industry and who performs a service in connection with the production, cultivation and/or processing of agricultural and/or farm produce produced on the farm or holding concerned, the transportation of such produce and/or the erection of facilities on the farm or holding concerned directly related to such production, cultivation and/or processing by the producer and inclusive of an employee who performs garden, domestic or similar duties for the said producer on the said farm or holding. Provided that the provisions herein contained shall also apply to an employee in the service of a co-operative movement which is formed—(i) under section 4 of the Co-operative Societies Act, 1939 (Act 29 of 1939) with the objects referred to in section 6 or 7 of the said Act, or (ii) under section 53 or 55 of the aforementioned Act, and which renders any service as hereinbefore mentioned on the farm or holding concerned, but only in respect of an employee in the service of such co-operative movement whose labour is applied directly or mainly to the rendition of such services. Provided further that the provisions of this subparagraph shall not apply to an employee whose labour is applied directly or mainly to any saw-milling activity on the farm or holding concerned.

(ii) in the case of an employer who before 1 January 1976 has already paid a contribution in advance in respect of an employee as provided in subparagraph (i) for a period extending beyond 31 December 1975 the contribution already paid for such period beyond 31 December 1975 shall be applied to the employer's credit and regarded as a portion of the payment in advance on an annual basis provided for in subparagraph (i) if the employer concerned elects before 29 February 1976 to convert the contribution so paid by way of a supplementary payment to a paid-in-advance contribution of R4 per annum

(b) 50c per month for each employee who is in the service of an organisation registered as a welfare organisation in terms of the National Welfare Act, 1965 (Act 79 of 1965), and whose labour is applied directly or mainly to the direct promotion of the objects of such organisation,

(c) 40c per month for each employee who is in the service of a natural person in the possession of a digger's certificate enabling him to dig on a alluvial digging as referred to in the Precious Stones Act, 1964 (Act 73 of 1964), and whose labour is applied directly or mainly to digging on such alluvial digging,

die bevoegdheid hom verleen by artikel 2 (1) en (5) van die Wet op Bydraes ten opsigte van Bantoe-arbeid, 1972 (Wet 29 van 1972), dat (a) elke werkgever van elke Bantoe-werknemer en (b) elke Bantoe wat kragtens die Wet op Bantoe-arbeid, 1964 (Wet 67 van 1964), of die regulasies daarkragtens uitgevaardig, toegelaat word om as 'n los arbeider te werk of om vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer, werk te verrig in die administrasiegebiede soos bedoel in artikel 1 van die Wet op die Administrasie van Bantoesake, 1971 (Wet 45 van 1971) met ingang van die eerste dag van Desember 1977 die bydraes in die Bylae hiervan uiteengesit, moet betaal

Goewermentskennisgewings R 545 van 21 Maart 1975 en R 2306 van 5 Desember 1975 word hierby met ingang van die eerste dag van Desember 1977 ingetrok.

W. A. CRUYWAGEN, Adjunk-minister van Bantoesake.

(Lêer A1/1/2/6)

#### BYLAE

1 R2,15 per maand vir elke werknemer. Met dien verstande dat ten opsigte van die werknemers in paragraaf 2 genoem, die bydraes soos daarin genoem, betaalbaar is

2 (a) (i) 40c per maand of R4 per jaar indien vooruitbetaal, vir elke werknemer wat in die landbou- of boerderybedryf in diens is en wat 'n diens verrig in verband met die produksie, bewerking en/of verwerking van landbou- en/of boerderyprodukte op die betrokke plaas of hoeve geproduseer, die vervoer van sodanige produkte en/of die oprigting van fasiliteite op die betrokke plaas of hoeve, wat direk in verband staan met sodanige produksie, bewerking en/of verwerking deur die produsent en met insluiting van 'n werknemer wat tuin-, huis- of soortgelyke werk vir bedoelde produsent op bedoelde plaas of hoeve verrig. Met dien verstande dat die bepalings hierin vervat ook van toepassing is op 'n werknemer in diens van 'n kooperatiewe beweging wat opgerig is—(i) kragtens artikel 4 van die Wet op Kooperatiewe Verenigings, 1939 (Wet 29 van 1939), vir die doeleindes bedoel in artikel 6 of 7 van gemelde Wet of (ii) kragtens artikel 53 of 55 van gemelde Wet, en wat enige diens soos hierbo gemeld op die betrokke plaas of hoeve lewer, maar slegs ten opsigte van 'n werknemer in diens van sodanige kooperatiewe beweging wie se arbeid direk of hoofsaaklik vir sodanige dienslewering aangewend word. Met dien verstande verder dat die bepalings van hierdie subparagraaf nie van toepassing is nie op 'n werknemer wie se arbeid direk of hoofsaaklik aangewend word vir enige saagmeulbedrywigheid op die betrokke plaas of hoeve;

(ii) in die geval dat 'n werkgever voor 1 Januarie 1976 reeds 'n bydrae ten opsigte van 'n werknemer soos in subparagraaf (i) bedoel, vooruitbetaal het vir 'n tydperk wat tot na 31 Desember 1975 strek, word die bydrae wat vir sodanige tydperk na 31 Desember 1975 reeds betaal is, tot die werkgever se krediet aangewend en 'n deel te wees van 'n vooruitbetaling op 'n jaargrondslag, soos in subparagraaf (i) bedoel, as die betrokke werkgever voor of op 29 Februarie 1976 verkies om die bydrae by wyse van 'n aanvullende betaling te omskep in 'n vooruitbetaalde bydrae van R4 per jaar

(b) 50c per maand vir elke werknemer wat in diens is van 'n organisasie geregistreer as 'n welsyn-organisasie ingevolge die Nasionale Welsynswet, 1965 (Wet 79 van 1965) en wie se arbeid direk of hoofsaaklik aangewend word in verband met die direkte bevordering van die doelstellings van sodanige organisasie.

(c) 40c per maand vir elke werknemer wat in diens is van 'n natuurlike persoon in besit van 'n delwersertifikaat wat hom in staat stel om op 'n alluviale delwery soos bedoel in die Wet op Edelgesteentes, 1964 (Wet 73 van 1964), te delf en wie se arbeid direk of hoofsaaklik aangewend word vir delwing op bedoelde alluviale delwery,

(d) 80c per month for each employee at a public or private institution approved by competent authority

(e) 10c per month for each employee in respect of whom provision is made by a competent authority as provided by the employer excluding the employee's head or head of institution (applies to all employees)

(f) 10c per month for each employee who performs work in a household and who is in the employ of a private household holder who occupies a house, flat, room or other residence

3 R1.20 per month by each Bantu who, in terms of the Bantu Labour Act, 1964 (Act 67 of 1964), or the regulations made thereunder, is permitted to work as a casual labourer, or to perform any work on his own account in any remunerative activity or as an independent contractor

(d) 80c per maand vir elke werknemer in diens by 'n openbare of 'n privaat instelling goedgekeurde deur kompetente owerheid

(e) 10c per maand vir elke werknemer in verband met wien voorsiening is gemaak deur 'n kompetente owerheid behalwe die werknemer se hoof of hoof van 'n instelling (toepaslik op alle werknemers)

(f) 10c per maand vir elke werknemer wat werk verrig in 'n huishouding en wat in diens by 'n privaat huishouder wat 'n huis, woonstel, kamer of ander woning okkupeer

3 R1.20 per maand deur elke Bantoe wat kragtelos die Wet op Bantoe-werk 1964 (Wet 67 van 1964), of die regulasies daarkragtelos uitgevaardig, toegelaat word om as 'n los arbeider te werk of om vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aanwerner te werk te verrig

RAPPOORT 30/10/77  
166  
Vroue-  
arbeid  
bekyk

PRETORIA — Die Wiehahn-kommissie van ondersoek na arbeidswetgewing het 'n studiegroep gestig om wetgewing in verband met vroue-arbeid te bekyk. Die groep is veelrassig en sal ondersoek instel na indiënsnemingspraktyk, nywerheidsverhoudinge, bestaansveiligheid, ekonomiese standaarde en opleiding van vroue. — (Sapa).

OF THE HON. MR. S. P. MATHA, MINISTER OF LABOUR AT THE  
 CONFERENCE ON "THE CHANGING FACE OF INDUSTRIAL RELATIONS"  
 HELD AT JOHANNESBURG ON MONDAY, 31 OCTOBER 1977

DATE: MONDAY, 31 OCTOBER 1977

To Chairman and gentlemen,

It is indeed a great privilege for me to open this Conference of your organisation. I thank you for the invitation which affords me the opportunity to strengthen our relationship and at the same time to make new acquaintances.

The subject of your Conference, namely *THE CHANGING FACE OF INDUSTRIAL RELATIONS IN SOUTH AFRICA* is not only very interesting but also very crucial for the times that we live in. It is a subject which presently forms the focal point of investigation by a Commission of Inquiry and I am very pleased that an organisation of your standing regards it of such importance that you have arranged this one-day conference on this topic. I sincerely trust that the outcome of this Conference would in some

-2-

or other way find its way in memorandum form to the Commission of Inquiry into Labour Legislation.

The subject of my address to you is the Bantu Labour Relations Regulation Act as part of a process of change in the regulation of Bantu labour relations. This Act is the main theme of your Conference today and I am of the opinion that your priority in this regard is correct because the labour relations of Bantu workers are perhaps one of the most important issues for South Africa and other African countries in Southern Africa.

The system of regulation of labour relations for Bantu workers is also closely tied up with the history of the system for non-Bantu workers in South Africa. The first Industrial Conciliation Act was passed in 1924 and was subsequently re-enacted and amended a number of times. The 1924 Act defined *EMPLOYEE* in such a way as to exclude Bantu in the Transvaal and Natal as well as native labourers recruited by labour agents under the Native Labour Regulation Act, No. 15 of 1911 from the Industrial Conciliation System. However, it was still possible for certain Bantu in the Orange Free State to

participate with other race groups in the trade unions and negotiating machinery provided by the Industrial Conciliation Act of 1924.

In 1937 the Industrial Conciliation Act was re-enacted and the exclusion of Bantu workers was taken a stage further by excluding those workers whose contracts of service were regulated by the provisions of the Natives (Urban Areas) Act No. 21 of 1923, the provisions of which could be applied throughout the then Union of South Africa. However, a very confused position then arose because Bantu female workers were regarded as *EMPLOYEES* for the purposes of the Act (as was decided by the Transvaal Supreme Court in 1946) and it was also acknowledged that not all Bantu workers were entirely excluded from the provisions of the Act. In 1956, however, the present Industrial Conciliation Act was passed in which the matter was classified beyond any doubt namely by excluding the Bantu from the definition of *EMPLOYEE* and hence also from the negotiating machinery of the Act.

It does not mean, however, that the Government then became indifferent to the

/4.

the labour relations between an Employer and his Bantu workers. Black trade unions for example were never forbidden in this country and have always had the opportunity to develop into effective bargaining units. However, our experience has been that, particularly during the pre-war period, the late forties and early fifties, black trade unions showed very little development and, with few exceptions, have fallen victims to political agitators who took those unions beyond their true objectives or they ran into financial difficulties.

It never was the Government's policy to expose the Bantu worker to any situation in which he could be exploited or abused. This would have been the case if he was allowed to be absorbed into the trade union system of that time - a system which was too sophisticated for him. On the other hand the Government could not leave the Bantu Worker without any system whatsoever. Not only would he be without a means of communication but he would again have fallen the victim of the paternalistic system of the White, Coloured and Asian dominated trade unions.

/5.

The result was that the Government, after having excluded the Bantu worker from the definition of *EMPLOYEE* of the Industrial Conciliation Act had to develop a more and more suitable system for the Bantu Workers. This proposal resulted in the promulgation of the Bantu Labour (Settlement of Disputes) Act No. 48 of 1953. The Act established regional Bantu labour committees which consisted of a White labour officer as chairman and at least three Bantu members. All members were appointed by the Minister. This Committee's main task was to assist with the settlement of disputes. In final instance this Committee could be assisted in dispute settling by the Central Bantu Labour Board which was also appointed by the Minister.

As regards labour relations within the establishment, the Act also provided for the election of Works Committees in those establishments. These Committees whose members varied between three and five members did not have bargaining powers.

In 1973 we experienced certain strikes, particularly in the Durban area, among the Black workers. Investigations proved that the system for Black workers under the

/6.

-6-

then Bantu Labour (Settlement of Disputes) Act was lacking in important respects. The result was the promulgation of a major amendment to that Act by the provisions of what is today known as the Bantu Labour Relations Regulation Act in 1973.

This Act proved to have been a most positive step in the direction of improving labour relations for our Bantu workers. It makes provision for works committees, liaison committees, co-ordinating committees, participation in the bargaining process of Industrial Council by Bantu representatives whenever an agreement is negotiated containing conditions of service of Bantu workers, protection of the right to belong to a committee and many, many more matters. - far too many to deal with in this address.

The Committee system has indeed taken strong root in our economy and at present we have seventeen Regional Committees and more than 2 800 works and liaison committees registered in terms of the Act. These committees represent almost 800 000 Bantu workers in South Africa. Indications are strong that more and more committees are being established and that their success is growing by the day. In fact, I have been informed

17



a number of times that non-Bantu workers are now also asking for their own works- and person committees. They see and appreciate the value of the committee system which in certain ways has certain advantages over the Industrial Council System. Firstly the committee system gives the employees an opportunity to negotiate directly with their employer in the establishment. Secondly it gives quicker results and can be more effective for the employees. However, I do not want to play the Industrial Council System down against the committee system. Both are good and have an existence in their own right. The point is that the Committee system appears to me, has come to stay and is developing into an effective system of labour relations regulation.

Because of its inherent dynamic growth potential, it must of necessity adapt itself to changing times. It is in a constant process of change and must develop with the demands of the time. Last year it became clear that bargaining power should be given to Bantu workers within their own system. My predecessor, Minister Marais Viljoen, proposed an industry committee system for Bantu workers. This unfortunately met with

/8.

so much opposition that I had to withdraw his proposed legislation when I succeeded him as Minister of Labour. The result was that we decided to extend the powers of the existing system by giving the committees bargaining powers. This development was more acceptable than the industry committee proposal of my predecessor.

I have no intention of dealing with the amendment to the Act which came into force at the beginning of last month. You will do this at this Conference and I know that you will also deal with many problems caused by this amendment to the Act. I must, however, point out that the committees, good as they were before the amendment, lacked *TEETH* in that they could not really fulfil the functions that were originally intended for them. I could not leave the liaison committee merely to "consider" matters which are of mutual interest to the employer and his Bantu employees and "to make to the employer such recommendations" concerning conditions of employment or any other matter affecting the interest of the employees. Neither could I leave the works committee merely to "communicate the wishes, aspirations and requirements of the employees to their employer"

and to represent the employees in any negotiations" with their employer concerning the conditions of employment. The effectiveness of these committees was developing so fast and would have led to frustration had I left them without negotiating powers.

Daarom, Meneer die Voorsitter, het die proses van verandering - 'n proses wat, soos ek aangedui het, reeds meer as twintig jaar gelede begin het - dit genoodsaak dat die stelsel vir die reëling van Bantoe-Arbeidsverhoudinge voortdurend moet aangepas word. In dit is waarom die wysigingswet hierdie jaar deur die Parlement aanvaar is. Die komitees het nou uitdruklike onderhandelingsbevoegdheide en kan dus regtens bindende ooreenkomste met hulle werkgewers sluit.

Dit is my beleid om niks te doen wat ingrypend van aard is sonder om alle belanghebbende partye te raadpleeg nie. Daarom het ek my dit ten doel gestel om, alvorens ek die wetsontwerp deur die Parlement sou loods, alle betrokke werkgewersorganisasies en vakbonde daarvoor te raadpleeg. Nie alleen het my beleid van inspraak die nodige goeie verhoudinge bewerkstellig nie maar ek het ook daarin geslaag om almal se instemming te verkry vir die verlening van onderhandelingsbevoegdheide aan die verskillende komitees.

/10.

-10-

Ek kan dus sê dat die wysigingswet tot die Wet op die Reëling van Bantoe-Arbeidsverhouding vandag op die Wetboek staan nie as my Wet nie, maar eerder as ons Wet. Dit sal ook nog steeds die geval bly in die toekoms - raadpleging op die wydste moontlike vlak met almal wat by die saak betrokke is.

Maar, meneer die Voorsitter, ek glo dat stromende water altyd helder bly! Staande water raak besoedeld en sleg! Netso glo ek dat namate die tyd aanstap moet dinge ook beweeg anders agterhaal ontwikkelinge jou en bly jy agter. Ek is bewus van probleme wat kan ontstaan en wat reeds ontstaan het in sekere sektore van ons ekonomie as gevolg van die feit dat ons nou twee stelsels langs mekaar het - een vir nie-Bantoes en die ander vir Bantoes. Dit is probleme wat ons nie almal kon voorsien het by die aanname van die wysigingswet nie. En ek is seker dat u in vandag se Konferensie op nog meer probleme gaan wys wat nou in die praktyk ervaar word. Daarom waardeer ek hierdie Konferensie van u des te meer. Dit help ons ook, net soos die seminare en simposia wat elders gehou is om nuwe lig te kry en knelpunte uit te skakel.

/11.

Omdat ek van ander probleme besorg is en gesien die tydsgewrig waarin ons leef  
het ek besluit om 'n kommissie van ondersoek aan te stel om die hele stelsel van reëling  
en arbeidsverhoudinge in Suid-Afrika te ondersoek en verslag daaroor uit te bring  
wie alreëls leef ons nou in ander tye nie, maar die Bantoewerker het in die afgelope twee  
dekades ool fenomenale ontwikkeling gemaak. Voeg daarby die ontwikkeling van die tuisland  
in Suid-Afrika en die gevolge wat van ons op arbeidsgebied daaruit gaan voortspruit, dan  
sal u begryp dat die aanstelling van die Kommissie nie langer uitgestel kon word nie.  
Daarom wil ek hê dat u die Kommissie se aanstelling en sy opdrag moet sien as deel van die  
proses van verandering wat ook die Reëling van Bantoe-Arbeidsverhoudinge ten nouste raak.

Die komiteestelsel onder die Wet op die Reëling van Bantoe-Arbeidsverhoudinge was  
'n direkte uitvloeisel van die Regering se beleid om die afsonderlike bevolkingsgroepe  
in ons arbeidsmag te beskerm. Ons was nog nooit en is nou ook nie van plan om werkers wat  
nie wil saam wees of werkers wat uiteraard nie saamhoort nie saam te dwing nie. Die  
Regering glo dat elke individu en elke groep sy regmatige plek in die ekonomie van ons

/12.

land behoort te hê. Dit is Regeringsbeleid dat diskriminerende maatreëls noukeurig  
nagegaan moet word met die oog op hulle eliminering of spoedige uitfasering. Die  
Regering glo ook dat minderheidsgroepe se ekonomiese sekuriteit erken en beskerm behoort  
te word. Hierdie is maar enkele van die Regering se beleidsraamwerke vir die arbeidsgebied.  
Maar ek wil dit duidelik stel dat nóg die Regering, nóg ek, het aan die Kommissie voorge-  
skryf wat sy bevindings moet wees of waarheen die Regering wil hê die aanbevelings moet  
gaan. Die Kommissie het 'n absolute vrye hand oor sy werksaamhede, getuienis-inwinning,  
beredenering en bevindinge. Nóg ek, nóg enigiemand anders insluitend die Kommissie darf  
vir u te sê wat die aanbevelings van die Kommissie behoort te wees. Dit staan dus u  
Konferensie vandag hier vry om die onderwerp van bespreking objektief, onbevooroordeeld  
en onbeïnvloed te ondersoek. Ek vertrou en ek weet dat die resultate van vandag se  
bespreking net positiewe resultate sal lewer.

Ek wil ten slotte enkele gedagtes ter oorweging vir u nalaat. Eerstens, moet u  
in gedagte hou dat met die totstandkoming van die tuislande die Bantoe-arbeidsmag

/13.

belangrike staatkundige karakterveranderinge sal ondergaan. Transkei is reeds onafhanklik en Bophututswana raak eersdaags onafhanklik. Meer tuislande sal ook nog onafhanklik raak en daarmee verkry die Bantowerkers ander burgerskap. Die meeste geïndustrialiseerde gebiede sal hierdour ten nouste geraak word. Transkei beïnvloed die Grens/Oos-Kaap gebied, Bophututswana raak weer die PWV-gebied en Kwa Zulu sal die Durban-Pinetown gebied affekteer. In sekere van hierdie gebiede sal werkers daaglik heen-en-weer oor landsgrense tussen hulle tuistes en werksplekke reis. Afgesien daarvan sal byvoordele soos pensioenfondse, siekefondsvoordele, (ook vir afhanklikes in die tuislande), behuising en ander aspekte van die werker se sosiale en gesinslewe, waarby werkgevers in toenemende mate betrokke gaan wees, aangeleenthede word van internasionale aard. Daarom is dit my mening dat huidige en toekomstige sisteme vir die reëling van arbeidsverhoudinge hierdie staatkundige ontwikkeling in Suidelike Afrika nie uit die oog kan verloor nie. Werkgevers, hulle organisasies, ander instellings van aansien soos dié van u en ook ander sal moet rekening hou met hierdie ontwikkeling. Toekomstige beplanning en bespreking sal daarvoor moet voorsiening maak.

/14.

-14-

Dit dien hier gemeld te word dat hewel die komitee-stelsel onder die Wet op die Reëling van Bantoe-Arbeidsverhoudinge hier en daar deur enkelinge gekritiseer word, dit nietemin deur die meerderheid van die leiers van die tuislande beskou word as 'n model of 'n voorbeeld van hoe hulle arbeidsverhoudinge in hulle onderskeie lande sal wil reël. Sommige van hulle is byvoorbeeld uitgesproke teenstanders van die vakbondstelsel. Daarom is dit belangrik dat die Wet op die Reëling van Bantoe-Arbeidsverhoudinge ook in sy internasionale konteks gesien moet word. Dit is 'n uiters belangrike perspektief daarvan en kan nie sommer goedsmoeds afgeskryf word nie.

Die tweede aspek wat ek onder u aandag wil bring en wat in 'n mate voortvloei uit die staatkundige ontwikkeling in Suidelike Afrika wat gaan meebring dat meer en meer burgers van vreemde lande hier werk, is die feit dat die verhouding in die werksplek tussen werker en werker van toenemende belang gaan word. U kan u self voorstel hoe belangrik dit gaan word dat arbeidsvrede in die werksplek gehandhaaf sal moet word. En laat ons nou maar eerlik wees oor die saak - watter instelling sal beter toegerus wees

/15

daarvoor as juis die komiteestelsel op die ondernemingsvlak? Ek wil beweer dat die komitee in die onderneming uitstekend toegerus is of die ideale instrument sal wees waardeur die werker/werkerverhouding gereël kan word. Met respek glo ek nie dat 'n vakbond, sy goeie eienskappe en voorbeeldige geskiedenis in Suid-Afrika ten spyte, so suksesvol sal kan wees met die reëling van harmonieuse verhoudinge in die werksplek waar werkers van vreemde lande met mekaar gaan skouers vryf nie. Dit kom my dus voor dat die komiteestelsel se rol baie belangrik gaan wees en dat die funksies daarvan dalk uitgebrei sal moet word. Ek wil u Konferensie dus vra om in u beredeneringe vandag nie net op die probleme wat deur die Wysigingswet veroorsaak word te konsentreer nie, maar om ook 'n voortwaartse blik te werp op die potensiaal wat die stelsel inhou om goeie arbeidsverhoudinge in die onderneming in die lig van die Staatkundige ontwikkelinge in Suidelike Afrika te bevorder.

Meneer die Voorsitter, daar is nog baie ander aspekte wat ek onder u Konferensie se aandag kan bring, maar ek weet dat u aan die werk wil kom. Daarom sluit ek af met die enkele opmerking wat in 'n sterk mate saamhang met die hele agtergrond van die Wet op /16.

die Reëling van Bantoe-Arbeidsverhoudinge. Ons moet aanvaar dat Suid-Afrika, ten spyte van die bestaan van die aantal onafhanklike Afrika-lande om ons en die ontstaan van onafhanklike tuislande in die gebied, nog vir dekades die werksplek gaan bly van die subkontinent. Suid-Afrika sal steeds 'n belangrike werkverskaffer wees vir al hierdie lande se mense. Hulle sal hierheen kom, nie alleen om te werk nie, maar ook om te leer van ons en een van die belangrikste aspekte wat hulle in die werksituasie te doen gaan kry is hoe om arbeidsverhoudinge te reël.

Die reëling van arbeidsverhoudinge in die werksplek - die hoe en waarom daarvan - gaan 'n baie belangrike rol speel in die leer en onderrigproses van die Bantowerker in Suid-Afrika. Dit geld nie alleen vir die burgers van die tuislande en ander Afrika-state wat hier werk nie, maar ook vir ons eie Bantoe-werkers. Na my mening kan die komiteestelsel se rol in hierdie leerproses van die Bantoe-werker nie oordryf word nie. Waar u vandag die nuwe bedingingsmagte van die komitees gaan bespreek moet dit ook in gedagte gehou word, dat met al die probleme wat dit moontlik kan skep sowel as die voordele wat dit inhou,

dit ook die Bantoe-werker die geleentheid bied om die basiese elemente van die bedingingsproses te leer. Dit word in 'n groot mate die meganisme af waardeur hy as belangrike vennoot aan die reëling van sy eie arbeidsverhoudinge kan deelneem in die werksplek. Dit is deel van die proses van verandering wat die Wet meegebring het - die proses is deurlopend!

Geagte meneer die Voorsitter en here, nogmaals dankie vir die geleentheid om hierdie Konferensie te open.

Ek wens u 'n suksesvolle dag toe met die wete dat die beredeneringe en gesprekke baie vrugbaar sal wees.

Hartlike dank.

ISSUED BY THE DEPARTMENT OF INFORMATION AT THE REQUEST OF THE  
MINISTRY OF LABOUR

PRETORIA

31 OCTOBER 1977

# Labour apartheid under scrutiny, says S P Botha

PRETORIA. — The Minister of Labour, Mr S P Botha, said in Johannesburg yesterday it was government policy that discriminatory labour measures should be looked at closely with a view to eliminating them or phasing them out.

Opening the National Development and Management Foundation conference on "The changing face of industrial relations," Mr Botha said the government believed that minority groups' economic security should be acknowledged and protected.

Neither the government, nor he, had prescribed to the commission investigating labour relations in South Africa what its findings should



Mr Botha

be. The commission had an "absolutely" free hand, he said.

It should be accepted that South Africa would for decades remain the work place of the subcontinent.

The government was never indifferent to labour relations between employer and black worker. Black trade unions, for example, were never forbidden in SA, and always had the opportunity to develop into effective bargaining units.

However, particularly during the pre-war period, the late forties and early fifties, black trade unions showed very little development, and, with few exceptions, had fallen victim to political agitators

The Minister said there were strikes, particularly in the Durban area, in 1973 among black workers. It was found the Bantu Labour (Settlement of Disputes) Act was lacking in important respects.

The result was the development of the Bantu Labour Relations Regulations Act in 1973. This made provision for works, liaison and co-ordinating committees which could take part in the bargaining process.

The committee system had taken strong root, Mr Botha said. There were 17 regional committees and more than 2 800 works and liaison committees registered in terms of the Act. They represented almost 800 000 workers. They could conclude binding agreements with employers.

NOTICE 765 OF 1977

DEPARTMENTS OF LABOUR AND OF MINES

COMMISSION OF INQUIRY INTO LABOUR LEGISLATION

Further to the final paragraph of Government Notice 595 of 1977 appearing in *Government Gazette* 5790 of 26 August 1977, it is hereby notified for general information that the Commission will be sitting in the Board Room (Room 317), Department of Labour, Third floor, Masonic Grove Government offices, Esplanade Durban, from 14 to 18 November 1977 to hear evidence

Enquiries can be directed to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria, 0001

(4 November 1977)

KENNISGEWING 765 VAN 1977

DEPARTEMENTE VAN ARBEID EN VAN MYNWESE

KOMMISSIE VAN ONDERSOEK NA ARBEIDSWETGEWING

Ter opvolging van die slotparagraaf van Algemene Kennisgewing 595 van 1977 wat in *Staatkoerant* 5720 van 26 Augustus 1977 verskyn het, word hierby vir algemene inligting bekendgemaak dat die Kommissie vanaf 14 tot 18 November 1977 'n sitting in die Raadsaal (Kamer 317), Departement van Arbeid, Derde Verdieping, Masonic Grove Staatskantore, Esplanade, Durban sal hou om getuens aan te hoor

Navraag kan aan die Sekretaris van die Kommissie van Ondersoek na Arbeidswetgewing, Privaatsak X316, Pretoria, 0001, gerig word

(4 November 1977)



ADDRESS BY THE HONOURABLE S P BOTHA, MINISTER OF LABOUR AND OF MINES  
AT THE ANNUAL BANQUET OF THE SOUTH AFRICAN GERMAN CHAMBER OF TRADE  
AND INDUSTRY ON THURSDAY, 10 NOVEMBER 1977 AT THE CARLTON HOTEL,  
JOHANNESBURG

EMBARGO AT 21h30 ON THURSDAY, 10 NOVEMBER 1977

Mr. President, your Excellency Mr Eick, Ambassador of Germany, Mr  
Mayor ladies and gentlemen.

I sincerely appreciate the opportunity of addressing your Chamber  
on this prestigious occasion. It not only affords me an opportunity  
to make personal contact but it also contributes towards the pro-  
motion of sound relationships which your Chamber has already es-  
tablished in South Africa. I was also delighted by the news that  
your Chamber's function here is honoured by the attendance of  
parliamentarians from the opposition party in Germany. I also  
wish to bid them welcome to South Africa and trust <sup>that</sup> their visit to  
our country will be most fruitful and interesting.

I am aware of the fact that your Chamber is very active and suc-  
cessful in South Africa and from my observations I am certain that  
you are doing excellent work. The Government of the Republic of  
South Africa prides itself in <sup>the</sup> fact that the principle of free  
enterprise which is so inherent to any capitalistic economic sys-  
tem is still recognised and maintained in this country. South  
Africa subscribes fully to the ideal of sovereignty - not only  
in so far as it applies to the spheres of religion, culture, trade  
and industry in a country, but also as it should be recognised  
and respected in international relations between States. South  
Africa is a sovereign and autonomous country determining her own  
course and destiny. Any country upholding the principles of auto-  
nomy and non-intervention abhors interference in her affairs.  
To us it is an injury to our national pride and selfrespect to  
experience the interfering interest that the world now shows in  
our affairs. Apart from the fact that this sort of interest is  
prejudicial to our dignity and to the disadvantage of all the

....peoples...../2

peoples in South Africa - more important of all - it creates a dangerous precedent opening the door for harmful interference through the United Nations and other international agencies in the affairs of countries whose policies and practices are not in line with the desires and aims of certain bloc-countries.

South Africa welcomes bona fide and benevolent interest and advice by our friends which could contribute to a positive and constructive solution to our problems and the enhancement of our relationship. But Mr President who is in a better position than ourselves to know and understand the problems of Southern Africa who is in a better position than Europe itself to understand her problems. It is because we have the depth of more than three hundred years of experience in Africa - - that we are best in a position to solve African problems. We are Africans and part of Africa. The policy of separate development is based on the realities of Africa and the urge for self determination of cultural groups. Geographically and constitutionally the Republic is one country but ethnically, culturally and in most other respects it consists of a number of different nations. In other words, South Africa accommodates a number of modern awakening nations within boundaries drawn in colonial times. I need not tell you that the nations such as the Zulus, the Xhosas, the Tswanas, the Sothos and many others within South Africa, differ from one another as the French do from the Germans or the Italians from the Dutch. To ignore this reality was the fundamental error which the colonial powers of previous centuries have made. However, they at the time, did not have the knowledge and insight of present day anthropologists and sociologists. The contradictory aspect, however, is that those who attack colonialism in the world and everything that goes with it, at the same time, tenaciously stick to the arbitrary boundaries drawn by the colonial powers in previous centuries- boundaries which have separated the people of many African nations into different States and, on the other hand, have forced people of different nations into a single African State.

.....It...../3

It is often said that there are none so blind as those who will not see. A truth which the international community so conveniently neither recognises nor appreciates is the fact that the South African Government is one government which honestly and scientifically attempts to dismantle the colonial era in Africa its fullest. But Mr. President, ladies and gentlemen, we have learned to accept that we live in a world in which theory and practice are totally different aspects. While peace, prosperity, equality, respect, dignity and many other good things in life are written in constitutions, manifestos, conventions and other "holy" documents, at the same time, terrorism and bloodshed is sanctioned, discrimination between nations is practiced, famine among millions of people is allowed to increase, the arms race is continuing and the natural resources of the earth, is allowed to be either polluted or deleted. In fact, it is not an overstatement to say that the international community commits every sin that it preaches against. It has become a way of life that the world, including us, are forced to accept - a life full of contradictions and hypocrisy. As Leibniz once said, "Let those sweat who cannot abide in antinomy!"

However, while the Republic of South Africa strongly subscribes to the principles of autonomy and non-interference it cannot afford to be insensitive to the opinion of the outside world. In fact, Mr President, we are indeed keenly aware of our international position namely, that, although South Africa might be physically far removed from the United States and Europe, in all other respects, our involvement in world affairs has become tremendously greater - we have been drawn much closer to the arenas where the dynamic processes of change are taking place. Whatever we do here is constantly under the focus of international attention and must unavoidably cause reaction. Despite what you might have heard or what you might think, the government is extremely sensitive to South Africa's internal and external position knowing that whatever happens here not only affects the citizens of this country, but also those citizens and companies who live and do business here.

It goes without saying that South Africa welcomes good political, cultural, economic and other relations with friendly countries and international organisations. We regard your country as one of the most stable and prosperous countries in the world today. It has shown a remarkable recovery on all fronts after the war and has succeeded in keeping its priorities in the correct order. In fact your country is to an increasing extent serving as a model for other countries to follow in many, many respects. I need not refer to the very strong economic ties that exist between your country and South Africa - you are in a better position to evaluate this strong relationship.

For us in the labour world, West Germany is serving as a most important source of information on many aspects. An increasing number of labour lawyers, labour economists, labour sociologists and other specialists in this country have received their specialised training in West Germany. Your country's immense contribution to the development of labour science in the modern world is internationally recognised.

Your sound system for the regulation of labour relations is no doubt fundamental to your economic success and we can learn from you because we know that you set the highest standards for yourself.

I want you to know that we sincerely appreciate your country's and, in particular, your Chamber's interest in the affairs of South Africa - an interest which has always been in good faith, genuine and well balanced. Mutual respect for the dignity, autonomy and integrity of countries, has always been the basis of the sound relationship between our two countries. What is equally important is your appreciation of the problems that South Africa is experiencing. We have no illusions about the difficult times that we live in and those that are about to dawn upon us. We will need your friendship, advice and understanding all the more.

However, Mr President and honoured guests, despite all the evil things that are being said about South Africa, despite the bad image of us that is being projected into the world by our enemies, it is still a wonderful country of which we South Africans are

proud. We have much to be proud of - much to be praised for and much which could serve as examples for many countries which presently accuse us.

We believe that one of the most severe tests of any established system is its capacity to adapt itself to the changing patterns of a modern society. No system in any country dare remain static or else unwelcome and undesirable changes will overtake it. On the other hand, we believe that revolutionary changes tend to endanger law and order - the very cornerstones of a stable society. For that reason changes <sup>ought</sup> to be progressive but above all, be evolutionary and to the best advantage of all concerned. This simply means changes ought to be brought about without disruption of society.

Proof of the fact that the Government is conscious of the need to adapt policies and laws to the demands of the times and to the needs of its peoples, is in abundance. The proposed changes in the constitution of the country, the appointment of many commissions and many other developments all prove that we are in a constant process of change. In so far as the utilisation of manpower and labour relations are concerned, I wish to make brief reference to what has and is at present happening on the labour front in South Africa.

This year, for example, amendments to the Bantu Labour Relations Regulation Act passed by Parliament not only enable Black persons to be elected to all the statutory bodies under that Act but have significantly extended bargaining powers of Black workers in the regulation of their labour relations with their employers. But perhaps more important than that is the fact that in this year I have appointed a Commission of Inquiry to investigate the whole system of regulation of labour relations in South Africa - a Commission which is regarded as of the utmost importance both here and overseas. The Commission's terms of reference are widely stated and I am pleased to say that the Commission is working as fast and as hard as possible.

Specialised scientists in the field of Labour who have had the

.....privilege...../6

privelege of co-operating with the commission commented most favourably and are of the opinion that the final report will be a monumental document in the history of South African industrial relations. I might add that neither I nor the Cabinet have prescribed to the Commission what its findings or recommendations should be - the Commission has an absolutely free hand. My information is that the reaction to the Commission's invitation for evidence has been overwhelming and all indications are that the Commission will come out with a report backed by the broadest base of evidence possible.

It stands to reason that the Commission will recommend certain adaptations to changed conditions. After all that is the very reason appointing Commissions. Although I am not in a position to predetermine the findings and recommendations of the Commission, I have instructed the Commission to give urgent attention to certain aspects of labour relations in South Africa which I regard as vital issues. The three issues are firstly, the system of worker representation and negotiation, secondly, the subject of industrial relations training and, thirdly, the issue of discriminatory measures and practices.

This last issue, namely of discrimination, is a delicate and most sensitive matter because it evokes all kinds of emotions in people. It is understandably so because, as you will appreciate, it largely involves the job security and economic future of certain groups of workers in South Africa. Although the Commission is aware of the policy that South Africa should move away from discrimination on the grounds of race or colour, it nonetheless remains a complex problem which to a large extent finds its roots in the historic development of the lifestyle in South Africa. Those who hold the opinion that adaptations can be affected by a single stroke of the pen, think too lightly on the problem. However, Mr President, ladies and gentlemen I am hopeful that the Commission will come up not by discriminatroy measures, but by

a different and effective mechanism. In such a way discrimination can be eliminated,

The lack of time does not permit me to deal in detail with the other two issues except that I must mention, that, the general consensus of opinion appears to be that Industrial Relations Training can no longer be ignored by those who operate in this field. I have no doubt that we will have to move fast to fill the vacuum that exists in this regard in the country.

Finally, I want to mention the fact that the Research Bureau in my Department is developing fast and efficiently. An important task of the Bureau is research in liaison with the international labour world. The past few months have shown dramatic development by the Bureau in this respect. It is not appropriate now to elaborate too much on these developments. Suffice it to state that my direction of thinking is that the Department should be more outward looking, public relations conscious and more involved. So far it has done good work but like the system and the laws which we are at present examining, so the Department occasionally also needs a new direction to prevent stagnation. This new approach will be reflected in a quarterly publication by the Research Bureau which would be distributed worldwide in four different languages.

I must also mention the existence of the one-man Commission consisting of Mr. Kiebert, Economic Advisor to the Prime Minister. I expect that the two Commissions will work in close collaboration as both Commissions are to investigate labour matters under different departments. In so far as your Chamber is concerned it is of the utmost importance that both Commissions have the fullest support in the important work they are doing. May I appeal to you to work with these Commissions and assist them as far as you and your members can. This would be a positive approach to the problems of our

country and in this way you can pride yourself in the fact that you are involved in a process which is beneficial to all the citizens of South Africa. The government is highly appreciative of the valuable contribution your Chamber is already making and I can conclude in no better way by wishing you everything of the best for the future.

Thank you for your attention!



# End job curbs, says industry

Argus 11/11/27 X 166

THE Cape Chamber of Industries has called for the abolition of all job reservation and for multiracial trade unions to be allowed.

These are among recommendations in a long memorandum submitted by the chamber to the Wiehahn Commission of Inquiry into Labour Legislation.

The chamber — representing 1 084 industrial firms and some of the largest factories in South Africa — also asks for the policy of giving coloured people preference over locally born blacks for jobs in the Western Cape to be scrapped.

It warns that this creates considerable resentment among qualified blacks and their offspring for whom educational provisions have been made extending in many cases to junior certificate and matriculation level.

## REVIEW URGED

The memorandum emphasises that the chamber is not asking that more blacks should be allowed into the Western Cape, 'it merely seeks for a review of policy in relation to those who are already legitimately in the Western Cape and are entitled to remain here.'

'The chamber believes in rate for the job and advancement on merit irrespective of skin pigmentation.'

## TRADE UNIONS

The chamber also asks for the recommendation of the Erika Theron Commission, that the law should be amended so that 'the establishment of mixed trade unions with white and coloured membership will be permitted and there should be no restriction on coloured membership of trade union executive committees' to be implemented.

The chamber also asks for income tax concessions for employers who are giving training to coloured workers — already approved in principle — to be implemented without delay.

166

ET. 14/11/77

# Cape Chamber recommends mixed trade unions

Industrial Reporter

THE Cape Chamber of Industries, encompassing 1084 industrial undertakings in the Western Cape, has recommended that the government allow multiracial trade unions abolish all forms of racial discrimination in the Industrial Conciliation Act, and establish industrial courts

In a memorandum submitted to the Wiehahn Commission of inquiry into labour legislation the chamber says two main issues require urgent review. These were racial discrimination in labour legislation and legal machinery regulating labour negotiations and the maintenance of harmonious

employer-employee relations

"The chamber believes in the rate for the job and advancement on merit irrespective of skin pigmentation." The time had arrived for job reservation legislation to be withdrawn. "It is a constant cause of resentment and provides an indefensible target for criticism both externally and internally."

The chamber said that in the Western Cape there could be no justification on cultural, ethnic or any other grounds for drawing distinctions between coloured and white labour either in the fields of labour negotiations or in the organization of trade unions.

"Practically all the industrial councils with which this chamber has been associated consist of both coloured and white representatives and they have operated responsibly, harmoniously and without racial friction. The only tensions known to the chamber in this respect arose with the introduction of the 1956 Act, when some of the trade unions which were parties to these councils and which had operated perfectly satisfactorily up to then, were compelled to divide their membership on a racial basis"

The chamber believed that

black labour should now have meaningful representation on Industrial Councils and Conciliation Boards. Their interests should, like those of other employees, be represented on the basis of full participation including the right to vote. The law should neither force employees to form registered trade unions covering more than one race, or prevent them from doing this

The Bantu Labour Regulation Act, relating to only one racial group, constituted a form of discrimination which should be eliminated. There should be only one law to govern labour relations.

Referring to blacks legally resident in the Western Cape in terms of Section 10 of the Bantu Urban Areas Act, the chamber said the emergence of a clearly defineable black sector of the population called for a review of policy to cater for their needs

The chamber said difficulties were frequently experienced in the enforcement of wage regulating measures in the courts because of a lack of experience by the officials concerned. It was essential that industrial courts should be established to handle such cases

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*Handwritten notes:* 10-11-77, dist. of Y

(b) D curve of jobs = how many L's employed at each wage level  
- TT model assumption.

# Durban wants big labour changes

166  
RDM  
16/11/77

DURBAN — Durban City Council is to recommend sweeping changes in labour regulations.

Five of the six recommendations considered at yesterday's council meeting were approved unanimously.

They referred to the removal of job reservation for race reasons, "closed-shop" regulations barring Africans from jobs such as bricklaying, masonry, plastering, carpentry, painting, plumbing and electrical wiring in urban areas other than an Afri-

can area, and the employment of African builders on mass low-cost housing projects in coloured and Indian areas.

But there was considerable opposition to the proposal that the council recommend to the Commission of Inquiry into Labour Legislation that compulsory legislation under the Factories, Machinery and Building Work Act be changed to make shared toilets, change-rooms and eating facilities for all races possible — Sapa

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Restauration  
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Charles X  
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B. Constant  
Adolphe  
Stendhal  
De l'amour  
Le Rouge et le  
Noir  
Vigny  
Cinq mars  
Balzac  
Les Chouans  
Hugo  
Han d'Islande

Hugo  
Cromwell  
Hernani  
(1830)

Lamartine  
.Les Médita-  
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.Les Odes  
.Les Orientales  
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1830-1848  
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(Louis Philippe)  
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2)E. Poe  
Les Contes  
3)Musique de  
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4)Peinture  
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Nodier  
Du fantastique  
en littérature  
Musset  
De la tragédie  
Michelet  
Histoire de  
France  
Tocqueville  
La démocratie  
en  
Amérique

Balzac  
.La peau de  
Chagrin  
.E. Grandet  
.Le Père Goriot  
.Le Lys dans la  
vallée  
.La Comédie  
humaine  
Stendhal  
La Chartreuse  
de Parme  
Hugo  
N.D. de Paris

Musset  
.Les Caprices  
de marianne  
.On ne badine  
pas avec  
l'amour  
.Lorenzaccio  
Hugo  
Ruy Blas

Hugo  
.Feuilles d'  
Automne  
.Chant du  
Crépuscule  
.Voix  
inférieures  
.Les Rayons et  
les Ombres  
Musset  
Les Nuits

Musset  
Confession d'un  
enfant du  
siècle

Merimee  
Colomba

E. Sue  
Les Mystères de  
Paris

Dumas  
Les 3 Mousquetaires

G. Sand  
La mare au diable  
François le champi  
La Petite Fadette

Révolution  
de 1848

# New plan for labour relations

Industrial Reporter

DETAILS of a plan developed by economists at the University of South Africa and intended to restructure industrial relations in the country were disclosed to businessmen yesterday in Cape Town.

Professor S.P.C. Swart of the Unisa Institute of Labour Relations said the plan would eventually be submitted to the Wachaba commission of inquiry into labour legislation. It is an adaptation of systems used in Europe with key elements including:

- The merging of the Industrial Conciliation and Bantu Labour Relations Regulation Acts into a Labour Relations Act
- Multilateral worker-committee at plant level
- The recognition of black and mixed trade unions
- A labour court for judgments on disputes
- A national labour council composed of equal number of trade union, government and employer representatives

Discussing the basics of the plan Professor Swart said: "While we make the changes let us at least get rice out of the system."

The mixed and black trade unions were expected to be apolitical and freedom of association entrenched in the plan meant white unions would not be required to allow black membership.

Bus. Sun. Trib. 20/11/77  
**Unions**

**condemn**

**committees**



166

**ELEVEN** trade union organisations have, in a strong memorandum to the Wiehahn Commission on Industrial Legislation, condemned the committee system and claim that its extension would seriously jeopardise prospects for stable industrial relations.

The organisations, mainly unregistered trade unions and co-ordinating bodies, claim the committee system is inadequate and threatens to produce the disorder in the workplace which all responsible organisations seek to avoid.

Experts on industrial relations said this week that representations to the Wiehahn Commission by the unregistered trade union movement were particularly important because any legislation stemming from the commission would be judged by the outside world mainly in terms of the needs of the unregistered trade unions and the mass of unorganised workers.

The memorandum claims there are three weaknesses of the committee system of industrial relations set-up under the Bantu Labour Relations Regulation Act:

- Its inherent weakness.
- Structural weaknesses in both the system and the legislation.
- Its use as a means of denying trade union rights to workers.

"Committees are basically undemocratic, open to all types of pressure from management and unable to negotiate meaningfully on most issues," says the memorandum.

"Factory-based committees may, in certain circumstances, facilitate communication, but collective bargaining constitutes a process of reaching agreements and settling disputes through the mutual strength of the negotiating parties

"From the point of view of employees bargaining strength of necessity required access to independent resources, information and personnel.

"It is our contention, supported by industrial experience elsewhere, that an independent, democratic trade union movement is the only effective way of meeting all these requirements.

"We would add that the failure of the factory-based committees to serve as effective vehicles for collective bargaining detrimentally affects the credibility that is crucial if they are to fulfill their communication function."

Specific criticisms of the committee system included in the memorandum are about the attitude of employers, problems with elections and representation of workers.

It has been the general experience of all unregistered trade unions that

management uses the committee system to avoid or weaken union involvement in the firm

"This attitude is either communicated directly (by management's refusal to discuss certain issues) or indirectly (by indications of displeasure, or commonly by agreeing to consider an issue and then not doing so).

"We can cite liaison committee constitutions which, in contravention of the Act, specifically exclude discussions on many issues. In other cases we can point to instances where complete discretion in this matter is given to the chairman appointed by the management."

The memorandum says that besides disguised or undisguised intimidation in the committee there is also a problem of intimidation or victimisation of active committee members by supervisory staff, and there are often implicit or explicit rewards for being a docile committee member and not pursuing matters unpopular with management.

"This quickly leads to a complete loss of confidence both in the committee and its members"

For these reasons the unions feel it should always be possible for negotiations to be carried out on behalf of workers by trade union officials independent of management and the company, and therefore not open to victimisation

In addition it is very difficult for workers to replace a committee member they feel is inadequate, because this can be blocked by management.

Nor do committee members report back to the workers adequately — they are not given time to do so, they are not trained in reporting back on complicated negotiations and they do not feel responsible to their workers

"Even when they have been given training," says the memorandum, "committee members are usually not in possession of sufficient information or understanding on law, economics, or the state of company finances to be able to negotiate effectively on any but the most trivial aspects of their working conditions. Nor do they possess the negotiating skills which are acquired by union officials through a great deal of experience . . .

"Thus the workers are effectively forced either to sacrifice their democratic choice of representatives and have to elect those workers who are most educated, or they must give up hope of being able to negotiate successfully.

"These problems can only be overcome by the participation of union officials in negotiations."

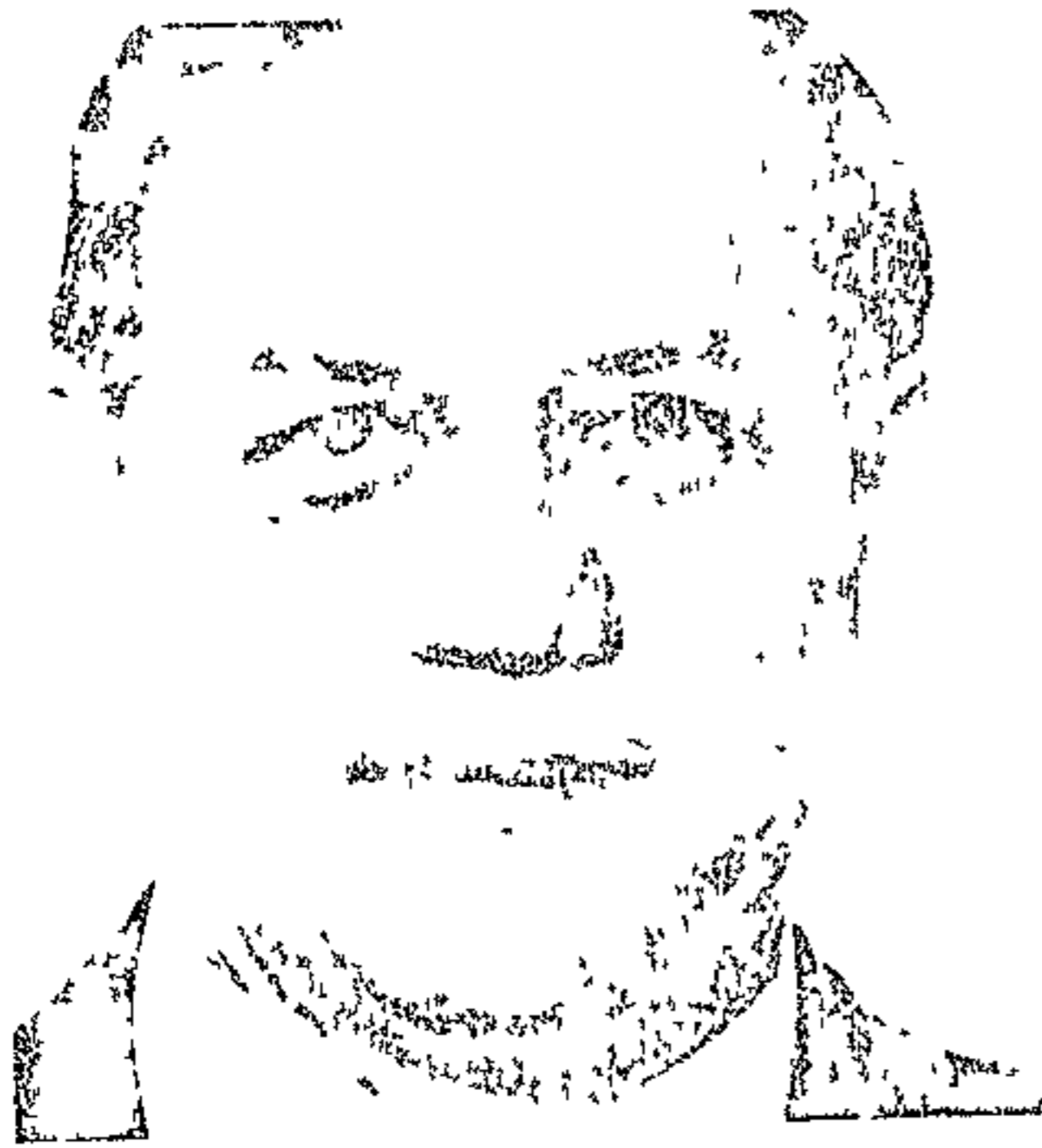
F.M. 2/12/77

166

# Resistance from the right

If the Wiehahn Commission recommends a substantial move away from racial discrimination in South African labour relations, it could encounter strong opposition from the SA Confederation of Labour.

The confederation's evidence to the commission has not been made public, but the *IM* understands that unlike most of the submissions to the commission it argues not that discrimination should be



Nic Wiehahn how will his...  
...of commission

relaxed, but that white workers need even more (discriminatory) protection.

For example, the confederation apparently argues for the retention and extension of statutory job reservation which it believes is vital for white workers. It even suggests that the job colour bar be extended to exclude women from certain jobs so that employers can not replace white men with black women.

The confederation also argues that Africans should enjoy trade union rights only through the Bantustans. Africans should be allowed to join unions with head offices in the various Bantustans. Non-Bantustan unions would not be entitled to registration. Indeed the confederation argues that unions which do not enjoy Bantustan registration should be banned.

The "homeland unions" would receive union dues in the form of automatic deductions from workers' pay packets, but they would not be entitled to bargain with employers as registered unions do now. Instead African workers in the urban areas would be represented by a "homeland Labour council" or other accredited person.

This thinking indicates that the confederation is not taking a more *verhoen*

line, as some sources have claimed. While president Attie Nieuwoudt did indeed adopt a more moderate stance earlier this year, this has drawn flak from right-wingers in his organisation.

In elections for the confederation's controlling committee at the end of October, Wessel Bornman, regarded as a conservative, was elected secretary - filling the post which had for many years been held by the moderate railway unionist, Willie Grobler. Mineworkers' Arthur Paulus is now also one of the confederation's top brass.

Some right-wingers in the confederation were opposed to the appointment of the commission in the first place - an attitude which has not softened. Some sources believe that the confederation will accept the commission's findings - whatever they are. But this in any case means a foregone conclusion.

(also Book 2

Adam Smith: "Wealth of Nations", Book 4, Ch. 1

O. Eckstein: "Public Finance", Ch. 1: "Scope"

Richard T. Gill: "Evolution of Modern Economies Series", Ch. 2: "Classical"

P. Samuelson, "Economics" (International Studies), Ch. 42: "Winds of Change: Evolution of Economies"

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### B. THE MIXED ECONOMY: A PRAGMATIC COMPROMISE?

arms-manufacturing capacity and becomes vital.

(111) Autarkic trade policies justified

depended upon.

(11) "The Invisible Hand" - too subtle

costs - resources commandeered.

(1) greater divergence between particular

(b) In times of stress, such as war:

(a) One can hardly distinguish between these

Other examples of central control: Nazi and wartime economies

\* (2) G. Grossman: "Economic Systems", See, section on "Central Control"

\* (1) Samuelson: "Economic Systems", See, section on "Central Control"

## BIBLI

\* It is essential that it be marked.

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Note: The first two

Milton Friedman

J.M. Keynes: "The General Theory of Employment, Interest and Money"

Adam Smith: "Wealth of Nations", Book 4, Ch. 1

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P. Samuelson, "Economics" (International Studies), Ch. 42: "Winds of Change: Evolution of Economies"

# Unions urge 'rights for all'

ARGUS 13/12/77

① 166

JOHANNESBURG. —

The South African labour movement has given a majority vote for 'trade union rights for all' and is prepared to scrap job reservation if there is 'other protection for individual groups.'

Only the white Confederation of Labour dissents on these principles which are supported by representatives of the rest of the organised labour movement including unregistered black trade unions.

The findings — by a committee of 12 representing the confederation, the multiracial Trade Union Council of South Africa and unaffiliated registered trade unions — have been submitted to the Wiehahn Commission into labour legislation.

The Argus Correspondent

This was disclosed yesterday by the chairman of the committee, Mr Ben Nicholson, general-secretary of the Electrical Workers Association

#### CONSENSUS

He said consensus was reached on all other issues, including strong opposition to work committees along German lines.

The entire committee recommended that works committees should comprise only trade union members, he said

'The confederation believes that job reservation should stay and that there should be no registered trade unions for blacks,' Mr Nicholson said

'The rest felt that job reservation could go, providing there was suitable

protection to safeguard individual groups.'

The unions, other than the confederation, also recommended that everybody should have the right to belong to a registered union, but it was for the union to decide its racial composition

#### REGISTERED

'It was also recommended that unregistered unions should be permitted once it became possible for all unions to become registered,' Mr Nicholson said.

The unions, other than the confederation, said no bona fide trade union should be denied registration

If registration was denied, the union concerned should have the right to

appeal to an industrial court — another new concept to South African labour legislation, Mr Nicholson said

#### TRAINING

There was full consensus on the need to improve training and to provide minimum training standards as a prerequisite for employment in occupations which are assumed to require some form of training

There was also a strong recommendation for training in industrial relations. Special colleges should be established to improve the negotiating skills of management and workers and to promote the relationship between them.

Such colleges should be financed by industry, with the Government assisting only by way of tax concessions, the committee recommended.

# Job curbs can go, say all unions

Sieg Hannig, Labour Reporter

The entire South African labour movement is prepared to scrap job reservation if similar protection can be provided through other means permitting black advancement.

This was disclosed today as the chairman of the Industrial Tribunal, Dr F J Viljoen, confirmed that the tribunal has completed its review of all 28 statutory job reservation determinations.

Six of the determinations have been scrapped in recent months.

The last reviews, with recommendations from the tribunal, are to be put before the Minister of Labour "any day" now.

It will be up to the Minister, Mr S P Botha, to decide whether or not South Africa is ready to scrap job reservation altogether.

## STILL SUPPORTED

While various trade unions have asked the tribunal for the retention of job reservation in several industries, none seems to be opposed to its abolition if other protection can be provided for the workers concerned.

Mr Wessel Bornman, secretary of the white Confederation of Labour, said the confederation still supported job reservation.

But, in reply to a question during oral evidence before the Wiehahn Commission recently, the confederation said it was prepared to see job reservation abolished if similar protection could be provided through other means.

"If something else can be put in its place, surely we are prepared to accept this," Mr Bornman said.

Representatives of the rest of the Labour movement decided earlier to have job reservation scrapped if other protection could be provided for individual groups.

Mr P J "Arrie" Paulus, leader of the mine

## 'End job curbs'

From page 1

Workers' Union, who is regarded as the most conservative labour leader in the confederation, declined to comment on Mr Bornman's disclosure.

He said he would speak after giving his oral evidence to the Wiehahn Commission.

So far, there has been no public debate on a substitute for job reservation.

There are also plans to create new Westlake-style training centres where white, Indian and coloured adults are to receive crash training to become artisans.

At least one major employer is prepared to guarantee protected workers their jobs and rates of pay.

And experts have suggested the introduction of a "seniority" system to replace job reservation.

Under such a system, the privileged group would receive priority treatment in cases of promotion and transfers while being retained in preference to newcomers in the event of retrenchments.



# Minister withdraws some job bars

DD 15/12/77

116

PRETORIA — The Minister of Labour, Mr S P Botha, announced yesterday that 12 of the 25 existing job reservation determinations were being withdrawn immediately. A further six determinations had already been withdrawn.

The withdrawals affect passenger lift attendants, the clothing industry, motor vehicle driving, the wholesale meat trade, certain work in the liquor and catering trade, the shoe industry and the furniture industry.

The necessary notices containing full particulars would be published in the Government Gazette shortly.

Two further determinations affecting the iron and steel, engineering and metal industries were suspended on the recommendation of the industrial tribunal.

Mr Botha said it was his policy to consult the interested parties before taking action in labour matters and in this case he

personally, or through the industrial tribunal, had discussions with the trade unions directly concerned with each of the determinations. The result was that the trade unions concerned, with a few exceptions, agreed with him that the determinations should be withdrawn.

Only five work reservation determinations had not yet been finalised and were at present being investigated by the industrial tribunal with a view to determining whether they were still justified.

As a result of the considerable decrease in the number of determinations the question arises whether statutory work reservation still is the right mechanism for the protection of minority groups.

The commission of inquiry into labour legislation will give specific attention to this question and make recommendations with a view to ensuring satisfaction and

labour peace among all workers.

"In this search for a satisfactory dispensation it is my wish that organised labour in particular will help to find a realistic solution. I am thankful for the co-operation of the trade unions concerned which made this step possible," Mr Botha said.

— SAPA

# Lifting of job curbs is not enough say labour experts

DD 16/12/77

(166)

JOHANNESBURG — Labour specialists yesterday welcomed the latest Government removals of statutory job reservation as a move away from discrimination, but said that informal closed shop job protection was still rife in industry

They were reacting to the announcement this week by the Minister of Labour, Mr S P Botha, that 12 of the 25 existing job/reservation determinations had been withdrawn

Mr Ronald Webb, president of the Trade Union Council of South Africa, said the move was significant as far as it affected human relations in South Africa and the country's image abroad.

However, the withdrawals would not have a real impact on industry as the determinations represented less than an estimated two per cent of the country's economically active population and surreptitious forms of job reservation with far more effect on the utilisation of labour were still in force.

Ucsa has continued to oppose statutory job protection over the years because of its racial connotations. One can only

hope that the Government's move will prompt the voluntary abolition of non-statutory forms of protection," Mr Webb said

Mr Dudley Horner, a research officer at the South African Labour and Development Research Unit at the University of Cape Town, said the move was psychologically welcome

"It will be far more significant when black South Africans get equal educational and apprenticeship opportunities and informal restraints imposed by trade unions and closed shop industrial council agreements disappear

"We won't see anything like that until the Wiehahn Commission into labour legislation has reported next year," Mr Horner said

Prof Sheila van der Horst, former professor of economics at the University of Cape Town, welcomed the withdrawals, but said other legislation, such as the Group Areas Act, still allowed for indirect forms of job reservation

In spite of the suspension of job reservation in the steel and engineering industries, the practical effect was still to exclude blacks who could only be employed with the consent of the industrial council which included the white trade unions, she added

Dr Hennie Reynders, director of the Federated Chamber of Industries, said "This is a step in the right direction but the biggest step would be to repeal job reservation legislation entirely" — DDC

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FM 23/12/77 (166)

## EMPLOYMENT CODE

### A solid foundation?

While most of the big employer organisations have welcomed the Urban Foundation's code of employment practice, organised labour is less enthusiastic

As predicted by the *FM* (November 25), the code in its final form is in several respects weaker and vaguer than earlier drafts. Unlike the code adopted by the EEC (*FM* October 7), it is particularly vague on the key issue of trade union recognition for African workers

Assocom's Raymond Parsons believes the code is an "improvement over the several unrealistic external labour codes that have been devised for SA"

Sam Motsuenyane, chairman of the National African Federated Chambers of Commerce, says that his members are "broadly speaking" pleased with the code "as a first step on the way to a code that more fully meets the legitimate aspirations of blacks for advancement."

From the trade union side, the chief criticisms of the code focus on what is seen as vague wording, failure to underwrite the recognition of black unions, and failure to provide any means of monitoring. At the code's launching in Johannesburg, Anglo-American's Chris Du Toit, chairman of the newly-formed SA Employers' Consultative Committee on Labour Affairs, emphatically rejected any possibility of the code's signatories being monitored for performance

Tucsa general secretary Arthur Grobelaar argues, however, that "it is absolutely necessary to monitor the code. A mere commitment by various companies is not going to ensure that its provisions will be fully implemented." Grobelaar adds that while the code "reads well enough," its "free-ranging phraseology" does not commit the signatories to anything specific and allows different employers to interpret the code to their advantage.

Mcebisi Mqayi, president of the unregistered (African) Engineering and Allied Workers' Union, is unimpressed with the code "The code, as phrased and formulated, is to me nothing but flowery words. We the workers were never consulted at any stage. Employers up

there 'know' what is good for us. But we can no longer swallow that."

Equally uncompromising is Freddie Sauls, secretary of the Port Elizabeth-based United Automobile and Rubber Workers' Union "I do not believe that any of the codes will really improve the situation for the black worker."

Judge Jan Steyn, executive director of the Foundation, argues that the public commitment by business to move away from discrimination in employment is "not to be underestimated." While he says that there may be practical difficulties in policing the code, he agrees that "it is essential that some form of monitoring be adopted if the code is to have any real impact. The specific form of this monitoring is something to be determined by organised commerce and industry themselves"

Meanwhile, Labour Minister Fanie Botha has been quoted in *Beeld* as saying that he has given the registered trade unions the assurance that greater participation of blacks in the economy will be based on the unions themselves being able to decide who will work in what jobs

NOTICE 900 OF 1977 GG 5837

COMMISSION OF INQUIRY INTO LABOUR  
LEGISLATION

Further to the final paragraph of General Notice 595 of 1977 appearing in *Government Gazette* 5720 of 26 August 1977, it is hereby notified for general information that the Commission will be sitting in Room 678 Sixth Floor (South Entry), Provincial Administration Buildings, Wile Street, Cape Town, from 16 to 20 January 1978 to hear oral evidence.

Inquiries can be directed to the Secretary of the Commission of Inquiry into Labour Legislation Private Bag X316, Pretoria 0001.

(23 December 1977)

23/12/77 KENNISGEWING 900 VAN 1977

166 KOMMISSIE VAN ONDERSOEK NA  
ARBEIDSWETGEWING

Ter opvolging van die slotparagraaf van Algemene Kennisgewing 595 van 1977 wat in *Staatskoerant* 5720 van 26 Augustus 1977 verskyn het, word hierby vir algemene inligting bekend gemaak dat die Kommissie vanaf 16 tot 20 Januarie 1978 in sitting in Kamer 678, Sesde Verdieping (Suidelike Ingang) Provinsiale Administrasie-gebou, Waalstraat, Kaapstad, sal hou om getuenis aan te hoor.

Navrae kan aan die Sekretaris van die Kommissie van Onderzoek na Arbeidswetgewing, Privaatsak X316, Pretoria, 0001, gerig word.

(23 Desember 1977)

# LABOUR LEGISLATION

1978

116 **WIEHAHN COMMISSION**  
**Come October** FM 9/6/78

**Wiehahn Commission** watchers outside the mining industry can expect to be put out of their misery in October, but that won't mean the end of the commission's work.

Initially, the commission had planned to have a "memorandum" ready for Minister of Labour Fanie Botha in October



**Prof Nic Wiehahn . . . leaving the lode till later**

The *FM* learns, however, that this will now be presented in the form of a full interim report

The likely subject matter will be the commission's broad findings on industrial relations in commerce and industry. Proposals on collective bargaining, the job colour bar and the like should be contained in it

It's virtually certain, however, that the thorny issue of mine labour will not be discussed in the report. This has added significance for mining employers who are looking to the commission to give a lead on the issue of African job advancement

The likeliest reason for this key omission would be a feeling on the commission's part that any new dispensation in SA labour relations should be tested in industry and commerce first. Registered trade union reaction there is likely to be more sympathetic and the special problems posed by the mines' migrant labour force could be left for later consideration

Indeed some sources speculate that the commission may not present a detailed set of recommendations for the mines even at a later stage, preferring to have the broad principles it enunciates applied gradually to the mines over the long term.

It's also possible that the commission will become part of the SA labour scene for the foreseeable future. There's been talk about setting up a permanent labour commission to monitor the introduction of any new system and suggest further changes. It's thus a possibility that the present commission could be transformed by government into a more permanent body

Not that the October report will simply be an expression of broad principle. It's likely to be unique in that it will be the first SA commission of inquiry to include suggested draft legislation in its report. It's certainly equipped to do so, with Department of Labour legal draftsman Nic Hechter as a commission member

The 1979 parliamentary session should, therefore, have plenty of proposed legislation to discuss. The mines will probably have to play the waiting game for a while longer.

166

# Hope for freer labour laws

elfde

MR W F de la H Beck, managing director of Mobil in South Africa, said yesterday that he hoped all discriminatory labour legislation would be eliminated when the Wiehann commission completed its report.

Mr Beck was speaking at the University of Stellenbosch autumn school.

'We will not have acceptance of the free enterprise system if everyone does not have equality of opportunity and reward based on merit and contribution,' he said.

Business leaders must act to ensure that race discrimination based on

ignorance and prejudice was also eliminated.

'We can no longer wait for natural developments to take place. We must speed up the ability of people to develop their potential,' said Mr Beck.

### RED STRATEGY

The image of South Africa overseas was partly the result of deliberate

Soviet strategy to isolate it from the West.

'The Soviet leadership had become dependent on its military establishment for its survival and the military establishment can justify its experience only if the leadership pursues a policy of expansion,' he said.

Southern Africa was the most active theatre of Soviet strategy and the image portrayed by this strategy arose from self-interest, not from facts or interest in the people of South Africa.

There was nothing the business community could do to alter this image.

### ASPIRATIONS

'In the overseas business community we have created for ourselves an image of an unjust economic society with the moral implications attached, as well as a society which might not be sufficiently enduring to attract continued foreign investment,' Mr Beck said.

'To satisfy the external business world, the aspirations of South Africans must first be satisfied. This could be achieved by adopting and implementing the code-of-employment practice.'

The code called for the elimination of discrimination based on race or colour.

(See Page 25)

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# Probing black rights

The Riekert Commission into the status of urban blacks has a rare opportunity to solve one of SA's most intractable problems. It should grasp the nettle

389  
166

FM 02/10/78  
3/3/78

**Sport is changing.** Collective bargaining is in the melting pot. Integration is creeping into theatres, hotels, even schools. Power-sharing formulas are in the spotlight.

But what of the real guts of racial discrimination — the basic working and living conditions of Africans in the cities? What hope for change in this vital area? That depends on Piet Riekert.

Economic Adviser to the Prime Minister since 1965, a deeply religious man and a committed public servant, Riekert is due to retire in August. Before then, he plans to complete the mammoth task the PM has allotted to him: to review all laws and regulations affecting blacks in the cities. What he recommends, and how

governing their abode in "white" areas, and the application of current legislation to the labour force.

He plans to have his report completed by August, and thus ready for legislation in 1979. While officially his is a one-man commission, he has inspanned a few experts to help him in his gigantic task. They are Pretoria University's Prof Piet van der Merwe, a RAU academic, Pieter le Roux, an advocate, and a bureaucrat from the Department of Plural Relations.

Riekert says he will be holding some public sessions to gather evidence. But the bulk of evidence will be contained in answers to a questionnaire which has been sent to major employers and employer organisations, municipalities, government departments, Bantustan authorities, and African works and liaison committees.

He is naturally unwilling to discuss details of likely recommendations at this stage. However, the questionnaire itself gives a number of clues.

On the labour recruitment side, for example, the role of labour agents is canvassed thoroughly, as are the official labour bureaux and "aid centres." Other questions canvass issues like housing, deferred wages and the attestation of employment contracts.

The commission is probing the whole gamut of regulations affecting urban African workers, as well as trading rights of businessmen, which are likely to occupy a good deal of its time.

Indeed, even issues such as the administration of employer contributions to the Bantu Administration Boards, regulations which forbid employment agencies to find jobs for Africans, and regulations forbidding employers to lend money to their African workers are canvassed.

But, in the main, the questions appear to accept the broad principles of present policy, including, especially, influx control. For example, on Section 29 of the Bantu (Urban Areas) Act, which permits Africans to be "endorsed out" of the urban areas if they are deemed "idle" or "undesirable," the commission asks for suggestions "with a view to making Bantu less choosy" about their work.

More importantly, perhaps, in only one case — Section 3 of the Environ-

ment Planning Act — are respondents asked to comment directly on the principle behind the legislation. Most notably, no specific question is asked about the desirability of influx control.

Obviously, the questionnaire isn't the commission's only source of information. It is geared to requesting specific information, rather than discussing broad issues of principle. Hopefully, that does not mean Riekert will avoid querying broad principles.

If he does, it would be a pity. Certainly Riekert is dealing with a highly sensitive area — one which goes to the root of official government thinking. And any commission dealing with so sensitive an area has got to concern itself with the practical politics of winning government acceptance.

Obviously, it's also true that an injection of "commonsense" into the myriad of petty regulations which daily irk urban Africans is much needed. But unless influx control, the broad principle of the Planning Act, and measures like the "idle" and "undesirable" clause are tackled head-on, the roots of black discontent will remain.

## Onto the scrapheap

The commission should certainly recommend the scrapping of the maze of laws preventing Africans with permanent urban rights from moving freely from city to city within the "white areas." It should recommend full trading rights for urban Africans — both in the townships and the "white" areas, and grant the freehold land tenure which goes with it.

It should scrap the present resented labour bureau system which inhibits work seekers' rights to choose their job freely and replace it with a system which puts the interests of workers on a par with that of employers. Often, at the moment, especially in "white" rural areas, Africans have their pass books stamped "for farm labour only." It should recommend the scrapping of all petty legislation which discriminates against African workers alone.

More importantly, non-racial employment bureaux should be set up where workers of all races can be directed to jobs that are vacant.



Piet Riekert . . . facing up to a very heavy responsibility

government responds, could seal the fate of urban race relations — one way or the other.

Riekert stresses that his concern is to "apply economic common sense to the urban black labour market." But he also wants to assemble "a saleable package," which would be acceptable not only to critics of present policy but to government as well.

He has divided his job into three main areas: the recruitment of African workers, the conditions and regulations



Cape Times 27/4/78

166

# New labour laws next year — Botha

HOUSE OF ASSEMBLY — The Minister of Labour, Mr Fanie Botha, said yesterday that he hoped to introduce legislation during the next session of parliament stemming from the recommendations of the Wiehahn and Riekert labour commissions.

Replying to the debate on his budget vote, Mr Botha said, however, that he would not make changes in the present labour pattern that could threaten the peace and security of any groups, particularly minorities.

"It is necessary that everybody in this country, black, brown and white, has the chance to get work, but this must be within a pattern that provides security and peace for all."

It was obvious that in the future millions would be seeking jobs and it was equally obvious that there would not be enough whites to do certain jobs.

It was therefore necessary to determine how black and brown people could be brought into certain jobs without, at the same time, posing a threat to the security of the white worker.

"It is necessary that everybody be protected," he said.

This was the aim of the labour commissions and not, as had been suggested, to formulate a new labour policy for the government.

"The labour policy is designed to bring about peace and order in South Africa. Before changes can be made it is necessary that the Wiehahn commission and the Riekert commission thoroughly investigate the situation.

"You cannot run the economy in an undisciplined manner, and perhaps reach the point where the consumer cannot trust the quality of a product or service."

The government alone could not achieve labour discipline. The effort had to come from employers and employees.

South Africa's future development would rely heavily on her export capabilities, which,

in turn, depended on the quality of her products.

Mr Botha, disclosed that two labour boycotts which could have had serious repercussions for South Africa had been countered by action taken through his department.

Replying to the debate on the labour vote, Mr Botha revealed that Professor Nic Wiehahn, chairman of the commission of inquiry into labour matters, last year visited certain countries when attempts to organize a boycott against South Africa was at a critical stage.

Professor Wiehahn's visit was so successful that much of the passion and fervour left the sponsors and the action was unsuccessful.

When recently it seemed likely that another attempt would be made to organize a boycott against South Africa, Professor

Wiehahn again travelled abroad, visiting the United States and Europe. His visit was extremely successful and it would appear as if the proposed action was likely to fail.

These attempts had led to the idea to extend the labour discourse between South Africa and the rest of the labour world, and underlined the necessity for continual communication between organized labour in South Africa and the department, as well as between the department and the international labour world.

Whatever happened in the field of labour relations in South Africa was watched from outside, and people were always ready to see whether a boycott could be successfully launched against the country.

Greater contact and communication would force people to appraise the implications of boycotts on South African workers, on South Africa and on those countries sponsoring boycotts.

166

# Sweeping black work report for Premier

A REPORT which might revolutionize the mobility and use of labour — particularly black labour — in South Africa will be handed to the Prime Minister, Mr Vorster, before the end of the month

The chairman and only member of the commission compiling the report, Dr Piet Riekert, the Prime Minister's economic adviser, said in Pretoria yesterday that the report took a cool, clinical, economic look at the barriers which stood in the way of a more productive utilization of black workers

Dr Riekert's work over the past 10 months has included a detailed survey of legislation affecting blacks outside the homelands, such as the Group Areas Act, the Bantu Labour Act, the Environmental Planning Act, the Bantu Affairs administration boards and the Community Councils Act — all of which inhibit the movement and use of black labour.

Some of the acts had their roots in the 19th century and were totally out of step with the changes in South Africa, he said

Where he had encountered political barriers to a better use of black labour he had merely identified them. "I made no recommendations, but left the consideration of the removal of these barriers to the politicians"

Assemblée Générale de l'AFSSA: rapports du Président, de la Trésorerie, du Rédacteur des Cahiers.

Mme Anri	9h.00
The.	10h.00
Mme Van	10h.30
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Journée de	
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VENDREDI 21 JUILLET	
Mme Isa	11h.00
Mme Mar	14h.00
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Journée de	
The.	10h.30
<hr/>	
Assemblée Générale de l'AFSSA: rapports du Président, de la Trésorerie, du Rédacteur des Cahiers.	9h.00

## JEUDI 20 JUILLET

Réception municipale à l'Hôtel de Ville de Pietermaritzburg.	18h00
Après-midi: visite de Pietermaritzburg - Hilton - Howick.	
Déjeuner offert par l'Université du Natal.	13h.00
Constant et Madame de Charrière, romanciers d'eux-mêmes."	
M. Yves Giraud (Université de Fribourg, Suisse): "Samuel de	11h.00
<hr/>	
Séance de travail présidée par le Pr. B.H. Rasmussen	
The (Pietermaritzburg).	10h.30
<hr/>	
Départ via la Vallée des Milles Collines.	8h.30

## Journée à Pietermaritzburg

## MERCREDI 19 JUILLET

Cocktail offert par l'Université du Natal.	17h.30
ou la trajectoire de l'homme-poète."	
Mme Josée van de Ginste (Université du Cap): "Le Jet de pierre	15h.30
The.	15h.00
et poème lyrique."	
M. Leopold Peeters (Université de Pretoria): "Biographie	14h.00
"Voltaire et la poésie."	
M. Gilbert Restureau (Université du Natal à Durban):	11h.00
The.	10h.30
M. Jean Mesnard (Université de Paris-Sorbonne): "Voltaire et Pascal."	9h.00

Journée de travail présidée par le Pr. Marie-Louise Tricaud

## MARDI 18 JUILLET

Cape Times 2/5/78 ① 165  
② 166

# West must be informed about SA — Wiehahn

By GORDON KLING

SOUTH AFRICA'S new roving ambassador on the labour front, Professor Nic Wiehahn, yesterday accused the Western world of "incredible ignorance" on industrial relations in the Republic.

In an interview from Pretoria, he told the Cape Times that many foreign labour leaders were unaware that the country had its own labour codes which were similar to those adopted overseas to guide local subsidiaries of overseas companies. This highlighted the need for South Africa to counteract damaging misconceptions, he said.

Emphasizing the need to dismantle racial discrimination in work situations, he said world labour was highly critical of South Africa, but was receptive to discussion because it was anticipated that the Commission of Inquiry into Labour Matters, which he heads, would come up with meaningful recommendations for change.

He was satisfied that progress was being made in



Professor Nic Wiehahn

this direction, and it was intended to have legislation ready for the next session of Parliament, even if the commission's report had not been published.

Professor Wiehahn confirmed that he would be heading the recently-established research bureau of the Department of Labour, and that it would concentrate on the international sphere.

"The whole idea," he said, "is not to be a propaganda organization, but to give the world a perspective of developments here and to orientate myself and the government on developments on the world labour front."

This would entail increased communication with labour leaders, industrialists and politicians overseas.

However, he refused to disclose details of successes in tempering foreign economic pressure on a recent overseas trip. The Minister of Labour, Mr S P Botha, attributed such successes to him in Parliament last week.

## Western Europe

"Now you're asking me something," he said "If I comment too much it might embarrass others, but I have succeeded in talking to important people and giving them an insight into what is happening here."

South African labour developments had been discussed with various cabinet ministers in Western Europe, but he rejected speculation that this included the West German Minister of Labour. He also dismissed the possibility of South Africa attempting to rejoin the International Labour Organization. "I doubt they would have us."

Professor Wiehahn said the new bureau would work directly with international labour organizations through the Republic's embassies, but his base would continue to be Pretoria, and he would retain his role of adviser to Mr Botha.

International trips would be arranged as developments dictated.

## Eliminate 'survival' concept <sup>Cape Times 18/5/78</sup> Wiehahn <sup>166</sup>

DURBAN. — Negative concepts — such as "white survival in South Africa" must be eliminated, Professor N E Wiehahn told the Afrikaanse Handelsinstituut conference yesterday. There was a need to be positive about the future, he said.

Survival concerned everyone — black and white — and a negative approach could have harmful effects on the economy and labour relations, he said.

Professor Wiehahn, who is heading a commission of inquiry into labour matters, said that a memorandum or interim report dealing with the broad principles should be ready by October.

This will give the government a basis on which to work," he said. He felt that the relationship between workers was more important now than that between workers and employers.

a draft of the interim report

Completion of the report, which entails translation and other mechanical problems, will obviously be held up by the forthcoming holidays, but Wiehahn hopes that a completed report will be ready for consideration by government in time for next year's parliamentary session. While the forthcoming report is only an interim report, it is expected to contain key pointers to the commission's findings.

Speculation about when the report will be made public, and government's likely reaction to it, has mounted recently among employers and trade unionists as a result of what many see as a right wing backlash to change in labour and other fields (*Current affairs* last week). Two events in particular — the election of Andries Treurnicht as Transvaal NP leader, and Arne Paulus's attempt to rally white workers against changes — are cited in this regard.

Certainly no-one, least of all those close to the commission, are underestimating the effect these events are likely to have on official reaction to the report.

Many sources argue that hard-liners are likely to see the report as a potential rallying-point against changes in traditional race policies and will attack it.

This may be more or less inevitable, particularly on issues such as job reservation. Certainly, the white worker backlash presently in progress in the Transvaal is aimed as much against changes in labour law as against the Seifsa agreement signed earlier last year.

All of which leads some to argue that government's best bet is to delay the report's publication and that of Riekert for some time, until the right-wing backlash has abated. That, of course, assumes that the backlash will die down at all.

Nevertheless, sources close to the commission are confident that the report will be tabled in the next parliamentary session, possibly at the beginning of that session. They feel that the reaction to changes in labour law has been overestimated, that the present wave of hard-line sentiment will subside soon, and that the need for change is so pressing that its opponents will be in a small minority.

# WIEHAHN COMMISSION Work in progress

166  
FM 1/12/78

The report of the Wiehahn Commission is "all but completed" and the commission will meet in mid-December to finalise the document, says commission chairman Nic Wiehahn.

Earlier this week, press reports quoted Minister of Labour Fanie Botha as saying the report had already reached him. However, the commission is still hard at work ironing out outstanding details and met for three days this week to discuss

Financial Mail December 1 1978

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The functions of a liaison committee are very simply "to consider matters which are of mutual interest to the employees and to make to the employer such recommendations of employment of such employees or any other matter rests ..." The law does not limit the period of office which would presumably be bound by the terms of its

on the other hand, is a wholly elected body. In any firm employing more than twenty African workers, where no liaison committee exists, African workers may elect a works committee consisting of no more than twenty persons. However, representation is proportional to the total number of African workers in the establishment at the time of the election. The Bill extended this sense that it allowed for more than one works committee and in larger firms, therefore, sections of the African workers may elect their own works committees.

where an election to elect a works committee is held under the chairmanship of the employer or his authorised representative. Obviously where the employer and employees enjoy a reasonably harmonious relationship

dissension on this score is unlikely. However, where relations are cool or even hostile, where distrust exists on one or both sides, this particular arrangement is inadequate for resolving what may be a fundamental conflict of interests. While the present definition of a labour dispute is far wider than that contained in the 1953 legislation, and a Bantu Labour Officer and/or Inspector, with or without the assistance of the Regional Bantu Labour Committee concerned, should intervene in an attempt to effect settlement there does seem to be a remarkable shortcoming in this connection. The Act

In all the backward stepwise regressions performed the inclusion significance levels were set at 0,10, i.e. the 90% level.

### Significance Level

The significance level (abbreviated to sign. level) indicates the certainty with which we can conclude that the estimated coefficient regression equation does not represent a population coefficient equal to zero. The notation used is similar to the one employed in representing the confidence level in contingency tables. A level of 0,01 thus means there is a 99% probability that the coefficient is not equal to zero.

The significance level is derived from the t value for the coefficient, establishing what the probability is that the particular t value at the appropriate degrees of freedom would be obtained if the distribution of the t value is symmetrical around the origin.

The Coefficient of Determination,  $R^2$ , which is the square of the coefficient of multiple correlation, indicates the proportion of variation in the dependent variable that can be explained by the independent variables in the multiple regression equation. In all cases  $R^2$  is corrected for degrees of freedom.

THE OUTGOING president of the Cape Chamber of Industries, Mr S R Back, appealed to the government yesterday to make public as quickly as possible the reports of two commissions into the country's labour legislation.

He told the annual meeting in the City that this was essential because the spotlight of international opinion was directed on the sensitive sphere of human relations. The authorities should

be seen to be acting on the commissions' reports incisively and without delay, to prevent the integrity of the country being placed in question.

"With the impatient future moving in upon us, it is clear that we shall have to progress even faster than we have done up to now in the process of change," he said. "Privileges may have to be surrendered and it is clear that recognition will have to be given without fear or favour to the aspira-

tions of those who for reasons of skin pigmentation have not had the fullest opportunity to realize their potential."

Mr Back said foreign business contacts indicated that the outcome of the two commissions was being watched closely and was likely to have a strong influence on the attitudes of the international business community towards South Africa.

There were indications that the "exceedingly moderate" upturn in the economy was creating problems in ob-

taining skilled labour.

"We should not hesitate to depart from the conventional methods we have become accustomed to in the past. If necessary, we must find short cuts which will give the economy the skills it needs in the shortest possible time."

The coloured community in the Cape was the cornerstone of its industrial development, but vital sections of local industry could not function without black labour.

Call by industry on labour commission reports

1164 Cape Times 19/11/78

### WIEHAHN COMMISSION

On April 7 and 14 we reported a speech by Tucsas Arthur Grobbelaar dealing with the Wiehahn Commission. Tucsas complained to the press council that our reports contained inaccuracies. This matter has been settled by the parties.

The complainant accepts that the publication of the *FM* of June 23 affords him redress. For its part the *FM* expresses its regret to the complainant for inaccuracies contained in the original *FM* reports of April 7 and 14.

⑤ 166 FM 10/11/78

**LABOUR LAW**

**On the hook?**

FM 20/10/78

A rarely tested point of industrial law was due to come before the Johannesburg Magistrate's Court as the *FM* went to press at mid-week

The case concerns SA Meat Supply (Pty) Ltd, which was due to be charged with locking out its African workers after a wage dispute last year. A lock-out is an offence under the Industrial Conciliation Act.

It is virtually unprecedented for African workers to lay a complaint with the Department of Labour alleging a lock-out by their employer, but this is precisely what SA Meat's workers did

last year — hence the impending action

If the state secures a conviction, it could be the first time an employer has been convicted of locking out African workers. There may also be a charge of making workers work excessive overtime in contravention of the wage determination for unskilled workers

~~151~~  
~~152~~  
166

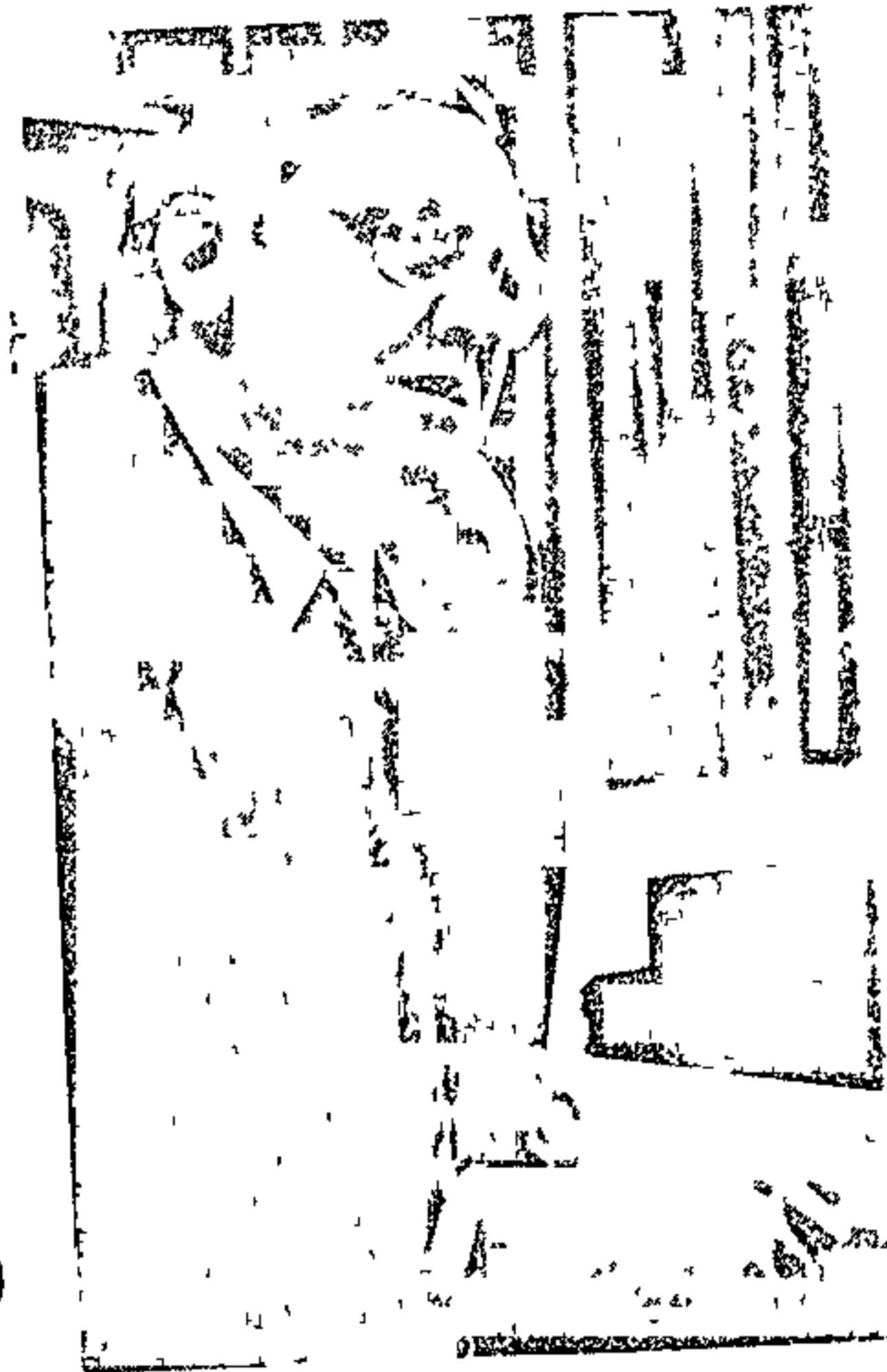


Lead (16) FM 27/5/78

That it is unlikely that the Wicahn Commission report will be on Minister of Labour Fanie Botha's desk by the end of this week, as most observers expected?

This week the commission was still deliberating over the report and some sources now believe the report is unlikely to be completed before the end of November. Others believe it could be delayed beyond that.

Du Toit and the UF's Judge Jan Steyn say their organisations have not asked the commission to include the code in its recommendations. Du Toit says Saccola's evidence to the commission was presented before the code was drawn up. Steyn says "there has been some loose talk" about monitoring the code and it



UF's Jan Steyn I didn't say a thing

LABOUR CODES



The law's long arm

The Urban Foundation/Saccola code of conduct on the statutes as part of SA's labour law? It's a possibility if some of the code's supporters have their way.

The *FM* understands that the Wiehahn Commission has discussed the code and that it will take it into account when it reports its findings. Some sources believe the commission has been asked to recommend that the code be written into law — presumably to be enforced by the labour court which seems likely to emerge after the commission reports.

Certainly many labour men believe that the commission is in favour of a "fair labour practices code" becoming part of SA labour law. And it's also pretty evident that Saccola and the Urban Foundation are looking around for ways of monitoring their code — the FCI, for example, has decided to undertake a monitoring exercise.

Many supporters of the UF/Saccola code believe the ideal way to monitor it is to have it placed on the statute book. This would presumably establish it as the code most likely to be observed by all firms in SA — including those with foreign parents who would point to the need to obey SA law as a reason for adopting the local code rather than any of its overseas equivalents.

Nevertheless, both Saccola's Chris du

getting it legal backing was one of options touted around. He adds however that "I know nothing about this beyond that." The UF did not give evidence to the commission, he says.

So the code's two sponsors have apparently not asked the commission to give it legal sanction. But the idea has backers and it would come as no surprise if at least part of the code were included in the commission's recommendations.

## COMMISSIONS

On the agenda FM 6/10/78

Prime Minister P W Botha will be confronted with two crucial tests soon after taking office - what to do about the reports of the Riekert and Wiehahn

Commissions into manpower utilisation and labour relations respectively

The Riekert report has already reached the PM's office, says a spokesman, and the Wiehahn report is expected to reach the State President John Vorster by end-October.

Once the latter report has been completed, it will go to Minister of Labour Fanie Botha via State President John Vorster and it will then be up to the Cabinet to decide when to release it and how to react to it. The Cabinet will probably release the report together with a statement detailing what it plans to do with it

Fanie Botha himself is already publicly committed to backing the report, but the reactions of his Cabinet colleagues, particularly, of course, the new PM, will provide a key indication of which way the new administration plans to move on domestic race issues

Rumour has it that the report may try to steer clear of specific recommendations and opt for broad statements of principle instead. The *FM* understands, however, that specific recommendations will be included

The Riekert report is as important as the Wiehahn document, if not more so. While the commission's official brief was to look at manpower utilisation, many of its recommendations will deal with government policy towards urban Africans. While Riekert's recommendations are not likely to question the basic principles of that policy, some of them may be controversial enough to raise the ire of some NP *verkramptes*.

The lead which the new PM gives could well be decisive. SA should know by the next parliamentary session at the latest which way Botha (P W) and his cabinet intend to move on the issues dealt with in the reports

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*R.D.M. 14/9/78*  
*166*  
**Approval for**  
**scheme to help**  
**unemployed**

The Secretary,

Dear

Thank you very much  
for your help.

Yours sincerely,

DELLA HENDRIE

Res

By **RIAAN DE VILLIERS**  
Labour Correspondent

THE Unemployment Insurance Board has approved expenditure of between R120 000 and R200 000 from the Unemployment Insurance Fund to provide relief schemes for unemployed blacks. The board's decision has been submitted to the Minister of Labour, Mr Fanie Botha, for his approval.

Relief schemes envisaged will provide employment for about 470 people in three urban areas; Kwa-Mashu, Durban, Edenvale, Maritzburg; and the Port Elizabeth-Uitenhage area.

A spokesman for the Urban Foundation, which is to administer the schemes, said yesterday they were based on a pilot scheme executed in Lamontville, Durban, earlier this year and funded by the foundation.

"But," he said, "the relief will be very temporary. The workers will be employed to repair roads, build pavements and in clean-up operations. The work will only last for three to four months."

Mr Jaap Cilliers, Secre-

tary for Labour, said yesterday the decision to recommend the schemes had been taken in the light of the large number of unemployed and was aimed at bringing temporary relief to some.

It was the first time such expenditure had been approved in terms of the present Unemployment Insurance Act of 1966 or the previous Act of 1946.

The jobless blacks would be helped in a way which would enable them to contribute something to their communities.

Wages paid would be the minimum unskilled wage rates applicable in the areas concerned.

Among conditions set by the Department of Labour are that the schemes must be labour intensive and for unskilled workers only. They must not be inflationary in any way and preference must be given to people whose unemployment insurance benefits have been exhausted.

The Urban Foundation is considering similar schemes for the Transvaal and the Western Cape.

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# Minister's call to end job reservation

ARL 45  
7/19/78  
166

The Argus Political Staff  
BLOEMFONTEIN. —  
In a wide-ranging look  
at future labour rela-  
tions, the Minister of  
Labour, Mr S P Botha,  
said yesterday that  
systems would have to  
be created to give  
blacks more bargain-  
ing opportunities.

The stage had been  
reached where:

- The five remaining classes of statutory job reservation determinations should be scrapped;
- The manner of protecting workers' rights should no longer flow from legislation;
- A labour court should be instituted to settle disputes; and
- A council of employers and employees should be formed to advise the Government on labour policy.

### DIALOGUE

Addressing the National Party Congress here, the Minister also said South Africa would be foolish to close her eyes to the powerful international labour movement and should increasingly hold dialogue with it.

With the help of the Department of Foreign Affairs, a bureau of international relations had been formed within the Department of Labour to counter attacks on South Africa such as boycotts by dockers of ships carrying South African cargoes.

Mr Botha said that unless South Africa were wide awake she could run into labour problems in the next 25 years.

Policy should be based on the need for protecting the rights of workers, such as the right to earn a fair wage, and the maintenance of labour peace.

'On the road ahead we'll have to withdraw statutory job reservation,' he said.

But the matter could not be left there because people had to be protected. The Wiehahn commission on labour would make recommendations on this. The commission's interim report was expected next month.

A stage had been reached where blacks were not only moving into factories in greater numbers but were also moving up in those factories.

In these circumstances works committees as instruments of negotiation, would not be sufficient. New forms were needed to handle labour.

The Wiehahn commission was also looking at this.

The principle was accepted that blacks should have better bargaining opportunities and the question of how it was done would be answered by the commission.

The future should be seen in the light of new situations arising and continuous adjustment of laws.

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kind, hours, holidays)

sing, recreational facilities)

FM 25/8/78

~~151~~  
166  
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## LABOUR

# Foul of the law

In one of the most important judgments affecting labour law in recent years, a Supreme Court judge has found that neither African trade unions nor works committees have *locus standi* to sue an employer on behalf of individual workers.

The judgment, handed down in the Pretoria Supreme Court by Mr Justice Eloff in the Bosman Transport case (*Current affairs* August 11), places serious limitations on the role of both works committees and unions and also has implications for the legal rights of allegedly victimised workers.

Dismissing the claims of the Bosman workers committee, the court held that works committees have no powers outside those explicitly conferred on them by the Bantu Labour Relations Act, which does not explicitly empower committees to go to law.

In response to argument by counsel for the committee that it had acquired that power by writing it into its constitution, the court held that the committee would be acting *ultra vires* if it created powers for itself not laid down in law.

As far as the union, the Transport and Allied Workers Union, is concerned, Justice Eloff found that, while it may have had a financial interest in the matter in that it stood to lose members by any unlawful dismissal, it had no legal interest in the matter.

### Weakened rights

The court also rejected the claim of the union that, as a watchdog of its members' rights, it was entitled to approach the court on their behalf.

The immediate implication of the judgment is that African workers have no organisation which can undertake legal action on their behalf. Neither could a judgment in favour of a worker be binding on an employer in respect of other workers. Where an entire workforce felt aggrieved, therefore, each would have to sue in his personal capacity.

This is obviously high impossible and severely weakens the right of African workers as a group to go to law. It also means that an individual worker could not go to law on behalf of his fellows.

The decision also affects last year's amendment to the Bantu Labour Relations Regulation Act, allowing works and liaison committees to negotiate "binding" agreements with their employers. These agreements are not criminally binding — as an industrial council agreement is — but Department of Labour men have argued that the agreements could be

enforced in the civil courts

It would appear, however, that the committee itself could not attempt to enforce the agreement in the courts — it would once again be left up to each individual worker.

Indeed, by limiting the powers of a committee to those specifically set down in the act, the decision limits the role of statutory works committees almost solely to the simple solving of disputes between employer and employee.

The court also rejected the *locus standi* of two former Bosman employees, who claimed they had been fired for their union and committee work. These workers had not asked the court to reinstate them, but had asked that the restraining order the other applicants are seeking, restraining Bosman from dismissing them for union or committee work, be applied to them if they were reinstated.

Justice Eloff cited a previous case, *Kubheka versus Imextra*, in which the court held that a dismissed worker has no automatic right of reinstatement if he has been victimised.

In terms of the act, victimisation is a criminal offence and, should the employer be convicted, it is up to the court to decide whether to order the employer to reinstate the employee. Counsel for the two workers had argued that they had a "contingent interest" in the matter; in other words that they would have an interest if reinstated.

The court rejected this argument. Thus should a victimised worker be reinstated by a criminal court, he would only then be able to seek redress if he feared his employer was preparing to dismiss him.

On one point, the court found against Bosman. Its counsel had argued that various official bodies, such as the Department of Labour's regional labour committee, should have been parties to the action because the law gives them an interest in the settlement of disputes. The court rejected this.

*Footnote:* The case on behalf of the other applicants in their personal capacities is continuing

# Union's plunge will influence Commission

After 21/8/78  
166

By Sieg Hannig, Labour Reporter

Throw out the colour bar and fight cheap labour with strong trade unions for all races! That's the message from the weekend's congress of the South African Electrical Workers' Association.

This trade union has become the first white craft union to take the full plunge into the new era which the Wreahahn Commission into Labour Legislation is expected to usher in soon.

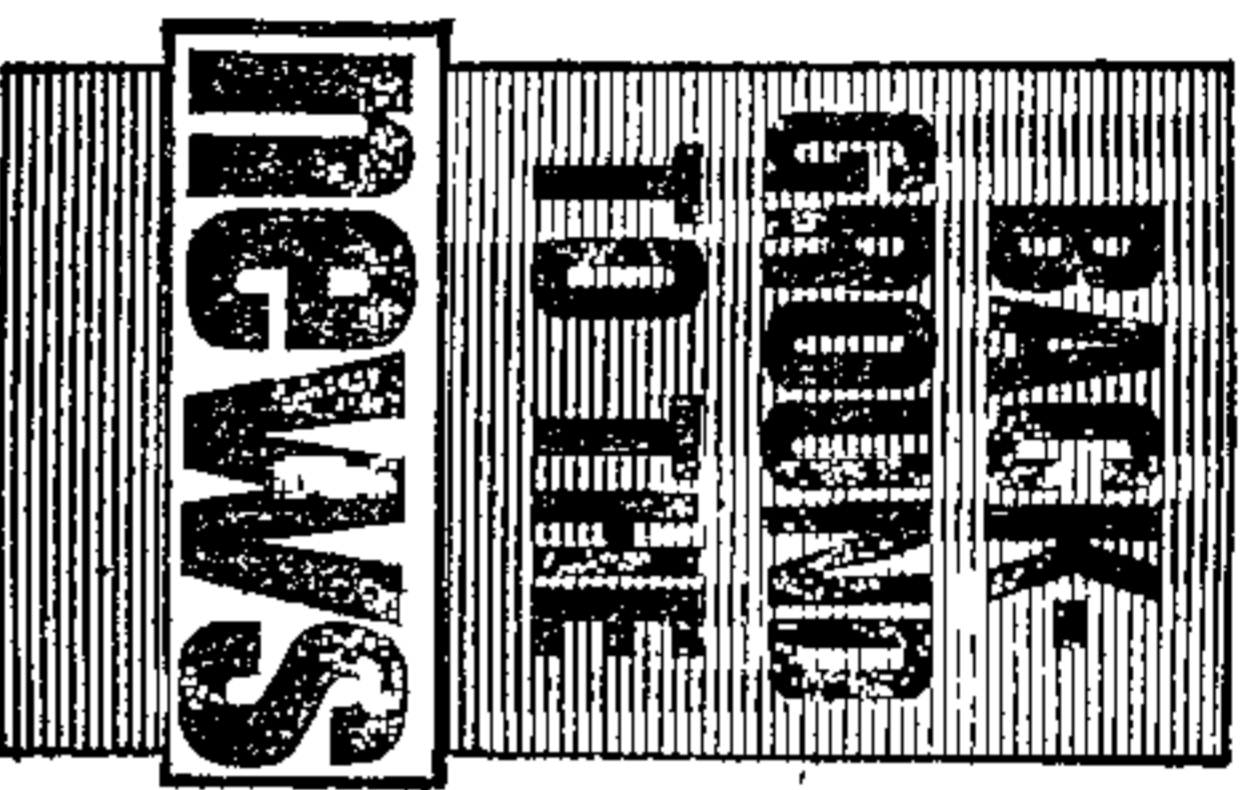
And it made the breakthrough in time to ensure an impact on the Commission itself which is about to draw up its recommendations for an interim report scheduled for October.

That was made clear by the union's general secretary, Mr Ben Nicholson.

He emphasised Professor Wreahahn's call on trade unions to examine their structures and to strengthen themselves for the challenges which lie ahead.

Against this background the delegates unanimously adopted a resolution instructing their national executive council to institute procedures to organise a trade union for black electrical workers.

The black union is to form the third section of an "umbrella system" under which the white union has shared its general secretary with the Electrical and Allied Trades Union



## Blacks to come under 'umbrella system'

for coloured electrical workers for the past 23 years.

If the law is changed to permit mixed trade unions of all races once again, then the membership of the three unions

will decide whether they should continue under the umbrella system or whether they should form one combined union for electrical workers.

The effect of the umbrella system, Mr Nicholson explained, was to ensure that the three trade unions would operate with a common policy towards common goals, while allowing the individual unions control over their domestic affairs.

"The conference saw this as the best protection for all the workers involved."

He referred to the other major resolution of the congress — that workers irrespective of race or colour be eligible for training as electricians.

"Compelling reasons of economic and practical nature have made it imperative for us to reject the colour bar."

"But, most important, the elimination of the colour bar will give us better job protection."

"By allowing workers of all races to become artisans we are countering the employers' pressure for more semi-skilled workers — for the fragmentation of our trade and the cheapening of labour."

"High standards of training for workers of all races, equal pay, equal fringe benefits and equal privileges — these are the principles which underlie our resolutions."

"And these are the principles we intend to fight for with the trade union strength of electrical workers of all races," Mr Nicholson said.

Observers say the moves make good sense in the light of the recent introduction of non-racial employment security, which replaced the protection of the colour bar, in the metal industry.

"We may be the first artisan union to have debated these concepts fully with our members," Mr Nicholson said.

"But the majority of registered trade unions are of the same opinion."

Star 19/8/78  
OPEN UP TO (166)

# all races— electricians

By Sieg Hannig,  
Labour Reporter

The 20 000-strong South African Electrical Workers' Association yesterday became the first South African artisan union to call for the training of tradesmen of all races

The decision sets the scene for the "tremendous" changes on the labour front which were predicted by experts at the union's triennial congress in the Magaliesberg yesterday

Professor Nic Wichahn, head of the Wichahn Commission into Labour Legislation, called on unions to revise their

policies and objectives in order to survive as "coming changes will sweep the South African industrial scene"

Mr Arthur Grobbelaar, general secretary of the Trade Union Council of South Africa, predicted "very important changes to our industrial legislation."

Mr Steye Schepers, a vice-president of Tucs, warned that failure to adapt could split workers into two unfriendly camps

Against this background, the union resolved "that in order to maintain and increase the standard of living of all South Afri-

cans, the opportunity be given to all South Africans, irrespective of race or colour, to be trained as tradesmen"

Nobody spoke against the resolution and only one of the delegates voted against it. He said he had done so, not on principle, but he feared employers would abuse the freedom to create cheap labour.

Other speakers said it was up to the union to ensure that blacks and whites received top class training and had educational qualifications which would prevent the electricians' work from being cheapened.

## Hopes for subsidies

Hopes for a seven-fold increase in food subsidisation have been held out by Mr Ben Nicholson, general secretary of the South African Electrical Workers' Association.

Referring to past protests about general sales tax on basic foods, Mr Nicholson told his union's triennial congress that an interview was being sought with the Minister of Finance, Senator Horwood

Now that the gold price had swelled Government coffers by perhaps R400-million, the Government should be able to increase this subsidisation to about R150-million, Mr Nicholson said

## Unions 'ready for soldiers'

Labour Reporter

The trade unions will make sure that jobs await the thousands of national servicemen returning from the border at the end of this year.

This assurance has been given by Mr Ben Nicholson, general secretary of the South African Electrical Workers' Association

Although the unions had not been able to guarantee servicemen full compensation for earnings lost as a result of military service, much had been accomplished in other ways, he said

A meeting with senior military officers had been arranged for next week to discuss the return of the men

In addition, efforts were being made to ensure servicemen would be placed in fields where they could continue practising their skills and get additional training while doing military service.

A special committee of the National Apprenticeship Board was negotiating this and had received assurances of "every co-operation" from military authorities.



# Jobs outlook for all races the best

166

By Michael Chester,  
Financial Editor

## in 2 years

The jobs outlook for the next three months has climbed to its most optimistic for two years, according to an employment survey released today.

Manpower, the world wide survey group finds that 12 percent of the 1200 companies covered by its quarterly surveys have laid plans to increase their white staff and nearly 10 percent intend to recruit more black workers.

In Johannesburg as many as one in 11 companies are planning to hoist the number of white staffers.

Companies planning to reduce their white staff have shrunk to only 15 percent, the lowest level recorded in 30 months of recession, and under 7 percent — the lowest in two years — feel they need to trim on the black labour side.

Mr Ralph Parrott, managing director of Manpower South Africa says there are still all the signs that the overall improvements will go on at least until the end of the year.

However, interpretation of the trends needs caution. It may well be that the number of new jobs coming along will still not manage to make much of a dent in the size of the national unemployment pool.

Yet to be seen is whether the flow of extra jobs will be able to match the flow of new work-seekers coming out of the schools.

Mr Parrott shares the caution. He sees little chance of a solution to the unemployment problem as a whole until the economic growth rate is prodded into faster pace.

"There's no doubt that business confidence is higher and economic activity has improved lately," he said today.

However, it's unlikely to alleviate unemployment in general terms. Employers expecting economic improvement are also expecting labour productivity improvements and to be able to use surplus factory production capacity that has been idle too long.

The keys to a long-term solution remain more training programmes for black labour and a new round of non-inflationary stimulants to quicken the economy.

For the moment, the brightening in the jobs outlook is spread over most of the industrial and commercial categories — in particular in building and construction, the motor trade and in the heavy engineering sector.

One notable exception is the timber industry, which plans to prune both its white and black work force.

Prospects are brightest

of all in construction, base metal mining, computers, civil engineering and vehicle manufacture.

Region by region

● Transvaal — 'a particularly optimistic situation'

● Orange Free State — 'reasonably stable'

● Natal — 'the most optimistic figures recorded for two years'

● Cape — 'continues to show improvements,' but in the Peninsula there are still more companies planning decreases rather than increases in staff.

LIST OF PHOTOGRAPHS (continued)

	<u>Page No.</u>
Inside a new Guguletu dormitory-shed -----	39
Pondoks inside a new Guguletu dormitory-shed -----	39
Newest employers' dormitory-sheds- Guguletu -----	40
Outside a dormitory-shed in Langa -----	40
Nyanga employers' dormitory-sheds -----	52
Pondoks inside a Nyanga dormitory-shed -----	52

LIST OF MAPS

General location  
Accommodation  
Accommodation for

Accommodation  
Figure No:  
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Without official permission. While the law may well have been honoured in the breach by some employers, Minister of Plural Relations Connie Mulder did tell Parliament that his officials received many requests for permission to deduct money for pension schemes and the like. Indeed, it seems likely that a prime reason for the repeal was that it constituted a legal obstacle to employers who assist their workers to acquire township houses under government's new 99-year lease scheme. It is now possible for these employers to deduct a monthly amount from the pay packets of African workers to whom they have loaned housing money.

union, funeral benefit, or insurance scheme (which the authorities appear to turn a blind eye to). Now, points out Sylvia Gou of the Institute of Industrial Relations, an important obstacle to the granting of "stop order" facilities has been removed. Department of Labour men tell the FM that no law now prevents employers from agreeing to grant "stop order" facilities to an African union. There is, however, one remaining obstacle — the two parties to an industrial council can forbid these deductions in their industry, as can a determination by the wage board.

Not that the change doesn't have its opponents — the PFP opposed it in Parliament, arguing that the section should be amended to allow deductions only where the workers concerned had agreed to them. This, said Pinelands MP Alex Boraine, would prevent random deductions by employers which could cause shop-floor resentment.

**LABOUR LEGISLATION  
Boon or bane**

166  
FM 9/16/78

The repeal of a little-known piece of legislation has made it easier for employers to set up pension and medical funds for their African workers and to deal with African trade unions. But there are some who fear that it will also open the way to abuses which could harm labour relations.

The measure is Section 16 of the Bantu Labour Act, which made it an offence for an employer — or any other party — to deduct part of an African worker's wage without the permission of the Director of Bantu Labour.

It has thus been illegal until now for employers to launch contributory welfare schemes for their African workers with-

An equally important aspect of the change is its effect on relations between employers and African trade unions.

When an employer agrees to recognise a trade union, a key aspect of the arrangement is an agreement by him that he will automatically deduct union dues from members' pay packets and pass them to the union.

This "stop order" system is regarded by unions as a vital aspect of recognition as few if any of them have the administrative resources to collect dues on a regular basis from every member.

The few employers who have agreed to grant unions recognition have circumvented this by deducting dues for a

and Sex -----	9/10
-----	10
-----	12
ostels -----	15
oyers' -----	17

11.	Langa employer dormitories - statistical data -----	14
12.	Accommodation figures in the Langa flats -----	28
13.	Accommodation figures for employers' dormitories in Section 2 Guguletu and key to statistical data -----	36
14.	Guguletu Section 2 - employer dormitories - statistical data -----	37
15.	Accommodation figures for employers' dormitories in Section 3 Guguletu and key to statistical data -----	42
16.	Guguletu Section 3 employer dormitories - statistical data -----	

Anglo American

30/5/78

166

secret document

Mining call

for black

trade union

rights

Cape Times  
30/5/1978

① 166  
② 211  
③ 136

Own Correspondent

JOHANNESBURG. — The Anglo American Corporation has asked the Wiehahn Commission of Inquiry into South Africa's labour laws to grant trade union rights to all black workers — including the mining industry.

But it believes no effective union representing black workers will emerge in the mining industry for some time and that the "vast majority" of black workers will probably not be unionized.

It favours strict control of trade unions to avoid misuse for political ends, through legal requirements, as well as additional restrictions laid down by employers.

It also rejects legally-enforced "closed shop" provisions and favours voluntary union membership.

This has emerged from a confidential Anglo American document reproduced in the latest issue of The Mineworker, journal of the Mineworkers' Union.

#### Commission

According to The Mineworker, the document was sent to the Chamber of Mines in November last by Mr Dennis Ethera, chairman on Anglo's gold division, together with a draft chapter of its recommendation to the Wiehahn Commission.

It is the third confidential Anglo document on industrial relations "exposed" by the white union.

The document, entitled "Problem areas in industrial relations in the mining industry", analyses Anglo's proposals and its implications for the mining industry.

It appears that the corporation has proposed a two-level system of industrial relations, including

- Central collective bargaining between employers and trade unions representing all workers, laying down wages and conditions of employment

- Elected worker commit-

Continued on page 2

# Union rights

Continued from page 1

tees to deal with workers' views within individual enterprises

But the document says these proposals would be an ideal system and could not be implemented immediately in the mining industry

It also says the industry should be allowed a three-year period to build up committees on individual mines before they should conform to the full standards laid down in the law

Attempting to allay fears about trade union rights for blacks, the government says it could be assumed that no effective union representing any significant number of black workers would emerge in the immediate future. This would exclude most black workers from collective bargaining.

But the document warns that this should not lead to proposals to exclude blacks from trade unions and set up separate committee systems to negotiate with them.

Effective collective bargaining could take place only with independent trade unions, and conflict could also develop between two systems of worker representation.

The document argues in favour of trade union rights for "foreign" black workers as well as migrant workers.

Separate development aimed at making all blacks in SA foreigners, sooner or later. To build an industrial relations system on this ideological basis would flaw the system and "bring far greater problems in its wake".

If the aspirations and interests of migrant workers were as low as some employers argued, they could be catered for at enterprise level and they would have no incentive to participate in trade unions.

But to exclude any group from representation in the industrial relations system would be to court conflict, now or in the future.

On fears that union rights for blacks would allow a "power base for black political aspirations," the document says the law should provide strict criteria to control unions.

Also, employers who still felt blacks in trade unions would lead to "radical political organizations" could set their own criteria before recognizing unions.



Parliament

ARGUS 25/5/78

166

# No union protection for 'foreign' blacks

The Argus Parliamentary Staff

THE Minister of Labour, Mr S P Botha, made it clear in the Senate yesterday that foreign blacks who came to South Africa to sell their labour would have no claim to trade union protection in any new labour deal.

Speaking during the budget debate on the

labour vote, Mr Botha said that he knew of no other country in the world that gave immigrant workers such rights.

'I don't think our thoughts should ever move in the direction that people who come here to work from outside the country should have any claim to specific organisation and labour rights in our country,' Mr Botha said.

'We must understand this. There are too many

people who come from outside. It would create a very difficult situation.'

'Therefore, if I was ever asked if migrant and contract workers who came here from beyond South Africa's borders should in the future have claim to rights in our country my answer would be no,' Mr Botha said.

The Minister said that before blacks could be brought into the labour negotiating process in South Africa they would have to be specifically trained in these skills.

He said the system of job reservation had brought peace in South Africa and had prevented more suffering than it had caused.

Mr Botha said there was wide agreement in labour circles that workers should be protected but the manner of protection was something that was now being investigated.

'The system of job reservation had served the country well but it could be argued that on the road-ahead statutory legislation might not be the best way to protect workers

## CONSENSUS

Mr Botha made it clear, however, that any changes in the labour field and removal of existing restrictions could only come about as a result of consensus between employers and employees.

Consensus, he said, would become the key factor in South Africa's labour relations pattern. Force invariably resulted in reaction and it was therefore always preferable to talk than to compel.

Mr Botha warned that changes would not be made to the country's labour pattern to satisfy overseas demands but to meet the changing circumstances within the country.

## EVOLUTIONARY

South Africa was presently involved in an evolutionary process whereby people of other race groups were being assimilated into the labour arena on an unprecedented scale.

The quality of workers in all race groups had increased to such an extent that the time had come to extend negotiating and other rights to them.

He warned, however, that if South Africa was to compete with the industrialised nations of Europe productivity would have to keep abreast with pay increases.

Mr Botha said this was where training played a vital role and the quality of training would have to be looked at afresh.

The Minister said he would give this matter his fullest attention during the coming parliamentary recess and decide on the future path.

He said more and more would have to be spent on increasing the productivity of black, brown and 'yellow' workers.

Mr Botha said South Africa had the potential for prosperity but it also had enormous potential for adversity if it could not provide jobs for all its peoples.

# Merit society planned — Horwood

ARGUS  
18/5/78  
3/166

The Argus Political Staff

BRUSSELS. — Foreign investors were assured today by the Minister of Finance, Senator O P F Horwood, that changes in South Africa were aimed at evolutionary transformation 'to a society where merit alone will determine worth'

He said so in an address to the American Club in which he dealt with foreign investment prospects in South Africa

Senator Horwood said. 'It has always been our policy to welcome foreign capital investment especially when accompanied by technical expertise and know how'

From an economic point of view, he said there appeared to be general agreement that the requirements for a period of solid economic growth in South Africa were complied with and that the country should be regarded as 'an excellent investment risk'

### ASSURANCE

He repeated the Government's assurance that it was the declared aim to eliminate discrimination based on colour

'Such differentiation is a historical fact but sustained efforts are being made to move away from this situation

'Contrary to popular notions, luxury hotels, public parks, restaurants, entertainment centres, sport and various other activities have been opened up to all races, irrespective of colour' he said

He said South Africa's labour legislation 'though far less restrictive than commonly supposed outside the Republic, calls for review and is currently being studied by two high-level commissions of inquiry.

'I have no doubt that the result of these studies will be further enlargement of the employment opportunities open to black and brown workers, and still further improvements in their working conditions'

### PROPERTY RIGHT

Other changes he listed were the granting of 'property rights' to blacks in urban townships, the progress towards arranging for 'fully autonomous and fully elected local authorities' to run the

(Cont nued on Page 3 col 4)

## Horwood

(Continued from Page 1)

black townships, increased Government spending on black, coloured and Indian housing and education social and health services and the Government's constitutional proposals to the coloured and Indian people.

These steps were to effect an evolutionary rather than a revolutionary transformation to a society where merit alone would determine worth

'If we move too fast in a much shorter time span, the internal stresses and strains will become counterproductive,' said Senator Horwood

Foreign investors should feel assured that the Government intended maintaining law and order in this process and intended continuing in an evolutionary manner irrespective of foreign pressures.

He said South Africa today generated the overwhelming proportion of its capital requirements internally and could, if necessary, maintain a reasonable rate of economic growth without any

net inflow of foreign capital

But it had always been economic policy to welcome foreign capital 'Unlike some other countries, we have never had any political problems or hangups about the role played by foreign capital in our economy'

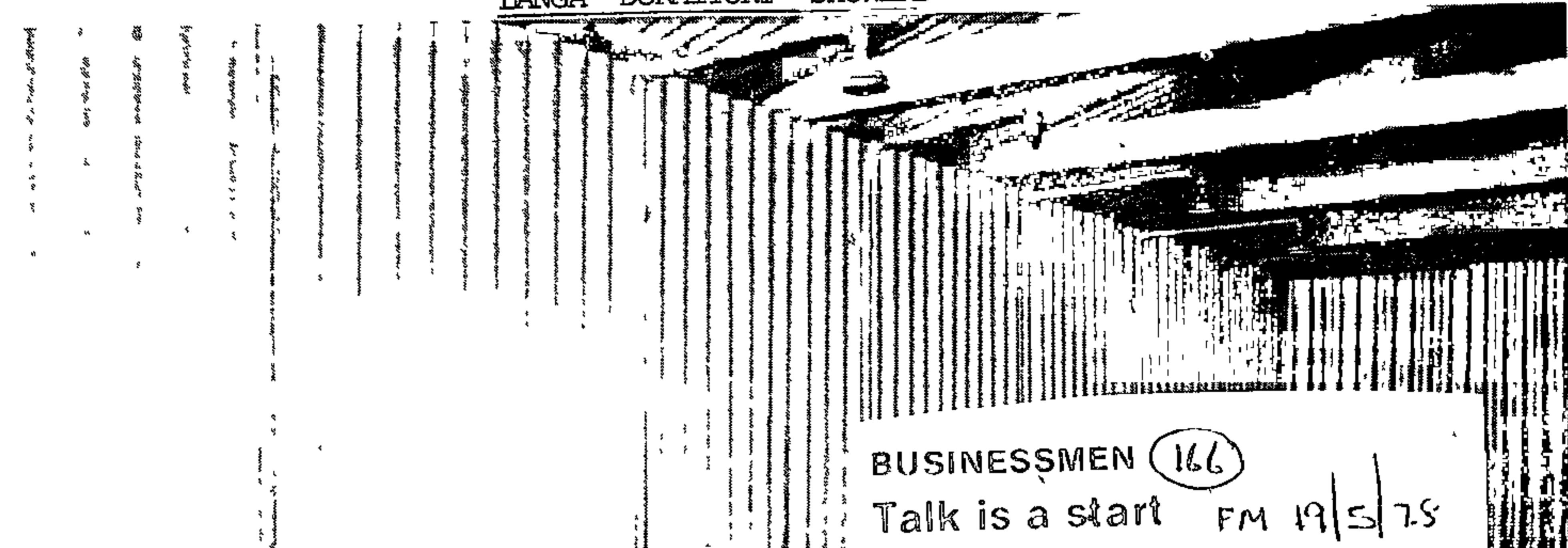
Immediate political reaction has been sparked by Senator Horwood's statement

The official Opposition spokesman on finance, Mr Harry Schwarz, said the statement appeared to be one of the most significant by a Cabinet Minister on the political future of the country this year

'If this is Government policy and if merit alone will determine worth in South Africa with safeguards against discrimination and safeguards against domination, the political debate in South Africa can assume a new dimension

'A debate can then take place in terms of which we can seek to arrive at a mechanism to achieve this — all having the same objective'

LANGA DORMITORY SHOWERS



VVV

in SA which will guarantee a better future" Fourie tells the *FM* it's up to the AHI executive to formulate more concrete steps. A stronger resolution, he argues, would not have had the support of most delegates.

The AHI was seemingly outflanked in the event by Labour Minister Fanie Botha and his right hand man, Prof Nic Wiehahn. Opening the congress, Botha talked about the need to recognise the rights and interests of black workers, and envisaged a permanent commission on labour matters to keep up with the increasingly frequent need for updating SA's labour laws. Wiehahn who told delegates that his commission hopes to present its report by October, warned them against their fear of "white survival". He also criticised delegates who had spoken of training for white supervisors, pointing out that even now there are coloureds, and a few Africans overseeing whites.

BUSINESSMEN (166)

Talk is a start FM 19/5/78

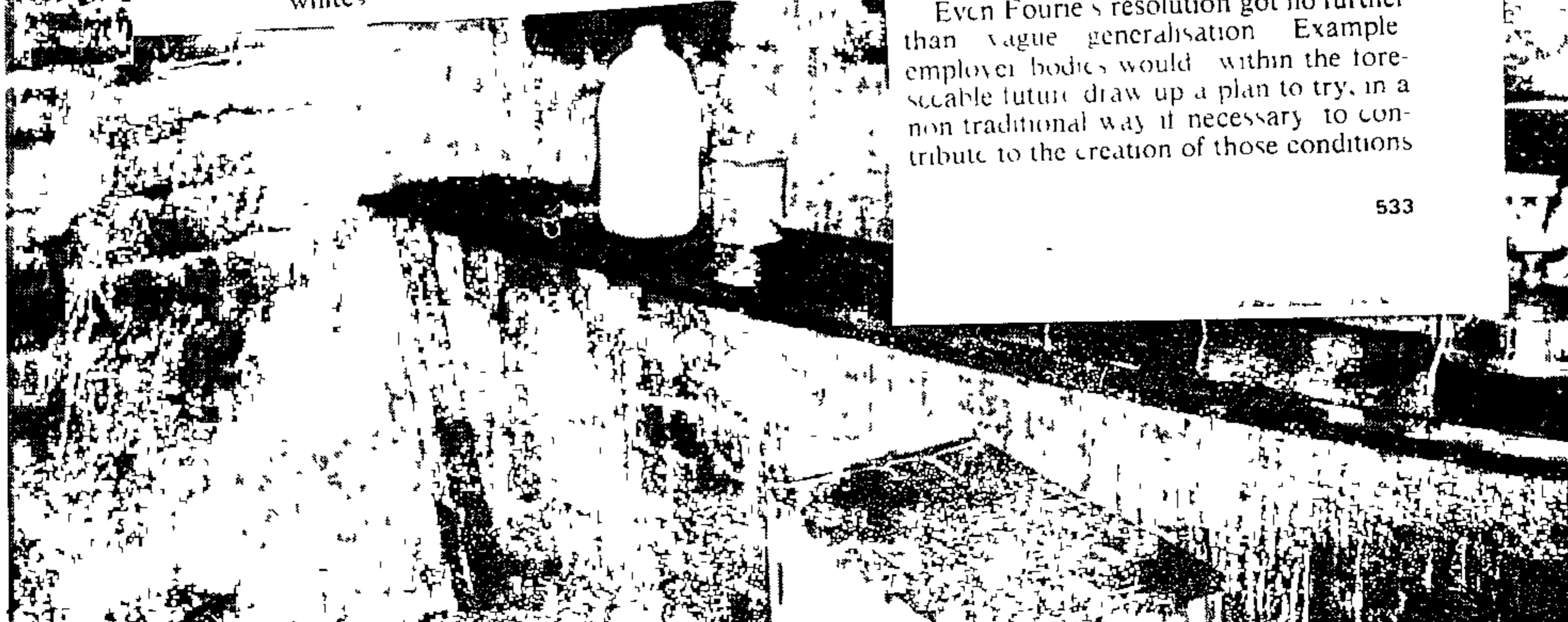
At its congress in Durban this week, SA's biggest and most influential employer group the Afrikaanse Handel sinstituut called on businessmen to raise their voices on political and social issues. "The AHI will have to play a leading role in spreading facts on socio economic developments and sharpening the social consciences of businessmen," said Prof Philip Fourie of Bloemfontein who introduced the congress' key resolution.

AHI president Anker Burger stressed that "it is the duty of organised business to give its opinions on important matters whether political or otherwise, which affect the business world."

Strong stuff. Yet neither Fourie's motion nor any of the 17 others debated by some 500 top businessmen came close to probing the real problems facing SA. Instead of debating workers bargaining rights, the plight of urban blacks, restrictions on black traders and the Group Areas Act, AHI delegates were presented with resolutions dealing with such well-worn topics as tourism, small traders, price control, import replacement and the recruitment and orientation of black workers.

Even Fourie's resolution got no further than vague generalisation. Example employer bodies would within the foreseeable future draw up a plan to try, in a non-traditional way if necessary, to contribute to the creation of those conditions.

533



LANGA DORMITORY KITCHEN

REPORT ON STATISTICAL DATA:

The beds in the dormitories are all two-tier. They are grouped in sets of two i.e. four men sleep in a group together. There are no dividing walls between the beds.

The men fairly frequently place divisions between their beds to separate the

tw  
Men at work (166) FM 19/5/78  
doi Worried about gaps in your ability to  
VIC handle labour affairs? Well Unisa's  
ple Institute of Labour Relations is now  
pri offering a certificate programme in  
labour relations, open to management,  
government and union men. The first  
course will run from July to November  
this year, closing date for applications is  
May 31

The The courses one of which will be  
und given by Professor Nic Wichahn of Com-  
mission fame - combine work in study  
but groups with other participants with  
time seminar work

Empty beds are often used for clothes or other meagre possessions belonging to the men using beds next to the unoccupied beds and it was therefore often difficult to judge whether the scraps on the beds were the total possessions of a very poor man, or the storage space of another. It is inevitable that the top bunks which are deserted.

There are three reasons for being returned to the reserves to re-join the middle of the year, stay in hostel for a week. Secondly many men have moved to hostels in the Zones. The hostel is very popular. Finally, some men are in married quarters with a friend.

The length and breadth of the dormitories are 24' wide except for No. 69, no dormitories actually had ceilings and No. 68's was broken in places.

All the floors are made of concrete. Sometimes they are covered by a very thin black rubber. This is often indistinguishable from the concrete itself, and often worn and patchy. The only reasonable covering at present are thin square coloured rubber tiles, and these for the colour and cleanliness rather than the heat. Many men have found shabby scraps of old carpet or

cardboard primarily, they will divide the dormitories into rooms, No. 62 and 68 for instance were completely divided as a whole series of closed off rooms, commonly they do mainly to create a measure of privacy.

ed were those which without doubt were probably a lot more vacant than are indicated, accurate because the men have so few possessions

The Institute prefers candidates to be enrolled by their employers, but will accept individual applications. Candidates must have three years post-matric experience at a University or in business. The fee will be R500

**Textile mission**

Spanish textile machinery companies are holding a three centre trade mission next month to promote the booming Barcelona based industry

The eight-company delegation will visit Cape Town from June 12-15, Durban, June 16-20, and Johannesburg, June 21-23

The Spanish embassy says that in the past eight years exports of textile machinery, 51% spinning, weaving and finishing, 41% knitting and others, have gone from R20m to R56m





MIN BOTHA

# S.A. kry dalk vaste arbeidskommissie

DIE BURGER 18/5/78 166

**-S. P. BOTHA**

Van Ons Politieke Redaksie

DURBAN.

'N VASTE kommissie wat 'n deurlopende studie van arbeidswetgewing, sal maak, is deur die Minister van Arbeid, mnr S. P Botha, in die vooruitsig gestel.

Min Botha, wat gister hier die kongres van die Afrikaanse Handelsinstituut geopen het, het gesê arbeidswetgewing en die voortdurende aanpassing daarvan, veral in 'n vinnige ontwikkelende situasie soos dié in Suid-Afrika, moet die onderwerp wees van voortdurende studie en waarneming in die praktyk.

Sosiale wetgewing, soos dié wat op arbeid betrekking het, kan nie soos in die verlede met tussenposes van baie jare, soos dit tot dusver die geval was, hersien word nie en dan alleen na die opbou van druk oor lang tydperke.

## FAKTORE

Min. Botha het gesê Suid-Afrika moet homself afvra of dit wat tot dusver as goed genoeg beskou is, in die toekoms die toets van die tyd gaan deurstaan. Die volgende faktore verplig ons om ons situasie te herwaardeer en betyds die nodige aanpassings te doen:

• Die vinnige aanwas van die totale bevolking met die gevolglik toetrede van vinnig toenemende getalle arbeidsgeskikte mense wat ge-

akkommodeer moet word in die werkverskaffingsapparaat van Suid-Afrika

• Die arbeidsbehoefte van die Suid-Afrikaanse produksiemasjien, wat in die toekoms 'n hoer lewenspeil vir al sy mense moet verskaf.

• Die verstaanbaar geregverdigde menslike aandrag op vordering op die leër van selfverbetering en eie waarde

• Aan die een kant die tekort aan blanke arbeidskrag en aan die ander kant die beskikbare bruin, geel en swart arbeidskrag wat aan die deur klop om opgeneem te word.

• Die vereistes vir die beter benutting van arbeidskrag tot hoer produktiwiteit om 'n mededingende ekonomie in stand te hou.

Min. Botha het gesê daar is ook sensitiewe faktore wat in aanmerking geneem moet word. Vir eers bestaan die vrees vir verdringing in die tradisionele diensterreine van groepe deur nuwe toetreders van ander groepe teen laer lone en verder die verwyte van diskriminasie op grond van ras of kleur

Min. Botha het gesê Suid-Afrika leef in 'n besonder interessante en uitdagende

tyd met meer kwelvrae en waarskuwingstekens op die pad as in enige vorige tydvak in ons geskiedenis.

„Ons moet geen illusies hê nie oor die waarheid dat 'n voorspoedige Suid-Afrika gebou sal word op goeie arbeidsverhoudinge. Suid-Afrika se potensiaal vir voorspoed is enorm, maar sy potensiaal vir teenspoed by gebrek aan goeie insig, vroegtijdige veranderings en die regte meganismes in die delikate sosiale, ekonomiese en politieke klimaat van Suid-Afrika se arbeidsopset is ewens gevaarlik.”

## ARBEIDSHOF

Min. Botha het gesê arbeidsbewegings oor die hele wêreld soek aansluiting by mekaar. In Suid-Afrika het 5,3 miljoen wit, swart, bruin en geel werkers reeds by mekaar aansluiting gekry in ons nywerhede, myne en diensnywerhede.

„Die sentimente en behoeftes hier is dieselfde as in die Weste, want dit is daardie model wat hier aanklank vind. Die eise word dieselfde en die idioom in Suid-Afrika word dieselfde as in Europa en Amerika.

„Goeie arbeidsbetrekkinge is nou vir ons van die aller-grootste belang en daarom moet ons as 'n vertrekpunt vorentoe onderlinge vertroue skep en brê bou.”

Min. Botha het gesê hy glo 'n werker het regte en belange en hy moet sy regte soek by 'n arbeidshof wie se uitsprake nie gekritiseer sal word as politiek geïnspireer nie.

Om op die voerpunt van ontwikkeling te bly en nie met 'n agterna-aksie te kom nie, sal dit van die grootste belang wees dat 'n vaste kommissie 'n deurlopende studie van arbeidswetgewing doen.

Min. Botha het gesê dit was vir hom lank reeds duidelik dat die Departement van Arbeid té lank afgeslote geleef het van die buitewêreld.

WIENAHN COMMISSION

More "guesses"

Statutory job reservation and the union closed shop clause... whites, coloured people and Africans are likely to be rejected by the Wienahn

Commission. These groups would, however, still enjoy legal protection, says Tucsas Arthur Grobbelaar.

Grobbelaar ventured this "guess" when he continued addressing Tucsas closed conference in Johannesburg last week (FM last week)

He felt the commission was likely to recommend that a "fair labour practices code" be built into legislation that would include clauses "designed to protect minority rights"

The code could also have clauses protecting registered trade union members from victimisation, allowing unions access to factories to organise at certain times, and other "safeguards" for employers and workers.

The commission might also seek to bring all industrial relations training under the ambit of two government departments — Labour and Education & Training

While the training would be carried out by "autonomous organisations", these, said Grobbelaar, would have to be registered with, and have the content of their courses approved by, government.

Once registered they would be entitled to government grants and funding from government-imposed levies

However, such a recommendation would hit existing industrial relations training bodies hard and effectively bring all such training under government control.

Grobbelaar also suggested that the commission is likely to recommend the establishment of a labour court plus a permanent labour commission to monitor the effectiveness of any new labour relations system

Some delegates to the meeting apparently wanted Tucsas to take a stand against plant-level committees unless they "form an integral part" of trade unions

But this proposal was softened, to one

arguing that there should be a relationship between unions and committees. A view Tucsas will no doubt want Grobbelaar to take back to the commission.

• Despite suggestions that last week's FM report of Grobbelaar's address was "garbled", the FM understands that at least one Tucsas delegate last week suggested to the conference that the FM "must have got hold of (Grobbelaar's) notes" Needless to say, we hadn't

FOR THE YEAR ENDED 2 STATEMENT OF RECEIPTS

NYANGA PARISH OF THE HOL



# Minister hints at black trade unions

ARGUS 17/5/78 (166)

The Argus Political Staff

DURBAN. — The Minister of Labour, Mr Fanie Botha, hinted strongly last night at the future recognition of black trade unions in some form.

Speaking in Durban at the official opening of the Afrikaanse Handelsinstituut congress, he said the dualism resulting from the organised and unorganised sectors of labour gave cause for urgent re-consideration.

Last year, further recognition was given to basic workers' rights for black people — namely,

the right to negotiate, the right to have agreements enforced and the right to protection from victimisation.

"This extremely difficult task is now being investigated and I do not wish to anticipate it."

The position of employees was being considered by the Wiehahn Commission, he said.

Mr Botha said the correct dispensation would provide security and human dignity, avoiding the germ of labour confrontation.

## BRIDGES

He had confidence that bridges would successfully be built between employers, employees and the State, as well as between workers of all races.

"Good labour relations are now of the utmost importance for us and therefore, as a point of departure, we must create mutual trust and build bridges."

Among factors making a re-evaluation necessary was the shortage of white manpower on one hand and, on the other, the availability of other races knocking at the door.

But this introduced the sensitive issues of fear of the penetration of newcomers in fields of work traditional to certain groups, plus reproaches about discrimination on grounds of race and colour.

Mr Botha outlined likely features of South Africa's new labour structure, which would include:

- A labour tribunal whose judgments would not be criticised as politically inspired.
- A permanent commission to make a study of labour legislation.

## Blow to the unions?

Give a little with one hand, but take a lot with the other. Recognise African trade unions, but impose sweeping restrictions on the trade union movement as a whole. That's what the Wiehahn Commission will recommend, according to Tusca general secretary Arthur Grobbelaar, who is himself a member of the commission.

Grobbelaar addressed a secret Tusca meeting this week on his "guesses" about the commission's recommendations. The guesses are likely to be fairly educated.

Grobbelaar told the closed-doors meeting that the new system will be non-discriminatory. It will, however, "ensure that relationships will not be disrupted by extremist elements."

A key element, opined Grobbelaar, will be plant-based "enterprise committees." These, he said, will be "vigorously encouraged" as a substitute for trade unions.

Warning Tusca unions that they "should have no illusions" about the replacement of unions by committees, Grobbelaar said that the committees will be given certain "special facilities" -- like time off from work to conduct their business. The fact that the committees will not levy subscriptions on members will supposedly make them more attractive to workers than unions are.

The committees will be non-racial, although there could, said Grobbelaar, be provision for proportional representation on a racial basis as well as veto rights for minority groups.

The committees will also probably enjoy representation at industrial council and Wage Board level, according to Grobbelaar.

Unions will be able to choose whether to be non- or uni-racial. But they will have to undergo "stringent" registration tests. While unions which fail to gain registration will not be banned, they will

be barred from entering into agreements of the kind entered into between Smith and Nephew and the unregistered African textile union.

Grobbelaar also said he expects that some presently registered unions will be de-registered.

Migrant workers from outside SA will be barred from trade union membership. This will presumably apply to citizens of Transkei and BophuthaTswana and nationals of any other Bantustan which becomes independent.

Contrary to the expectations of many, neither the closed shop nor the deduction of union dues by employers will be prohibited. But racially discriminatory closed-shop agreements will be outlawed.

# What about the workers?

FM 24/3/78

166

**What indeed? The Afrikaanse Handelsinstituut wants African participation in registered unions. But the fine print has an authoritarian ring**

The debate on future labour relations is hotting up. The Wichahn Commission has announced that it will not after all produce an interim report. Meanwhile, the Afrikaanse Handelsinstituut has backed the admission of Africans to registered unions (*FM* last week).

However, the fine print in the AHI's submission is perhaps more important than its bold recommendations. The AHI is the most influential business body in labour matters. In 1975, it was largely the AHI's objections which sank a bill aimed at allowing African workers bargaining rights at industry level. Its evidence resembles in broad outline, though often not in detail, the evidence of Unisa's Institute of Labour Relations (*FM* November 18 1977).

The ILR's evidence, released to test business and union reaction, is regarded as influential, coming as it does from Professor Nic Wichahn's own think-tank.

The choice for the Commission now appears to have shifted from *whether* to recognise African union rights to *how* to do this. It is here that the restrictions proposed by the AHI are important.

Like the ILR, the AHI advocates plant-level committees for all races, African trade union rights, allowing unracial unions to keep their composition, and a labour court to police the system.

The AHI, however, rejects trade union rights for migrant Africans and suggests that their needs be satisfied by non-registered committees. This, it appears, would apply to long-term as well as short-term migrants, including commuters from bantustans to the white areas. That implies that only Africans who enjoy Section 10 rights in the urban areas will be entitled to union rights.

However, as the bantustans become independent, Section 10 rights will eventually wither away.

A second crucial difference appears to be the labour court, an idea with wide support among business and unions.

While the ILR wants the court to interpret existing legislation, the AHI seems to go further. An editorial in the AHI's journal, *Volkshandel*, suggests that the court should arbitrate in job reservation disputes and implies that it should help to subordinate the bargaining power of the trade unions to the national interest.

The phrase has a markedly authoritarian ring to it. It also implies that the court should play an activist role, which would lead to its having a vital role in labour relations.

In its evidence, the AHI suggests that the court's rules should be less rigid than those of an ordinary court. This could lead the way to a quasi-judicial body,



**AHI's drafting committee chairman Dolf Schumann . . . telling Wichahn**

with vague terms of reference, virtually controlling labour relations from the top.

The AHI also wants to outlaw both the closed shop and the deduction of union subscriptions by employers on behalf of unions. The closed shop (which stipulates that all workers must belong to the union) is a controversial principle which has opponents among unionists as well as employers. Its critics argue that it limits freedom of association, its supporters that it protects union men from being replaced and undercut by non-union labour.

The scrapping of deductions from workers' pay packets is likely, however, to be fiercely opposed by the unions who argue that it is their only reliable way of remaining financially stable.

## **Entrenching the bar**

The AHI's proposals could also weaken the position of independent African unions by imposing stringent criteria for registration (*FM* last week). They could also entrench the job colour bar (at least for a while) because they press for unions to have equal say in bargaining regardless of numbers.

This is specifically to cater for minority groups and could, presumably, allow a small white union to block job colour bar changes suggested by a large black union.

In sum, the AHI proposals come down on the side of heavily circumscribed black unions and seem to prefer the organisation of Africans under the tutelage of existing white, coloured, and Asian unions.

They seem to suggest that African unions should be registered, but not allowed to grow strong or independent, and that bargaining for all races should be subjected to a large measure of control from the top. It's not, perhaps, an overtly racial system. But it's hardly likely to satisfy advocates of free labour relations.

# LABOUR REPORT WILL BE DELAYED SAYS WIEHAHN

S Tribune 19/3/78

166

Tribune Reporter

THE WIEHAHN Commission of Inquiry into labour affairs has decided not to issue an interim report but will make one final statement of all its findings and recommendations.

The commission was expected to table an interim report in Parliament this month.

Professor Nic Wiehahn, senior adviser to the Minister of Labour and chairman of the commission, said this week it had been decided not to issue a statement before the final report.

"It is mostly because interim reports tend to fix a line for a commission so we've decided not to say anything until we are completely ready," he said.

Another reason for this decision has been the phenomenal response to the commission's request for evidence, said Professor Wiehahn.

"We have received a huge mass of evidence, both from this country and overseas, and the commissioners are dealing with it," he said.

"We expect to finish with the private sector by the end of April and will then start on the public sector and make our report," he said.

andskere?

in die span?

s elke jaar? weke.

9. Hoe werf u hulle?

10. Hoeveel keer het die span reeds op u plaas gewerk?

11. Hoeveel skape skeer hulle weekliks?

12. Betaling

Skeerders: kontant

ander: hoeveelheid

waarde aan boer

waarde aan skeerder

Dagsmanne: kontant

ander: hoeveelheid

waarde aan boer

waarde aan skeerder

13. Hoe word die betalings bepaal?

# Wiehan: No report

'until  
we're  
ready'

W/E  
RAGUS  
18/3/78  
166

THE Wiehahn commission of inquiry into labour affairs has decided to postpone issuing any report until it is able to make one final statement of its findings and recommendations.

The commission had been expected earlier to table an interim report in Parliament this month.

But Professor Nic Wiehahn, senior adviser to the Minister of Labour and chairman of the commission, said this week it had been decided not to issue a report until the final report.

It is mostly because interim reports tend to fix a line for a commission so we've decided not to say anything until we are fully ready, he said.

Another reason for the decision to delay has been the phenomenal response the commission had received to its request for evidence.

We have received a huge mass of evidence, both from South Africa and overseas, and the commissioners are dealing with it, he said.

We have had to extend the deadline for evidence, but expect to finish with the private sector by the end of April. Then we will start with the public sector and make our report later.

Question

- 2. Have you asked  
If yes, give details

workers will be left out in the cold, as the AHI thinks unionising them is "neither desirable nor possible". Instead, it suggests that they be accommodated in non-recognised plant level committees which, however, would not be registered.

A further limitation on the AHI's call for black unionisation is its distinction between "organised" and "unorganised" sectors. In the former, the industrial council system will remain, but be supplemented by plant-level committees for all races. These committees will have to apply for registration and will be able to negotiate binding agreements on issues not covered by industrial councils.

- 3. What problems do

In unorganised sectors, however, the AHI argues that "the worker organisation at enterprise level should serve as the basis for negotiation as well as for the further development of a superstructure for a specific industry". Provision is made, however, for the enterprise-level organisations to federate and bargain on an industry-wide basis.

- 4. What do you do

The AHI also recommends that unions be allowed to remain unracial if they wish, and that employers should bargain with several worker organisations in the same industry as a "necessary evil". Minority groups should be protected, however, by allowing each organisation an equal voice, regardless of numbers.

While African unions could, in theory, be registered under the AHI's proposals, registration would be no easy matter. In order to obtain it, unions would have to demonstrate that they represent more than over half of all the workers in the industry — or half of all the workers in a particular racial, tribal or interest group.

This could hit existing independent African unions hard. Their lack of legal recognition and the hostility of managements have meant they have been unable to increase members much.

The AHI proposals contain some measures which will no doubt provoke strong trade union opposition. The Handelsinstituut asks for the closed shop to be outlawed and for it to be an offence for employers to deduct trade union subscriptions for their workers.

166 FM 17/3/78  
WIEHAHN COMMISSION  
Black unions, but . . .

In a remarkable somersault, the Afrikaanse Handelsinstituut (AHI) is now backing the admission of Africans to registered trade unions. But its proposals are not likely to satisfy supporters of full bargaining rights for Africans.

The AHI's suggestions are contained in its evidence, drafted by a committee under General Mining's Dolf Schumann, to the Wiehahn Commission. The AHI suggests "that blacks be included in the definition of employee (in the Industrial Conciliation Act) and thus be allowed to become members of registered unions."

But not all Africans would be entitled to join registered unions. Migrant

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KENNISGEWING 195 VAN 1978  
DEPARTEMENTE VAN ARBEID EN VAN  
MYNWESE

KOMMISSIE VAN ONDERSOEK NA ARBEIDS-  
WETGEWING—AANVULLENDE SITTING IN  
PRETORIA

Ter opvolging van die slotparagraaf van Algemene Kennisgewing 595 van 1977 wat in *Staatskoerant* 5720 van 26 Augustus 1977 verskyn het, word hierby vir algemene inligting bekendgemaak dat die Kommissie vanaf 20 tot 23 Maart 1978 'n aanvullende sitting in die Raadsaal (Kamer 315), Departement van Arbeid, Derde Verdieping, Laboragebou, hoek van Paul Kruger- en Schoemanstraat, Pretoria, sal hou om getuënis aan te hoor.

Navrae kan aan die Sekretaris van die Kommissie van Ondersoek na Arbeidswetgewing, Privaatsak X316, Pretoria, 0001, gerig word  
(10 Maart 1978)

NOTICE 195 OF 1978

DEPARTMENTS OF LABOUR AND OF MINES

COMMISSION OF INQUIRY INTO LABOUR LEGIS-  
LATION—SUPPLEMENTARY SITTING IN  
PRETORIA

Further to the final paragraph of General Notice 595 of 1977 appearing in *Government Gazette* 5720 of 26 August 1977, it is hereby notified for general information that the Commission will be holding a supplementary sitting in the Boardroom (Room 315), Department of Labour, Third Floor, Laboria Buildings, corner of Paul Kruger and Schoeman Streets, Pretoria, from 20 to 23 March 1978 to hear evidence.

Inquiries can be directed to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria, 0001

(10 March 1978)

beste "

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ander

Waarde aan boer

(e) Grond

Oppervlakte verskaf gebruik

Waarde aan boer:

Water (jaarlikse koste aan boer)

Koste van ander dienste h.v. saad, gebruik van plaasmasjinerie

(f) Klere artikels verskaf deur boer (jaarliks)

Koste aan boer:

(g) Bonus (jaarliks)

(h) Geskenke (jaarliks: artikels

Koste aan boer:

(i) Ontspanningsgeriewe verskaf:

Koste aan boer (jaarliks):

(j) Gesondheidsdienste:

Jaarlikse koste aan boer van: doktersrekeninge betaal  
medisyne  
vervoer na en van geriewe  
ander

(j) Totale mediese koste

(k) Pensioenbydrae deur boer (jaarliks)

(l) Versekeringsbydrae deur boer (jaarliks)

# new era nuwe tydkring

The bulletin for employees in the Distributive and Catering Trades  
Die bulletin vir werknemers in die Distributieve- en Verversingsbedrywe

166

No 23

MARCH — 1978 — MAART

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## UNIONS' EVIDENCE TO WIEHAHN COMMISSION

The appointment of a Commission of Inquiry into Labour Legislation, under the Chairmanship of Professor Nic Wiehahn (Adviser to the Minister of Labour) is the most important event in South African labour affairs in the past thirty years. There seems to be little doubt that this Commission will make far-reaching recommendations affecting the future of trade unions in this country—recommendations which are likely to have many positive aspects, especially with regard to eliminating racial discrimination in our trade union set-up, but which may also result in more restrictions being imposed upon the powers and functions of trade unions.

The NUDW and NUCAW, together with CCAWUSA and the two Witwatersrand catering unions, commissioned Miss Dulcie Hartwell to prepare a comprehensive memorandum to the Commission. This memorandum urges

- (a) The removal of all discriminatory provisions from the Industrial Conciliation Act such as —
  - (i) the exclusion of African workers as employees
  - (ii) job reservation.
  - (iii) race discrimination
  - (iv) sex discrimination
- (b) That the restrictive clause in the Wage Act relating to mixed unions be scrapped

- (c) That the Act should make it easier for employers and employees in the distributive trade to form an industrial council(s)
- (d) That all workers be given the same rights of freedom of association, and that the power of works or liaison committees be limited to matters of domestic concern to a particular store or company. Such committees must be backed by and be part of strong, independent trade unions
- (e) That the "rate for the job" be accepted as the principle to protect workers against replacement by other workers at lower wages. This must be the "going rate" plus all fringe benefits
- (f) That Industrial Courts be established to deal with labour disputes and contraventions of labour legislation
- (g) That a general training scheme or apprenticeship scheme be introduced for the distributive trade
- (h) That there should be less rather than more State interference in employer-employee relationships
  - (i) That the personnel of the Wage Board be expanded so as to bring about more rapid revisions of wage determinations
  - (j) That the secrecy clause in the Wage Act be less restrictively applied, in respect of complaints

submitted by the Unions to the Labour Department

- (k) That pregnant working women be entitled to reinstatement in their jobs after a confinement absence not exceeding, say, nine months
- (l) That all benefits under the Unemployment Insurance Act, Workmen's Compensation and the proposed national contributory pension scheme be covered under one law
- (m) That shop trading hours be regularised by the Shops and Offices Act instead of by the four provincial administrations and numerous local authorities
- (n) That all labour matters should fall under one Government department

Miss Hartwell is to be complimented on having done a first-class job for our group of unions.

It is of considerable interest to note that a number of leading employer organisations, including ASSEMP, are recommending that non-racial trade unions be permitted, and that full collective bargaining rights be extended to the African worker.

At the sitting of the Wiehahn Commission in Cape Town on 17 January, the distributive and catering unions were represented by Miss D Hartwell, Mr M Kagan, Mr S Ariefdien, Mr J Bruce, Mrs Kay Altman and Mr Ray Altman.

## VERTOË AAN WIEHAHN KOMMISSIE

Woordvoerders vir die Nasionale Unie van Distribusiewerkers en die Nasionale Unie vir Kommersiële en Aanverwante Werknemers, asook die Witwatersrand Drank en Verversings Unies en die swart werknemers se vereniging CCAWUSA, het verlede maand vertoe voor die Wiehahn Kommissie van Ondersoek in Nywerheidswetgewing afgelê, by die Kommissie se sitting in Kaapstad.

Die Vakverenigings se woordvoerders was mej D Hartwell, mnr S Ariefdien, mnr J Bruce, mev C Altman, mnr M Kagan en mnr J R Altman. Hulle het mondelings uitgebrei oor die omvattende memorandum wat die vakverenigings by die Kommissie ingedien het. Hierdie memorandum het onder andere die volgende aanbeveel:

- 1 Die verwydering van alle diskriminasie uit ons nywerheidswetgewing

- 2 Die skapping van die beperkings in verband met gemengde vakbonde
- 3 Die wysiging van die Wet met die oog daarop om dit te vergemaklik vir werkgewers en werknemers in die distribusiebedryf om 'n nywerheidsraad te stig
- 4 Dat alle werknemers die reg van vryheid van assosiasie toegestaan moet word, en dat die magte van werkekomitees beperk word tot huishoudelike sake van die betrokke winkel of maatskappy
- 5 Dat die "loon vir die taak" aangeneem word as die beginsel waardeur werknemers beskerm word teen vervanging deur ander werknemers teen 'n laer loon
- 6 Dat nywerheidshowe gestig word om arbeidsgeskille asook oortredings van nywerheidswetgewing te hanteer
- 7 Dat 'n algemene opleidingskema in die distribusiebedryf ingestel word

- 8 Dat daar minder Staats-inmenging in die verhoudinge tussen werkgewer en werknemer moet wees
- 9 Dat die personeel van die Loonraad uitgebrei word met die oog daarop om meer spoedige herienings van loonvasstellings te bewerkstelling
- 10 Dat swanger werkende vroue geregtig moet wees op herindiensneming in hulle werk na 'n bevallingsafwesigheid van nie meer as nege maande nie
- 11 Dat alle voordele ingevolge die Werkloosheidsversekeringswet, Ongevalwet, en die voorgestelde nasionale bydraende pensioenskema, onder een wet gedek word
- 12 Dat die handelsure van winkels deur die Wet op Winkels en Kantore gereel word in plaas van deur die vier provinsiale administrasies
- 13 Dat alle arbeidsaangeleenthede onder een Regeringsdepartement moet val

## FINAL IMPRESSIONS

(The last instalment of the General Secretary's report on his visit to the USA)

### General Comments

It is a feature of the set-up in the Retail Clerks International Union that each Local negotiates its own contracts. There are no national negotiations conducted, but the RCIU does give assistance to Locals in sending out experienced negotiators to assist them wherever necessary.

It was also noticeable that in recent contracts more emphasis has been placed on improving fringe benefits such as health, welfare and pension benefits, rather than to go for maximum cash gains. This is because of the present economic climate, and also because it is still a hangover from the days of the Nixon wage freeze. It was also noticeable that the growing membership of the Locals and of the RCIU as a whole is partly due to extending the scope of the union to other spheres, such as workers in health care and in other industries, and not necessarily due to increased membership in the retail trade, where their membership lies largely in the food chains.

Union wage levels in the retail trade are about three times as high as in South Africa, and with living costs being about 2½ times as high, the average shop employee in the USA is still clearly better off than his counterpart in South Africa. It is also abundantly clear that wage levels in unionised stores are better than those in non-union stores. This pattern is also noticed in comparing wage levels as between those States in the USA which permit the "union shop" and those which prohibit the "union shop"—average wages in the latter are lower.

Of the 19 States which prohibit the "union shop", only 4 have an average wage above that of the national average, and 15 are below it. On the other hand, of the 31 other States which permit the "union shop", 21 have an average above the national average and only 10 are below it.

Whilst it was most instructive and informative to visit the various Locals of the RCIU, there was too much of a sameness about all of them, and I feel that I would have liked to meet with leaders of other trade unions as well. Possibly this can be borne in mind by the RCIU in arranging future visits for other trade unionists.

I was particularly impressed with the obvious strides made since my last visit, in 1967, in the sphere of eliminating racial discrimination. Ten years ago I noticed few Blacks in hotels, restaurants and theatres, whereas on this visit there were several occasions when my wife and I were among the very small White minority in some hotels and theatres—especially in the South.

Despite continued problems of unemployment in the USA, I was impressed with the general atmosphere of vitality, bustling activity and development and the comparative affluence of minority groups who are now able to afford to stay in good hotels, eat in good restaurants, and sit in good seats at the theatre.

In the labour field, too, I noticed more Blacks in official positions, though in most labour unions they are not yet represented at top level in anything like the same proportion as their membership in the rank and file. However, it seems that the present stumbling-block is not so much one of racial discrimination but rather that of making up the backlog of training and experience which the Blacks have lacked in order to reach the top echelons in the labour movement.

Frankly, I am most envious of the advantages which the labour movement in the USA has as compared with our own, and of the considerable influence which it is able to wield in local, State and national affairs. I look forward to the day when our own labour movement will be able to do the same.

### Thanks:

From Honolulu to Washington the African delegates were in the able hands of the escort appointed by the RCIU, Mr Fernand Audie, a former RCIU representative now on the staff of the AFL-CIO, and attached as the AFL-CIO representative to the national fund-raising organisation called United Way. Brother Audie took his annual leave from the AFL-CIO in order to undertake this special assignment which he had been requested to do by the RCIU. He was responsible for seeing that the party reached the right places at the right time, were transported to and from hotels to airports, and to the various places where visits had been arranged for the group, and that all bookings were confirmed. It was indeed a pleasure to have such a competent and friendly escort as Fern Audie, to whom special thanks should be recorded in this report.

Thanks are also due to Mr Wally Stack, the Program Officer in the US Department of Labour (Bureau of International Labour Affairs).

The various Locals of the RCIU listed in this report are also to be thanked most sincerely for their warm hospitality. Mrs Altman has requested that I should include her special thanks to the RCIU and its locals for including her in all the arrangements, and for the hospitality extended to her as an "unofficial delegate".

The whole trip was a memorable experience, and heartfelt thanks are expressed to the Retail Clerks International Union, to the US State Department and to the US Department of Labour, who sponsored and arranged the trip, and to the South African representatives of the US State Department, Department of Labour and Information Services for all their help and advice—but first and foremost to the RCIU, without whose initiative and generosity the trip would not have been possible for me.

It was a real education, which at the same time provided a little bit of time for relaxation and leisure, and it will remain as a milestone in my trade union experience.

## A VISIT TO THE R.W.D.S.U.

A visit was paid to the Head Office of the Retail, Wholesale and Department Store Union in New York in August 1977 by the group of African delegates on the study tour following the Retail Clerks Convention. This group included the Gen Secretary of NUDW/NUCAW, Ray Altman.

The group was briefed by Mr Leon Harris, a Black American who is the Director of Organisation for the Retail, Wholesale and Department Store Union (RWDSU). Mr Harris is a most forceful and impressive man, who obviously knows his job inside out.

The RWDSU has about 250 000 members, mainly in the Eastern, Southern and Central United States and Canada. The Union has an extremely wide jurisdiction, covering retail and wholesale trade, department stores, hospital staffs, dairies, food processing, warehouses, citrus processing, tobacco plants, jewellery and plastics, and even chicken pluckers. (The Union has a separate branch for hospital staff, with a membership of 84 000 and a staff of 342 persons).

The Union's Head Office runs the following departments:

- Education
- Civil Rights
- Legislation
- Research
- Organising
- Public Relations

In New York the Union has about 20 000 members in three big department stores, namely Macey's, Bloomingdale's and Gimbels. These stores are about two-thirds organised. Costs of organising are very high, and it is estimated that it costs the Union about \$550 to organise every new member. The biggest potential membership is still amongst the white-collar workers, especially amongst hospital staffs.

The RWDSU has been very busy organising in the Southern States, mostly amongst Black workers. In fact, about 60% of the total membership of the Union is Black.

The turnover of labour amongst the lower-paid workers is about 75% per year. This requires a good shop steward system to improve the high turnover figure, and also education programmes for shop stewards.

One of the most important departments of the Union is the Civil Rights Department. The Equal Employment Opportunities Commission of 1965 had been a milestone in civil rights in the USA. The appointment of this Commission necessitated all unions examining their contracts to see whether the principles of equal employment opportunities were being observed in these contracts.

The Union also has what it calls an affirmative action programme, in which it seeks agreement with companies regarding non-discrimination in hiring of staff, in promotions, upgrading, transfers, etc., and to ensure that the company will institute training schemes to train people for better jobs within the company. There are Government grants available for such in-company training.

## OPEN LETTER TO A COLLEAGUE

The General Secretary of the NUDW/NUCAW, Ray Altman, recently sent the following letter to Lord Alfred Allen, General Secretary of the giant British union, the Union of Shop, Distributive and Allied Workers

Dear Lord Allen,

I was saddened to read in "Dawn" that you had recently sent a letter to Dr David Owen expressing the support of your Executive Committee for a ban on all South African goods brought into the United Kingdom

Whilst agreeing fully with your condemnation of the apartheid system in South Africa, I certainly cannot agree with the concept of a trade boycott against South Africa. Such a move, if successful, would result in a serious worsening of our already grave unemployment problem, and it will inevitably be the African, Coloured and Asian workers who will be the hardest hit. Thousands of employees would be thrown out of work in the food and canning industry, in the fruit and vegetable industry, in the dairy industry (all of which are big exporters to Britain and other overseas countries), and in many subsidiary sectors of the economy which manufacture for export.

Not only would a trade boycott be counter-productive in harming most those whom it is intended to help, but it would also have the negative effect of a still further hardening of attitudes on the part of a great many Whites (as has already been demonstrated by the general election of 30th November 1977, when the Government's rallying cry was "Down with foreign interference")

I fear that a trade boycott and the consequential hardening of attitudes on the part of those in power will gravely diminish the prospects of peaceful change in this country. And don't forget that there are many of us who are working for peaceful change — so please don't make our task more difficult.

If you want to help those of us who are opposed to apartheid and to repressive legislation, and who are working towards meaningful changes in the system, **become more involved**, instead of withdrawing and leaving us in isolation. Bring your influence to bear upon British firms operating in this country to ensure that they carry out the "British Companies' Code of Conduct" and the "EEC Code of Conduct", especially in so far as these relate to wage levels and the recognition of trade union rights for the African workers.

Send a delegation (USDAW or TUC) to come and see for yourselves what problems there are and in what ways you can help us.

Support us in getting South African manufacturers and exporters to carry out the terms of our own Urban Foundation Code of Conduct, and persuade your Government to offer tariff concessions to those who do so.

Incentives of this kind are likely to be far more productive than wielding the big stick, and will result in improved standards and living conditions for our workers. We badly need economic growth, which has already proved to be an important factor in breaking down racial barriers in commerce and industry during the past few years. This is, in my view, a far more desirable objective than the unemployment and hardships which will result from an effective trade boycott of South Africa, which in turn will only lead to greater obduracy of those in power here.

Don't punish us because of the policies of our Government — us instead, and above all don't abandon us.

Lord Allen's reply will be published in our next issue.

## WEST GERMAN LEADER OPPOSES SANCTIONS

Following on the visit of a trade union delegation from the West German Metal Workers' Union, the President of that Union, Mr Eugen Loderer, stated that he is strongly opposed to economic sanctions against the Republic of South Africa. Sanctions would only serve to heighten domestic tension, said Mr Loderer.

He felt, however, that international political pressure should be maintained against the Government in Pretoria, in order to bring about peaceful change in South Africa. He said that his delegation had left South Africa not without hope of peaceful progress towards overcoming racial discrimination.

Mr Loderer, who is also the President of the International Metal Workers' Federation, said that the visit of the trade union delegation had been the most difficult mission he had undertaken. The International Metal Workers' Federation would strengthen its activities in South Africa, particularly in assisting in the training of Black workers and trade unionists.

## NEW ERA March 1978 JOB RESERVATIONS

### CANCELLED

177

The Minister of Labour has cancelled or suspended a further number of job reservation determinations, after investigations by the Industrial Tribunal.

The following job reservation determinations have been cancelled:  
Determination No 5 — passenger lift attendants in the municipal areas of Bloemfontein, Johannesburg and Pretoria.

Determination 24 — work of barmen in White public bars in the liquor and catering trade, East London.

Determination 25 — the work of driving motor vehicles by persons in the employ of the Divisional Council of Port Elizabeth.

Determination 21 — the work of motor vehicle driving in certain magisterial districts in the Transvaal and O.F.S.

Determination 23 — work of barmen in White public bars in the liquor and catering trade, Western Cape.

Determination 19 — driving of motor vehicles, road construction machines and earthmoving machines in the provinces of Transvaal, O.F.S. and Natal.

Determination 20 — furniture industry, Republic of South Africa.

Determination 18 — footwear industry, Republic of South Africa.

Determination 17 — certain work in the liquor and catering trade, Western Cape and Natal.

Determination 12 — work in abattoirs and in the wholesale meat trade, Witwatersrand and Pretoria.

Determination 11 — motor transport driving in the magisterial districts of Odendaalsrus and Ventersburg, Virginia and Welkom.

Determination 8 — clothing industry, Republic of South Africa.

The following job reservation determinations have been suspended for an indefinite period:

Determination 7 — iron, steel, engineering and metallurgical industries, Republic of South Africa.

Determination 3 — iron, steel, engineering and metallurgical industries, Republic of South Africa.

The only one of the above which affected the commercial distributive trade in any way was the reserving of the job of passenger lift attendants for White persons in the municipal area of Bloemfontein, Johannesburg and Pretoria.

This Determination had been opposed by the NUDW when it was first introduced in 1959, and time has proved that it was an entirely unnecessary determination. At the sittings of the Industrial Tribunal last year, representatives of the NUDW and NUCAW gave evidence in favour of the cancellation of this job reservation determination, and it is pleasing to note that the Industrial Tribunal recommended accordingly to the Minister of Labour, who has now cancelled it.

**SUPPORT YOUR TRADE UNION  
AND ATTEND UNION MEETINGS**

## ILO STRESSES HAZARD OF NIGHT-WORK

A new study by the International Labour Organisation stresses the "considerable" bad effects on physical and mental health of night work and states that the technical or economic justifications should not be allowed to outweigh the drawbacks.

Work at night, when all the bodily processes slow down, requires a greater effort than daytime work and sleep during the day does not have the same restorative properties. Research shows that night workers actually sleep an average of an hour and a half less than day workers. The additional fatigue they experience gives rise to nervous disorders that can lead to a nervous breakdown.

Eating at night, when digestive processes are sluggish, can cause stomach disorders and the practice of night workers of swallowing pills either to sleep during the day or to stay awake at night only makes matters worse.

Other aspects of night work mentioned by the study include the disruption of normal family life, which can seriously upset a worker's mental balance. The odd sleeping hours make a normal social life impossible by denying access to sports and cultural and political activities so that night workers "feel isolated or succumb to the temptation to take a second paid job".

The study concludes that, to reduce the health upsets and disruptions in social and family life, night work must be severely restricted for all workers and where it is imperative then working hours must be substantially reduced.

It is estimated that in industrialised countries at least one worker in 10 holds a night job, not counting firemen, policemen and others employed in the public and health services.

## WERKLOOSHEID- VERSEKERING

Die Werkloosheidsversekeringswet word vanjaar gewysig, met die doel daarop om die salaris-syfer waarbenewens werknemers bydraers is aan die Werkloosheidsfonds van R6 760 tot R8 400 per jaar te verhoog.

Hierdie verhoging, wat deur die vakbonde aangevra is deur middel van die Werkloosheidsversekeringsraad, beteken dat werknemers wat onder R700 per maand verdien nou deur werkloosheidsversekering gedek sal word. Die vakbonde wou graag sien dat hierdie syfer nog verder verhoog word, tot R800 per maand, maar op die ou einde het die Werkloosheidsversekeringsraad aan die Minister aanbeveel dat die syfer op R700 per maand vasgestel word.

'n Werknemer wat werkloos raak sal 45% van sy of haar verdienste in werkloosheidsvoordele kan trek — d.w.s. iemand wat R700 per maand verdien kan R315 per maand werkloosheidsvoordele trek.

## NUCAW — TRANSVAAL BRANCH

In terms of a decision by a General Meeting of members of this Branch, and in compliance with the provisions of the Union's Constitution, the members of this particular Branch will be levied a sum of **R1 on their April salaries**. This will be a **once-only** levy and is in addition to the normal monthly contribution for April.

The purpose of this special levy is to raise money to enable the Transvaal Branch of NUCAW to alleviate the financial difficulties in which the Branch finds itself at present.

Members are requested to cooperate with the Union by accepting this special levy in the helpful spirit in which it was decided by the General Meeting of this Branch that such a levy shall be imposed.

**PLEASE NOTE THAT THIS LEVY WILL APPLY ONLY TO MEMBERS OF THE TRANSVAAL BRANCH.**

## WERK U MET 'N GELDLAAI?

Of u met 'n geldlaai werk of nie, maak seker dat u volledig bekend is met u werkgewer se regulasies in verband met die hantering van geld. As u met 'n geldlaai werk is dit al hoe meer belangrik vir u om hierdie regulasies te ken — en nog meer, is dit van die uiterste belang dat u ten alle tye hierdie regulasies nakom.

U moet beseft dat daar goeie redes is vir regulasies i.v.m. geldlaai. Waar ookal geld gehanteer word is dit nodig om strenge regulasies neer te lê, al is dit 'n bank, 'n bouvereniging, 'n hotel of enige ander besigheid. Deur die regulasies van u firma na te kom sal u self beskerm. Niks kan verkeerd loop as u elke regulasie nakom en altyd alle geld oplui, die kwitansie in die klant se pakkie sit e.d.m.

Die Unie erken dat daar strenge regulasies in verband met die hantering van geld moet wees, en dat 'n oortreding van hierdie regulasies 'n ernstige saak is. Die Unie kan nooit oneerlikheid deur die vingers sien nie (en ons kry dit soms), maar alhoewel daar miskien nie juis altyd oneerlikheid met 'n oortreding van geldlaai regulasies mag wees nie, sal die Unie dit baie moeilik vind om n lid te verdedig wie die werkgewer wil ontslaan vir so 'n oortreding. Die feit dat 'n klein minderheid van werknemers in die verlede oneerlik was maak dit al hoe meer noodsaaklik vir die eerlik werknemers (die oorgrote meerderheid) om hulself nie op enige manier aan beskuldiging bloot te lê nie — en dit kan u alleen doen deur volledig bekend te raak met die regulasies en hulle ten alle tye na te kom.

## SHOP ASSISTANT'S WAGES IN CALIFORNIA

It is interesting to note the tremendous difference between wages and conditions for shop employees in California, U.S.A., and those in South Africa. Nationally, a comparison of wages in commerce and industry as between South Africa and the United States shows that U.S. wages are 2½ to 3 times those in South Africa.

However, when it comes to shop employees, the difference between South African and United States wages is even greater.

Taking into account that the cost of living is approximately 2½ times that in South Africa, the United States shop employee is far better off than his South African counterpart. American employers give far greater recognition to the value of shop employees, and particularly employees engaged in food or grocery.

In the agreement which a number of Southern California local unions have signed with the Food Employers' Council the *starting wage* for a learner grocery clerk without any previous experience was \$655,20 per month for a 40-hour week (approximately R563 per month).

The learnership period is only twelve months, and in respect of each three months the learner gets a further increase in salary. After twelve months the learner becomes an experienced clerk at a rate of \$1 095,90 per month (approximately R943 per month).

In addition, it must be borne in mind that the employee makes no contributions to pension fund, medical and dental plan, supplementary unemployment benefit plan, and supplementary vacation-pay plan. *The employer makes all contributions in respect of these, and for each employee working a 40-hour week the employer pays in a total of approximately \$152 per month (approximately R138)*. This contribution by the employer goes towards the employee's pension, medical, dental and prescription coverage, supplementary unemployment and disability benefits, death benefit, and vacation trust fund. All of these benefits are administered by a board of trustees composed of an equal number of trustees appointed by the participating trade unions and by the participating employers.

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FM 3/3/78

LABOUR LEGISLATION

~~24~~

No coal strikes?

166

Escom has asked the Wiehahn Commission to forbid strikes by coal miners

Last year, a proposed amendment to the Industrial Conciliation Act declaring gold and coal mining "essential services" and so making strikes an offence, was withdrawn after trade union opposition. The unions objected that the amendment would have given Minister of Labour Fanie Botha the power to bar strikes in all industries.

The broader provisions of the "no-strike bill," as the unions dubbed it, remain buried. However, Escom now wants the commission to recommend that the clause relating to the coal mines be reintroduced.

Escom wants the amendment to be made to the Riotous Assemblies Act, rather than the Industrial Conciliation Act -- an unusual suggestion -- as the IC Act is the law in which the "essential service" provision appears.

Why Escom should want strikes by coal miners forbidden is not clear. One reason could be fear that mining unions might be prompted to strike if their demands for a five-day week are not met this year.

**A reprieve for "idlers"?**

FM 3/3/78

Government has somewhat diluted its proposals to evict "idle" blacks from the urban areas.

Legislation introduced in Parliament earlier this year provided for blacks who were unemployed for more than 122 days to be "endorsed out" of the urban areas. The bill has now been amended to exempt from this fate people who are registered as work seekers but not offered any job during this period.

Jobless householders and others legally entitled under the pass laws to remain in the urban areas now have *something* of a reprieve.

What, however, will happen to them if the job offered is more menial or at a lower salary than that to which the work seeker is accustomed? Is a semi-skilled person forced to accept a job as a labourer, on pain of being declared "idle"? Minister of Plural Relations and Development (Prad) Connie Mulder has assured Parliament that "if a man has registered and work has been offered him, then he has protection. Whether he accepts or not makes no difference."

However, as Helen Suzman tells the *FM*, "It is not the minister's intention that counts. It's what the clause says. Despite the minister's denial, the clause could be interpreted by those implementing it to mean that a man must accept whatever is offered. If all that the clause means is that one must be registered as a work seeker, why specify that he must be offered employment?"

Hansard. 1 3rd Feb. 1978

Cols. 3

166

X Report by Commission of Inquiry into Labour Legislation

\*6 Dr A L BORAINÉ asked the Minister of Labour

Whether a report by the Commission of Inquiry into Labour Legislation has been submitted to him, if so, when will the report be laid upon the Table, if not, when is it expected that a report will be submitted?

†The MINISTER OF LABOUR

The Commission is still engaged in hearing oral evidence as you probably noticed from press reports issued by the Chairman of the Commission. No indication can consequently be given at this stage when its report will be submitted.



PLANNING ACT FM 17/2/78

## Letting youth in (166)

At long last, the Department of Planning has moved to reduce joblessness on the Reef by granting employers a significant exemption from Section 3 of the Environment Planning Act

Transvaal employers have been given permission in principle to exceed their normal racial labour quotas (usually five Africans to every two whites) and employ Africans between the ages of 16 and 20. They have until the end of June to engage the teenagers and apply for exemptions. Planning has told the Johan-

nesburg Chamber of Commerce that these will be granted automatically as long as the prospective workers are entitled in terms of the pass laws to live in an urban area.

The concession will be reviewed in June and could be extended beyond then.

Employers who have known about the concession for some weeks have not yet taken advantage of it because of their uncertainty about how long it will last.

Planning deputy secretary Piet Prins tells the *FM*, however, that "if a firm has a permit for a certain number of juveniles when the scheme ends they will retain it. We're not interested in who the juveniles are, or in whether the original people the firms took on are replaced by others as long as employers do not employ more than we have given them permission for."

Prins adds that youngsters taken on now will be allowed to remain in employment with their firms after they turn 20. But the number of those who stay on will be deducted from the number of juveniles a firm is entitled to employ and firms will not be allowed to replace them with other juveniles.

Employers can hire the youngsters directly or through their local labour bureau — although they will have to be cleared by the local Baab's labour section.

Black Sash president Sheena Duncan



Happier on the job than on the street

says "This is about the most positive move we've seen from the authorities on the unemployment situation yet. Nevertheless, it's still no substitute for scrapping the ratios altogether. After all, thousands of adult men have lost their jobs through their implementation."

# Hundreds demand equal pay for women

By JILL McILRAITH

**HUNDREDS** of working women who say they are discriminated against have protested to a study group working for a Government commission.

More than 200 phone calls and letters have been received since the group was formed last October.

For the first time women in South Africa feel they have a channel through which to express their grievances, say the joint secretaries, Mrs Babette Kabak and Mrs Roberta Johnston.

Ironically, when the Wiehahn Commission was formed to investigate labour practices, no women were appointed to it.

## **Demands**

After complaints from women's organisations, including the Women's Legal Status Committee, of which Mrs Kabak and Mrs Johnston are co-conveners, the study group was formed.

Mrs Kabak spent three months in America last year studying equal opportunity practices and collecting ideas that might work here.

Many women don't work because of the demands of their traditional roles as mothers and homemakers, Mrs Kabak said this week.

"But this does not mean those who choose to work should be paid about 15 to 20 per cent less than their male counterparts."

The higher the woman's qualifications, the greater the discrimination and more resistance there is to her moving into the ranks of middle and top management she says.

In lower income jobs the pay discrimination was often as much as 25 per cent.

And the problem here is that the Wage Act and the Industrial Commission Act do not flow that

## **Benefits**

Most women who contact it begin by saying that they are not women's libbers but do believe in equal pay. But often the discrimination is of a subtle kind in fringe benefits such as bonuses, pension, medical aid benefits, housing grants and quality of company cars.

"We need more women to bring their cases forward, especially black women. We want information from across the population and income spectrums."

Women who do approach the study group can remain anonymous.

Complaints received so far have been used to prepare case studies which have formed one of four preliminary reports on women in employment submitted to the 14 man commission headed by Professor Wiehahn.

KENNISGEWING 33 VAN 1978  
KOMMISSIE VAN ONDERSOFK NA  
ARBEIDSWETGEWING

GOVT GAZ 5855  
13/1/78

NOTICE 33 OF 1978

166

COMMISSION OF INQUIRY INTO LABOUR  
LEGISLATION

Ter opvolging van die slotparagraaf van Algemene Kennisgewing 595 van 1977 wat in *Staatskoerant* 5720 van 26 Augustus 1977 verskyn het word hierby vir algemene inligting bekendgemaak dat die Kommissie vanaf 30 Januarie 1978 tot 3 Februarie 1978 in sitting in die Raadsaal (Kamer 183), Eerste Verdieping, Departement van

Further to the final paragraph of General Notice 595 of 1977 appearing in *Government Gazette* 5720 of 26 August 1977, it is hereby notified for general information that the Commission will be sitting in the Board Room (183), First Floor, Department of Labour, Eben

24 No 5855

STAATSKOERANT, 13 JANUARIE 1978

Arbeid, Eben Dongesgebou, Noordeinde, Port Elizabeth, sal hou om getuenis vanuit die Port Elizabeth en Oos-Londen gebiede aan te hoor

Navrac kan aan die Sekretaris van die Kommissie van Ondersok na Arbeidswetgewing, Privaatsak X316, Pretoria, 0001, gerig word  
(13 Januarie 1978)

Dönges Buildings, Hancock Street, North End, Port Elizabeth, from 30 January 1978 to 3 February 1978 to the evidence from the Port Elizabeth and East London area. Enquiries can be directed to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria, 0001.  
(13 January 1978)

KENNISGEWING 53 VAN 1978

ARBEID

KOMMISSIE VAN ONDERSOEK NA  
ARBEIDSWETGEWING

Ter opvolging van die slotparagraaf van Algemene Kennisgewing 595 van 1977 wat in *Staatskoerant* 5720 van 26 Augustus 1977 verskyn het, word hierby vir algemene inligting bekendgemaak dat die Kommissie van 13 Februarie 1978 tot 3 Maart 1978 'n sitting in die Koepelkamer, Vierde Verdieping, Raadsaalvleuel, Burger-sentrum, Braamfontein, Johannesburg, sal hou om getuene aan te hoor.

Navrac afkomstig van Johannesburg en omstreke asook van Bloemfontein, Kimberley en omstreke kan aan die Sekretaris van die Kommissie van Onderzoek na Arbeidswetgewing, Privaatsak X316, Pretoria, 0001, gerig word (20 Januarie 1978)

NOTICE 53 OF 1978

LABOUR

COMMISSION OF INQUIRY INTO LABOUR  
LEGISLATION

Further to the final paragraph of General Notice 595 of 1977 appearing in *Government Gazette* 5720 of 26 August 1977, it is hereby notified for general information that the Commission will be sitting in The Dome Room, Fourth Floor, Council Chamber Wing, Civic Centre, Braamfontein, Johannesburg, from 13 February 1978 to 3 March 1978 to hear evidence.

Enquiries emanating from Johannesburg and environs as well as Bloemfontein, Kimberley and environs can be directed to the Secretary of the Commission of Inquiry into Labour Legislation, Private Bag X316, Pretoria, 0001. (20 January 1978)

166